



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Tuesday, 24 November 1998

Legislative Council

Tuesday, 24 November 1998

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

BILLS - ASSENT

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

1. Taxi Amendment Bill.
2. Carnarvon Banana Industry (Compensation Trust Fund) Repeal Bill.
3. Western Australian Meat Industry Authority Amendment Bill.
4. Police Amendment Bill.
5. Acts Amendment (Video and Audio Links) Bill.

TAX REFORM

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 24 November -

Dear Mr President

I write to advise that at today's Sitting of the House it is my intention to move an Urgency Motion under SO 72 that the House, at its Rising, do adjourn until 10.00 am on the 25th December 1998 for the purpose of discussing the urgent need for tax reform (as supported by the result of the recent Federal Election) and to deplore the delaying tactics by the Opposition parties.

Yours sincerely

Hon Bruce Donaldson

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

[At least four members rose in their places.]

HON B.K. DONALDSON (Agricultural) [3.33 pm]: I move -

That the House at its rising adjourn until 10.00 am on Friday, 25 December.

I raise today's urgency motion out of the sheer frustration of not debating tax reform in this House. In the lead-up to the federal election the silence on the other side of the House was almost deafening. I waited patiently Tuesday after Tuesday during the sittings of the House prior to the federal election for an urgency motion to condemn the tax reform package. I was amazed when nothing happened. All I could think was that members opposite shared the Government's enjoyment of that package and what it promised for Australia. The Federal Government, under Prime Minister John Howard, put its policies on tax reform on the table and went to an election. For the first time in not only Australia but also the western world a Prime Minister went to the electorate with tax reform as a major policy.

Tax reform is a very important issue for Western Australia, because it is the largest exporting State, and the biggest beneficiaries of tax reform will be those States that export. The result of the 1993 federal election in Western Australia was a clear mandate for tax reform. Unfortunately, the coalition lost that election and Dr John Hewson was defeated by the then Prime Minister, Mr Keating. In 1986 Mr Keating, the then Treasurer, made it clear that he wanted to implement a broad-based consumption tax. Unfortunately, the Labor Cabinet overruled his wish. To give Mr Keating credit, at least he had the vision and foresight to realise the importance of tax reform. It is important to remember he realised that if Australia blundered along the same pathway, it could not afford to continue the welfare system that we enjoy today.

I was surprised prior to the last election when Mr Kim Beazley, the federal Leader of the Opposition, said that he would oppose tax reform even if the Government won the election. At least Mr Keating had the decency in 1993 to say to Dr Hewson that if Dr Hewson won the election the Labor Party would not oppose the tax reform package, which included a GST. That package has been refined even further. We now have a tax reform package which will go a long way towards meeting the needs of Australia into 2000 and beyond.

A major aspect of tax reform is the tyranny of distance for Western Australia. Transport is a vital need across this nation. The proposed removal of the 25¢ a litre diesel rebate, and the retention of an 18¢ user charge - one which is regarded to be fair and acceptable by the industry - have great implications for Western Australia with huge distances covered by its

transport services. I refer to not only manufactured goods from the eastern States, but also goods delivery within Western Australia. The distance from Perth to Kununurra is great, as it is from Perth to Sydney. The cost of transport to Western Australia over the years has been massive. I give the example of a B-double transport operator who faces wholesale sales tax on his rig and fuel which amounts to a cost of \$1 760 a week. This figure was a factual example provided by the transport industry - it was not just plucked out of the air. If one takes a heavy haulage operator bringing Arnotts biscuits - formerly Mills and Ware - from the plant in Queensland to Western Australia, the return trip takes roughly one week. In the vicinity of 30 to 50 tonnes of goods are involved, for which the cost of \$1 760 must be factored in. This equates to \$40 to \$60 a tonne before any other costs or profit margins are apportioned.

It has been mystifying to see Western Australian members of Parliament very quiet on this issue. The Labor Party, the Australian Democrats and the Greens from Western Australia are trying to delay the implementation of the tax reform package. This proposal involves more than only taking excise off diesel, as the package includes income tax cuts. Unfortunately, Australians have increasingly moved into the higher tax thresholds under successive Governments. Inflation as it relates to wages and salaries has caused more people to move slowly but surely into the higher tax brackets. By the year 2010, it is estimated that most people will be paying the top rate of 48.5¢ in the dollar. The papers issued outlining tax savings under the tax reform package will mean that, allowing for the goods and services tax leading to an approximate 1.9 per cent increase in costs, most workers in Australia would be significantly better off. Those looking more closely at that aspect are, like me, demanding that we stop dillydallying and make sure tax reform is implemented. If further finetuning is needed, so be it. This package will give Australia a chance to advance in the future.

The cost of Medicare to Australia has blown out to \$23b, which is a huge amount of money. We are all crying out for more money to be directed to hospitals and other health services. I cannot see where the money will come from in the future unless this package is implemented. We pride ourselves on our welfare system, which ensures that the less fortunate are not turned out into the street. In many countries, people who do not work are not paid. A safety net is provided in Australia which costs money, and I do not dispute the need for that system. However, as a country we cannot live primarily on income tax and hidden wholesale sales tax. Importantly, people should be able to make decisions on how they spend their earnings rather than being taxed before taking their pay packet home from their place of employment. A significant effort was made in drafting the package to ensure that pensioners and self-funded retirees will not be disadvantaged. An increase of 4.5 per cent in pensions was suggested, with the proviso that if Treasury has something wrong, and the GST's impact is more than the predicted 1.9 per cent cost increase across the board, the Federal Government will increase that 4.5 per cent extra pension payment; that is, a further percentage will be apportioned by Treasury relating to the effect of those changes on our nation. It is important to remember that checks and balances are involved.

People concentrate on the goods and services tax but that is one small part of the whole package. The package also includes the private hospital insurance rebate, which will refund 30 per cent of a person's contribution to health insurance premiums.

Hon Greg Smith: They are trying to stop that now.

Hon B.K. DONALDSON: Indeed. I was about to mention that aspect. I understand that only 30.3 per cent of the population have private health insurance. It has been claimed that this refund will help the rich, but the overwhelming majority of the 30.3 per cent private health insurance contributors are Mr and Mrs average Australia. They are looking for the cut. I look forward to seeing how the Labor Party and other non-government parties will tell their constituents that they will oppose this change. Many people are looking forward to that premium break. If the non-government parties do not think it is the case, they should talk to people they supposedly represent in the electorates. That is a very important issue.

About nine million Australians are waiting for some of these tax reforms to reduce their present tax payments through the PAYE system. It is important to remember that people are also enjoying good financial management from the Federal Government, which, within two-and-a-half years - this is not entirely due to its effort, but is largely so - has set a financial structure in Australia resulting in the lowest interest rates seen for a number of years. I have not seen interest rates at this low level in my lifetime. I understand that an average homeowner with a \$100 000 mortgage is \$320 a month better off under these reductions in interest rates. That represents a significant change in the nation's financial structure.

Also, Australia has been able to weather an Asian financial meltdown. Many people said we would be doomed as a result of the Asian economic crisis; however, the structure is in place to overcome these difficulties. Previous Governments told us repeatedly that we had to have recessions and endure interest rates of 18 and 19 per cent. Farmers were told to borrow money at interest rates of 25 per cent. In two-and-a-half years under the Howard Government we have seen a tremendous turnaround in the financial structure of this nation. It is beholden on the non-government parties to recognise that the Prime Minister went to the nation in the last election with his package on the table. He took a political risk of possible defeat, yet he was re-elected. That tells me something.

I know that some members opposite are disappointed that their federal leader said that he would continue to oppose a GST even if the coalition lost the election. I know they will not say they are disappointed, and I do not expect them to, but I know that deep down they would like to have those changes occur.

Government is formed in the House of Representatives. I am sorry that the democratically elected Government is being frustrated by a Senate that is becoming a mini-Government in its own right. It is not the role of the Senate to set policy. That is the role of the democratically elected Government, which goes to the people in an election to get a mandate for its policy. That is what government is all about. The Australian Labor Party should remember that, because one day it may get back into government - although the way it is going, we probably will not see that in our lifetime - and if the opposition parties then turn around and say, "Sorry, you do not have a mandate", the ALP will whinge and carry on -

Hon N.D. Griffiths: Is that what you are doing?

Hon B.K. DONALDSON: No. I am just pointing out the facts, so that people will know who should be blamed for stopping progress in this nation. We have also seen that occur in this House, unfortunately. It is about time the opposition members of this House, who are Western Australian members of Parliament, had the gumption to represent the people of Western Australia, who stand to gain a great deal from a GST.

HON GREG SMITH (Mining and Pastoral) [3.51 pm]: It gives me great pleasure to support this motion, because no other region in Australia will benefit more from the Federal Government's proposed tax changes than the Mining and Pastoral Region. It is very unfortunate that these proposed changes are being blocked by members of the Federal Opposition, who seem to think that because they are in opposition, they are compelled not to support those proposed changes.

Hon N.D. Griffiths: Why not write to them instead of wasting our time with this motion?

The PRESIDENT: Order! This is a limited-time debate, and I do not need any interjections.

Hon GREG SMITH: It was made very clear during the federal election that the people in my electorate support this proposed taxation package, because we won the seat with a Liberal member, with that tax reform policy. That package must go through the Federal Parliament holus-bolus and not be chipped away at the edges. The proposed removal of the fringe benefits tax from housing for the mining industry will be one of the most significant steps forward for the mining and pastoral area since the atrocious FBT was introduced. That tax has destroyed numerous towns and local communities, because people are now flying in and flying out rather than accommodating their families in the area.

The PRESIDENT: Order! If the Leader of the Opposition and the leader of the Government want to have a discussion, would they move outside. I am trying to listen to Hon Greg Smith.

Hon GREG SMITH: Thank you, Mr President. It would do Hon Tom Stephens good to listen, because he might then understand a bit about taxation reform. If the opposition parties in the Senate - the Democrats, the Greens and the ALP - amend this package so that the GST will not apply to food, I fear that the money forgone will be raised from another area, perhaps by retaining the FBT on housing in mining areas. The package has been formulated to give tax reform to Australians across the board, regardless of where they live and how much they earn.

One excellent feature of the package is the proposed reduction in the cost of fuel for road transport. That will make a significant difference to the cost of production, and also to the cost of living in Western Australia, particularly in places like Kununurra, Carnarvon and Karratha, because the majority of the goods that come into this State come by road. Arnotts biscuits, for example, are manufactured in Queensland. They are then put on a truck in Queensland, which travels down the eastern seaboard, across the Nullarbor, and up the coast as far as Karratha. If the cost of diesel for road transport were reduced by 27¢ a litre to the people who use that fuel, that would reduce the cost of operating a road train by between \$2 000 and \$3 000 a week, because a road train uses about seven litres of fuel a kilometre. I am concerned that if the opposition parties in Canberra start tinkering around the edges and saying that revenue cannot be collected from certain areas, the people in the bush will miss out again. They always seem to be the sacrificial lambs -

Hon N.D. Griffiths: Under you they are.

Hon GREG SMITH: They were the sacrificial lambs under Labor for 10 years before we came into government. This proposed taxation package is an attempt to rectify some of the disparities that exist in the bush.

The federal coalition knows that it cannot give people tax cuts without collecting additional revenue from other sources. Therefore, it is proposing to broaden the taxation base by taxing consumption rather than production. The problem with our taxation system is that we have been taxing the people who are producing in this country rather than the people who are consuming. The people who are trying to export competitively overseas must compete on world markets when huge imposts are being placed upon their business. The proposed taxation cuts will provide significant benefits for the mining and pastoral area. Most of the people who work in places like Kalgoorlie, Karratha and Tom Price earn between \$50 000 and \$60 000 a year. The greatest free kick that the coalition parties received during the election campaign was in the federal seat of Kalgoorlie, when Kim Beazley released his tax package, because he said, "Anyone who earns \$50 000 a year is wealthy, and anyone who drives a Toorak tractor should pay more tax." People who live in places like Karratha need to earn at least \$50 000 a year just to live. However, Beazley was saying to those people, "If you earn \$50 000 a year, you do not need any help. We will keep taxing you at 48¢ in the dollar."

We are saying, "If you earn \$50 000 a year, we will give you another \$100 a week in your hand, that you can spend on whatever you wish." People can use that money to pay off their mortgage or to upgrade their car. People will actually pay less for a car, because the sales tax on vehicles will be reduced. We will give back to people the responsibility of deciding how to spend their money. We will not say to people, "Go and work your guts out so that we can take the money off you, and we will decide who we will give it to. We will give it to a group of people who want to spend the week surfing at Cottesloe Beach or to some other small organisation or minority group." We are saying that the people who are contributing to the creation of wealth in this country deserve to be paid more. During the election campaign, we ran a very good advertisement in Kalgoorlie, which said that people who work 12-hour shifts are not rich; they deserve to be paid more money because they are working harder. The Liberal Party philosophy is all about giving people incentives to work.

The federal opposition parties are opposed to a GST on food. The tax package was drawn up to make it as simple as possible to administer. A person may have a small business or corner store. I can think of a general store in Cue that sells food, stationery, bits and pieces for the mining industry, and a few car parts. If there is no GST on food, not only do we get into an argument about whether a chocolate biscuit is food or confectionary but also a business like that general store must run four sets of books: One for the food it sold which it did not collect GST on, one for the items it did collect GST on, one for the food it bought and did not pay GST on and a fourth for the items it bought and paid GST on. The way the GST will be structured means a shopkeeper will know that he pays 10 per cent GST on every cent he spends and collects 10 per cent GST on everything he sells. That shopkeeper simply needs to work out how much he has spent in the business - every cost, not just the cost of buying stock - and how much he has sold. Whether it be a computer, a receipt book or a biro, the shopkeeper pays 10 per cent on every cent he has spent to run his business and collects 10 per cent on everything he sells. He subtracts one figure from the other and submits the bit in the middle. It cannot be simpler than that.

This is a fundamental strength of this tax for small business. The coalition has attempted to simplify the running of small business. At the moment there are 16 or 18 reporting dates for taxation. We have a date to report payroll tax, to report group tax, to submit tax collected for superannuation and a personal taxation date. Under our system there will be only four reporting dates a year. We have not even mentioned provisional tax, which has broken numerous small business people. People just get on their feet in business when they receive a provisional tax bill. The Australian Taxation Office is declaring people bankrupt.

HON M.D. NIXON (Agricultural) [4.01 pm]: It is with much pleasure that I support Hon Bruce Donaldson and Hon Greg Smith. It is not coincidence that both of them represent electorates which are very important to Australia's export industries. Tax reform is important to all people but it is particularly important to the export industries. Export and import competing industries cannot be anything but competitive if they wish to survive. A major factor in making an industry competitive is the tax burden under which it must labour. One of the best things about reducing tax is giving people the ability to spend their money the way they think it should be spent rather than it being fed to the Government and redistributed.

There is no simple solution to driving the tax dollar further. For real gain any tax which is collected must be economical to collect, which means it must be simple. The costs of collection to the taxpayer, who must fill out a multitude of forms and enter into major accounting calculations, and to Governments, which try to police certain forms of taxation, must often be more than the amount generated by the tax. The tax system should be simplified in worthwhile taxation reform. All the major producing countries of the world have a goods and services tax, a value added tax or whatever it is called in one form or another. A big advantage of a properly structured GST - like that proposed by the Federal Government - is that it is not paid by exporters, only by consumers. Hon Greg Smith was correct when he said it is important that somebody trading in a business be able calculate how much tax must be forwarded to the Federal Government in a simple manner. The suggested formula is to add up all that one has paid out - add up that side of the bank statement - and divide it by 11. That gives a person the amount of GST he has paid. Normally a person collects more than he pays; a person does not usually stay in business very long if he is spending more than he is selling.

Hon Greg Smith: Unless you are a farmer. In particular circumstances you can get a refund.

Hon M.D. NIXON: That is right, but normally a person deducts one figure from the other, with two possible results: He owes the Government money or, as Hon Greg Smith correctly said, it owes him money. It is a simple calculation. It should be cheap and simple for the Government to administer and for the businessman to collect.

There are many advantages for the businessman in replacing the wholesale sales tax with this proposed system. One of the first advantages is that people holding goods purchased with 22.5 per cent or more sales tax will receive a credit for them; they will start out in front. If a farmer or haulage contractor has purchased a major capital item, perhaps a piece of equipment costing \$300 000, it may be possible for him to claim the GST on that immediately. That large amount of money will not be held up for a long period. If the Government does not return money to which a person is entitled within a fortnight, it is envisaged that the Government will pay interest on that sum. It is a different situation today, where many people in business must borrow money to pay tax and to pay interest on it. The GST is a far better tax from that point of view.

Another benefit which can be gained from tax reform is the building of incentive into the system so business can do better

than it can in a poor taxation system. Under the GST system, in the first instance business will not be paying taxes. That will spread throughout the system and give them a chance of being competitive on world markets and against imports. That will help to encourage business to employ labour. One of the greatest social evils in this country is that people who honestly want jobs cannot get them.

Another benefit envisaged in the tax package is that people with large families will not have to earn a lot more in wages to be better off working than they would be on social welfare. Presently we have a terrible state of affairs. We must restore the incentive for people to look for a job; and if they find one, we must ensure that they are not worse off for having done so. Why would people want to get up early in the morning, catch a bus or drive to work and slave all day when they could sleep in in the morning, go fishing or play golf and receive the same financial reward? That is an advantage of the tax reform package which must be introduced.

Hon Greg Smith interjected.

Hon M.D. NIXON: It does away with the gap where income tax starts.

One of the most terrible things about our present taxation system is the fact that pensioners must pay tax. One has really reached the end of the road when the tax structure starts with people on the pension. Massive reform is needed and the only way to achieve that is to find other ways of raising money. The GST is to be charged on all goods which are consumed and it will be paid by everybody.

Hon Greg Smith: Even Kerry Packer.

Hon M.D. NIXON: Even Kerry Packer. Some people are able to structure their finances so that they do not pay what one would consider a reasonable amount of income tax for the income they generate. If those people were to have an expensive meal and perhaps buy a bottle of Grange - one reached a record price at auction the other day - it would be taxed at, say, 10 per cent. The wealthy would pay tax and some of them may pay more tax than they do now. There are advantages at both ends. Those who currently dodge income tax would find it more difficult to dodge a GST and would pay more and those at the low-income end, the pensioners and those on unemployment benefits, will receive a benefit from the new tax structure.

Hon Greg Smith: Self-funded retirees.

Hon M.D. NIXON: That is another group which has been discriminated against and which will be rewarded. I find the fact that the calculations for this system were done by Treasury most encouraging. That is a benefit of being in Government when introducing tax reform. I thought the Fightback package was incredibly well developed and comprehensive. It was debated over a long period but it had a credibility problem. Because it was developed by a group other than Treasury, it was argued that it was not accurate. Whether that was true, we were never able to establish. However, in this case we have a tax package that has been examined by the people who normally examine the Government's tax packages. We must all agree that although Treasury's figures are never 100 per cent accurate it has a good track record in the difficult world of economics in calculating the average government tax take. Governments normally try to live within their budgets.

Hon N.D. Griffiths: That is a generous comment about Treasury.

Hon M.D. NIXON: The accuracy of these calculations is amazing. Treasury has enormous expertise and over the years it has developed a method of calculating income and expenditure to ensure that the final figures are accurate. There is no doubt that this tax package has already received extensive support. Not only has it been well calculated but also it has been presented to the taxpayers in a general election, at which it received a rubber stamp because the Government was returned to office with a very workable majority in the House of Representatives. Anything that slows down that tax reform process is not in the best interests of Australia.

HON SIMON O'BRIEN (South Metropolitan) [4.12 pm]: I congratulate Hon Bruce Donaldson for moving this urgency motion. Other speakers have mentioned the urgent need for tax reform. I will address the final phrase of the motion, in which the member deplors the delaying tactics used by the opposition parties. It has been observed from time to time that members of the Federal Parliament are remote from their electorates. It has also been said of some federal members from Western Australia that as they travel over the Nullarbor, they tend to forget that they are Western Australians and that they should represent their electorates.

Hon Greg Smith: Kim Beazley did when he talked about native title.

Hon SIMON O'BRIEN: That is a good interjection. The member does well to remind us of that fact, and the public must be reminded from time to time.

Like this House, the Senate has a fixed term, which commences on 1 July in each triennium. The recent election saw some changes in the membership of the upper House and we now have the situation in the Senate that we had prior to 22 May 1997 in this place; that is, the upper House will proceed with its old membership until the expiry of the fixed term. During that time the members-elect - I was one for this Council - waited in the wings. Much comment was made about the mandate of

those who continue to sit according to the previous election result while members-elect have not taken their place in the House. The situation in this House prior to 22 May 1997 is now being duplicated in the Senate - new members will not take their seats until 1 July 1999. One of the retiring members is a senator from Western Australia - Senator Dee Margetts of the Greens (WA) - who unsuccessfully stood for re-election.

The other day I was quoted in the *Fremantle Herald* in relation to diesel fuel pollution. I will not canvass that issue today because it has nothing to do with this motion. I was commenting on the environmental hazards resulting from certain mechanical practices involving diesel engines on our highways. The report stated that for a "true-blue" Liberal member Simon O'Brien is a bit of a greenie.

Hon N.D. Griffiths: In what sense?

Hon SIMON O'BRIEN: In the environmentally sensitive sense. To pre-empt another likely interjection, the reporter did not inquire whether my neck had a ruddy complexion.

Hon N.D. Griffiths: I would not say that.

Hon SIMON O'BRIEN: Other members opposite have.

Hon N.D. Griffiths: They are not as tolerant as I am.

Hon SIMON O'BRIEN: I do not label myself as a greenie; I like to think that we are all environmentally sensitive. I had my say on the issue and the newspaper report stated that as a Liberal I am a bit of a greenie. That caused some comment. Senator Margetts called the newspaper "tout suite", full of umbrage that someone else, especially a Liberal, should be described as a greenie. Much was said about what a hypocrite I must be to call myself a greenie or to espouse any "green" views. It was interesting to be accused by Senator Margetts of being a hypocrite for drawing attention to the problems associated with diesel fuel pollution. She called me a hypocrite because I support the Federal Government's tax reform package, which of course includes the massive cuts in diesel excise to which Hon Greg Smith and Hon Murray Nixon alluded in their speeches. Senator Margetts is meant to represent Western Australia. The advantages of the tax reform package to this State, particularly to those in regional Western Australia, are many. One of the cornerstones of those advantages to regional industry, farming and many other forms of primary production relies on a hefty cut of 25¢ per litre in the price of diesel fuel. That is a benefit to Australian primary producers and a significant benefit to Western Australia as an exporting State.

Hon Greg Smith: We earn 25 per cent of the country's export income.

Hon SIMON O'BRIEN: That will grow to 35 per cent in the new millennium. These benefits seem to elude certain people when they are elected to the Federal Parliament, particularly those in opposition parties, such as Senator Margetts. I had to remind Senator Margetts through the newspaper that she had just been to the people of Western Australia, whom she claims to represent, and they had passed judgment on her by turfing her out of office. That shows how out of step are these minor parties.

Members elected at the previous poll will sit in the Senate until 30 June next year frustrating this tax reform package. In so doing, they expose themselves as hypocrites. They are pretending to represent Western Australia's interests but are voting against them. Of more immediate moment, and part of the Federal Government's reform package, is the 30 per cent rebate proposed for private health insurance cover. It staggers me that opposition parties, who want to talk about mandates and keeping Governments honest and so on, want to query this initiative of the Government, which was clearly set before the Australian people before 3 October.

Hon Greg Smith interjected.

Hon SIMON O'BRIEN: Exactly, and it is something that the Federal Government has not only a right, but a responsibility to introduce. The Opposition in the Senate has no business at all in seeking to oppose that or to amend the proposal to its destruction.

This motion raises a range of issues which are dear to the hearts of many on this side of the House. I have mentioned a couple. However, the self-righteousness of some of the non-government members in the Federal Parliament is truly breathtaking, particularly members from Western Australia who are seeking to derail this tax reform package which promises so many benefits to Western Australia as a key exporting State, as a large State reliant on transport, as a State which is struggling to ensure not only the survival, but also the prosperity of our regional centres. Members of federal opposition parties, particularly senators, who claim to represent Western Australian constituents, and who get on a plane and cross the Nullarbor and then forget all about their constituents, should take a good look at themselves, because they are doing no good by their political posturing on this issue.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.22 pm]: I am surprised that the members of the Opposition are not seeking to defend their federal colleagues.

Hon Tom Stephens: I will speak next. I am available to speak next.

Hon N.F. MOORE: I did not jump to my feet in any great hurry, because I was waiting for the Leader of the Opposition to get to his feet.

Hon Tom Stephens: I will speak next.

The PRESIDENT: Order! The Leader of the Opposition might think he is going to speak, but he will not be speaking unless he gets the call from me.

Point of Order

Hon TOM STEPHENS: Whether I have spoken in this debate or not has absolutely nothing at all to do with the motion that is before the House. I urge you, Mr President, to call the Leader of the House to order.

The PRESIDENT: The Leader of the Opposition is wrong, because it is not unreasonable for someone to make a comment on that issue, especially given the wording of the motion. Therefore, there is no point of order. However, there are other substantive matters that I would expect the Leader of the House to be getting on to.

Debate Resumed

Hon N.F. MOORE: I said only about three words before that quite outrageous interjection from the Leader of the Opposition. I would have thought that this motion, which attacks the Leader of the Opposition's colleagues for their total lack of enthusiasm for tax reform, would have evoked a response not just from the Leader of the Opposition, but from a number of his colleagues as well, and maybe even from the smaller parties who are also part of the process of delaying any consideration of the tax package in the Federal Parliament. I am a little surprised that the Opposition has sat and watched this go by. Maybe the reason is that they actually support what we are saying. It may well be that they have worked out that tax reform is a good thing. Maybe they have worked out that because the Australian people voted for the Howard Government to be returned, tax reform is necessary, and that that is what the people of Australia want. Maybe they have worked that out, and therefore they are quite happy to sit back and say, "We cannot go along with Beazley and his colleagues because they have got it wrong. Therefore, we will sit here and let this go by, and not get up and defend our colleagues at the federal level." That is, of course, to draw a long bow indeed, because we all know that within the Labor Party they all say and sing the same song. It is a pity that they keep putting Western Australia last.

The same thing applies to another issue that this House is debating. Their approach to tax reform at the federal level is similar to their attitude towards native title reform in this place. Perhaps they are not responding because they were not ready to talk about it. Maybe they were ready to talk about another motion that Hon Tom Stephens sent up this morning. That was another urgency motion that somehow or other became less urgent as the day went on. If I were able to, I would not mind asking the Leader of the Opposition why the question of Aboriginal communities in Western Australia lost its urgency sometime during the day.

Hon Tom Stephens: It did not.

Hon N.F. MOORE: Hon Tom Stephens withdrew his urgency motion. He put in an urgency motion this morning to talk about an issue.

Point of Order

Hon TOM STEPHENS: Mr President, are you able to uphold the standing orders of this place and require this Leader of the House to speak to the motion that is before the House?

The PRESIDENT: The answer is yes, I am able to uphold the standing orders of this place, and I will have no compunction at all in using the standing orders to bring members to order if they wilfully disobey the instructions of the Chair. I have read the motion. The Leader of the House raises a point. I do not see that that is outside the motion. I have said before there are other substantive issues that I trust the Leader of the House will get on to.

Debate Resumed

Hon N.F. MOORE: I am trying to work out why on earth Hon Tom Stephens and his other colleagues in this House are not getting to their feet to defend their federal colleagues when they have been roundly criticised by members on this side of the House for their attitude to tax reform. I was surmising that perhaps it had something to do with the fact that he was thinking about Aboriginal communities in Western Australia, and the urgency of debating that, and he was unable to get around to it, and in fact withdrew his motion. I would like to know what changed so much between about nine o'clock this morning and the time when he withdrew his motion so that it was no longer urgent. Maybe the Leader of the Opposition can tell somebody about that.

The PRESIDENT: Order! I am reading the motion before the Chair. Other motions may have been put in. In fact, it is not unusual for me to have a reserve motion that never comes to light because people do not withdraw motions. However, the motion before the Chair relates, in the main, to tax reform and to delaying tactics adopted by various opposition parties. I would find it helpful if the Leader of the House confined his comments to that.

Hon N.F. MOORE: Thank you, Mr President. I look forward to hearing the answer to that rhetorical question that I have posed to the House. However, the bottom line is simple: We have an urgency motion before us today from Hon Bruce Donaldson, who has a serious concern about what is happening in the Federal Parliament, just as I have a serious concern about the delay and frustration that is occurring in this House. Hon Bruce Donaldson is anxious to debate this matter, and he and other members on our side of the House have clearly explained to the Opposition why it is so important that the Federal Parliament deal with tax reform. Hon Greg Smith has clearly outlined why it is so important for the electorate that he and I represent. The reason we now have a federal member for Kalgoorlie of the Liberal persuasion, and not a pseudo-Labor or Labor member, is that the people of the outback and the remote parts of Western Australia have worked out that tax reform is in their best interests.

Hon Greg Smith: We support the workers.

Hon N.F. MOORE: Exactly right. Hon Tom Stephens is so remote from his remote electorate at times that he does not realise that many people in our electorate are doing quite well salary-wise and will benefit significantly from the tax cuts proposed by the goods and services tax package. He cannot work out why many of his constituents whom he would claim to be his supporters, people who work in the mining industry, may in fact support tax reform. He seems to think that if one is a worker in the Mining and Pastoral Region, one gets \$25 000 a year and is a lowly paid person. That is not the fact.

Hon Tom Stephens: I am ready to speak.

The PRESIDENT: Order!

Hon N.F. MOORE: Hon Tom Stephens had plenty of time.

Hon Tom Stephens: I am ready to speak.

Hon N.F. MOORE: Too bad.

The PRESIDENT: Order!

Hon Tom Stephens: You have stunned me into action.

Hon N.F. MOORE: I will use my time, and I do not care what the Leader of the Opposition says. He had plenty of time. We sat back and waited for him to respond to this motion, and he did not. I am sure he will explain to people in his party why he did not, just as he will explain to people why he withdrew the motion about Aboriginal communities.

Hon Tom Stephens: You will cut me off.

Hon N.F. MOORE: The Leader of the Opposition must answer two questions. First, why he did not speak on this motion when he had a chance to do so - he knows it lasts for only one hour - and, secondly, why he withdrew the motion on Aboriginal communities and why it lost its importance.

Point of Order

Hon TOM STEPHENS: I have a point of order, Mr President.

The PRESIDENT: The Leader of the Opposition has raised two points of order in this debate so far, both of which I ruled were not points of order. I hope this one is a point of order.

Hon TOM STEPHENS: A few moments ago you, Mr President, drew to the attention of the Leader of the House the need to deal with the motion before the Chair. The leader is defying the Chair by going straight back to the same area that you have asked him to move on from.

The PRESIDENT: There is no point of order. If the member thinks back, he will recall that he was interjecting and inviting the Leader of the House to change the course of his comments and deal directly with the interjections from the Leader of the Opposition.

Debate Resumed

Motion lapsed, pursuant to standing orders.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Leave to Sit

HON DERRICK TOMLINSON (East Metropolitan) [4.32 pm]: I move -

That leave be given for the Joint Standing Committee on the Anti-Corruption Commission to meet when the House is sitting on Tuesday, 24 November 1998.

This morning in another place the Premier tabled a report of a special inquiry into allegations concerning the Anti-Corruption

Commission. Given the nature of that report, the Joint Standing Committee on the Anti-Corruption Commission wishes to meet while the House is sitting to prepare a response to the report.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.33 pm]: I support the motion on this occasion, but as a general rule I do not support committees meeting when the House is sitting. However, I understand the circumstances and the urgency on this occasion, so I am happy to vote in favour of it. As a general rule I will not support that sort of motion.

Question put and passed.

TOWN OF CLAREMONT - LOCAL LAW: TREE PRESERVATION

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon N.D. Griffiths was moved pro forma -

That the Town of Claremont - Local Law: Tree Preservation published in the *Gazette* on 17 July 1998 and tabled in the Legislative Council on 12 August 1998 under the Local Government Act 1995, be and is hereby disallowed.

HON N.D. GRIFFITHS (East Metropolitan) [4.34 pm]: I introduced this motion, which concerns the Town of Claremont local law for tree preservation, in my capacity as Deputy Chairman of the Joint Standing Committee on Delegated Legislation. It is the view of the committee that this local law offends against two areas which are the concern of the committee under its terms of reference; namely, that the regulation unduly trespasses on established rights, freedoms or liberties and unduly makes rights dependent upon administrative as distinct from judicial decisions. I shall briefly refer the House to some aspects of the local law, by referring to the thirty-seventh report of the committee which sets out relatively fully why the committee is of the view that the local law should be disallowed. First, in part 1, clause 1 states -

No person shall remove, damage or destroy any tree in the Town of Claremont without prior written approval of the Council's authorised officer.

It further states -

No person shall authorise, cause or permit the removal, damage or destruction of any tree in the Town of Claremont without prior written approval of the Council's authorised officer.

Those activities are very wide in scope and I suggest that they clearly offend against that part of the committee's term of reference that it must be mindful of any undue trespass on established rights, freedoms or liberties. The idea that a member of the public residing in the Town of Claremont must obtain permission to remove, damage or destroy any tree by seeking prior written approval of the council's authorised officer goes too far in the view of many people. The committee was somewhat more constrained in its comments. I refer to paragraph 3.3 of the committee's report, which states -

The difficulty that the Committee has with this paragraph is that it prohibits a wide range of activities involving trees, but fails to provide any exemptions, for example for pruning.

The definition of "tree" in this local law is -

"Tree" includes any tree having a height of more than 4 metres above ground level.

It is further stated under the definition paragraph -

Any word or expression used in this Local Law shall have the meaning given to it in the Act unless the context requires otherwise.

Hon E.R.J. Dermer: A small tree is not a tree?

Hon N.D. GRIFFITHS: That is precisely the point. A small tree is a tree, but the local law includes the magic words that it includes any tree having a height of more than four metres above ground level. I briefly refer to paragraph 3.5 in the committee's report, in which reference is made to the definition of "tree" and the evidence of one person who appeared before the committee, Councillor Alexander Karas, the instigator of the local law. It is stated in that part of the report -

. . . the definition of 'tree' in the Local Law could be interpreted to include all trees, not just trees over 4 metres. Mr Karas admitted that this 'was a slip-up in the definition'.

That is an unsatisfactory state of affairs. What is this all about? What is it trying to achieve? There is imprecision with respect to the substance of how this will operate. The committee referred to the form of application and noted in paragraph 3.6 of its report what that involved. I point out, with reference to the form of application, that a person who applies for permission to remove a tree must give a description of the tree and its species. Nothing in the local law indicates why it is necessary to provide information on the species of the tree. There may be good reasons for that. The application form invites the applicant to provide a sketch of the tree - people must be almost artists to fill out the application form - and then the applicant is enjoined to send a copy of the application to the owners of all land which abuts the subject property. They

must confirm that a copy was sent to each owner no later than two weeks prior to the date of the application. Of course, owners are the registered proprietors of the land. Does this local law envisage that some form of title search will be necessary, or is an assumption to be made that the owner includes the person who resides on the property? These are very onerous provisions.

In the section "For office use only", the form states -

The applicant plant . . . trees on the block of a type approved by council's authorised officer. Should any such tree die within 3 years from the above date, they are to be replaced by identical trees within one month of their dying.

What are we supposed to do? If a person lives in the Town of Claremont and has a tree which dies within three years, within one month of the tree being removed it must be replaced by an identical tree, which presumably will die because it is identical. It seems that this is the sort of local law which is well deserving of the chop. I do not want to leave the matter there.

The last objection on the part of the committee is point 5 of part 1. This states -

Any application not approved by the Council within 60 days of lodgement shall be deemed to have been refused.

The committee's view is that that is reversing what should take place. The committee stated at page 8 of its report that such a paragraph should be changed. If the application is not approved or refused within 60 days, it is better to have it deemed to be approved, because at the end of the day, government, whether it is local government, State Government or Federal Government, should be about serving people and communities and not having them bound up by what is unnecessary red tape.

I hope that the House will join with me and members of the committee in disallowing this unreasonable local law. My comments should be not be taken in any way to denigrate what was meant to be achieved by those who introduced the local law. They are trying to foster the environment of the Town of Claremont, and good luck to them, but they went more than a little too far.

HON J.A. SCOTT (South Metropolitan) [4.42 pm]: I support the disallowance of this local law. I do so not because I believe that the Town of Claremont did not have reasonable objectives in mind when it put this law into place, but simply because of the inadequate wording of the law, which the Joint Standing Committee on Delegated Legislation believed created doubt about the interpretation of "tree", and which caused it concern because the appeal process was ineffective as the council was not obliged to act and, in its not acting, any appeal was not accepted. That was clearly unfair. I believe that if the Town of Claremont had ended up with a dispute going to court, it might have lost the case. The law would be ineffective, anyway.

The Town of Claremont did an excellent job in the community consultation process that brought about this law. It had not been the instigator of the law; the community itself had pushed for the law to be put in place. I understand that Mr Karas, who appeared before the committee, had been elected on that basis; people had supported him because he said he would move this local law. The committee heard how extensive the consultation was within the community, and how widely the law was accepted in the community. It is a shame that the terminology of the law should bring about its demise. I think the Claremont community is concerned that the committee might not like laws to protect trees. That is certainly not the case. The Town of Claremont must simply tighten up its descriptions and allow proper appeal processes. When it does that it can once again instigate a local law, one which will be accepted by this House. The Parliament does not have a vendetta against the law. If the Town of Claremont's legal workers tighten up their wording, it is likely that the law would sail through this place or through the committee next time it appears before it.

This highlights another point that I will raise about local laws. We are seeing a considerable number of local laws coming before the committee which are repeating mistakes that are made in other places. The committee has been very concerned about the repetition of mistakes which could be avoided if the process were changed. If when a local law was about to be promulgated it went to the Western Australian Municipal Association and other people, and if the committee were then able to look at that law which had been cleared by such a process, local government would benefit not only from the savings in not having to obtain legal advice on all these local laws, but also from saving time otherwise wasted. This would also save the committee of this Parliament a lot of time. It is something I want to see worked on to prevent recurrences of this sort of problem. I support the motion of disallowance.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.48 pm]: I recognise that the consultative process that the Town of Claremont went through was well recognised and appreciated by the community. The report of the Joint Standing Committee on Delegated Legislation acknowledges that the Town of Claremont's local law for tree preservation deals with a matter and imposes penalties permitted under the Local Government Act. There is no question about the council's right to make such a local law. The committee's concerns relate to the way the local law has been drafted, and I quote from the report -

- (1) there are no allowances for any exemptions.

- (2) the definitions are not precise enough.
- (3) the lack of guidelines as to how the town would make its decisions on applications to remove trees.
- (4) the deemed refusal clause in paragraph 5.

The committee's criticism of the local law for not specifically allowing pruning - where defined if necessary - is a valid one. The potential for vexatious complaints against someone for pruning a tree needs to be addressed. The committee's criticism of the imprecise definitions in the local law, including that of "tree" and the absence of definitions of "remove" and "damage", are also valid. The committee notes at paragraph 3.8 in its report that the local law - as it stands - "... amounts to an infringement of a person's rights over their private property ...". This is true but even if the local law were amended to address the committee's concerns, it would still impose obligations on persons in relation to their private property. That is not to say that in principle the local law should not be permitted merely because it affects private property rights; rather it must be acknowledged that by their very nature most local laws deal with private property. The committee also expresses concern at the deemed refusal clause, urging that if the council is unable to determine an application within 60 days it should be deemed "approved". As the council representative indicated to the committee, deemed refused clauses are common in legislation relating to planning applications and building licence applications. Some work is being done on altering the approach to a deemed approved position, but there are complex legal matters to be addressed. The Government acknowledges the merits of the committee's report.

Question put and passed.

STATE TRADING CONCERNS (AUTHORIZATION) AMENDMENT REGULATIONS (No 2) 1998

Motion for Disallowance

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

That the State Trading Concerns (Authorization) Amendment Regulations (No 2) 1998 published in the *Gazette* on 26 June 1998 and tabled in the Legislative Council on 12 August 1998 under the State Trading Concerns Act 1916, be and are hereby disallowed.

HON NORM KELLY (East Metropolitan) [4.56 pm]: This motion was moved pro forma on 21 October. I will speak on two specific areas: First, the generic issue of the legislative requirements, protections and weaknesses for handling subordinate legislation, and second, the more specific issue that surrounds the basis for this particular disallowance motion which lies in a contract between the Fire and Emergency Services Department and the Hospital Benefit Fund of Western Australia. The contractual agreement installs HBF as the major sponsor of the Fire and Emergency Services Department and enables HBF to utilise the department's uniforms and vehicles and other equipment for advertising. That is the main purpose of the contract. For this contract to be signed it was necessary to gazette it to put in place a regulation under the State Trading Concerns Act of 1916. That regulation refers to the provision by the Fire and Emergency Services Department of advertising opportunities by means of entering into arrangements under which departmental property specified in the arrangement may be used for the display of advertising in return for money or goods. The power under which these regulations are made is in section 4A of the State Trading Concerns Act. Section 4A was inserted in the Act by way of the State Trading Concerns Amendment Act 1997. In the past year we have allowed these powers to be placed in statutes. In the debate on that Act when it was before the other place, the minister introducing the Bill in part stated -

The requirement for activities to be prescribed provides an additional safeguard as the regulations will be subject to scrutiny and the power of disallowance by the Parliament.

Part of my argument today will be that even though there is some sort of safeguard, in this case we can see that those safeguards are not sufficient for righting any possible wrong that may occur. The minister in his speech went on to say -

Members will note that the Bill does not extend to statutory authorities or statutory positions which operate under the framework of a department, as their powers should be spelt out in their enabling legislation.

That is what is to occur under this regulation. Members may recall in the past month we have passed the Fire and Emergency Services Authority of Western Australia Bill, which establishes such an authority, rather than a department.

We must question how the power of disallowance can be a safeguard when a government agency can use these additional powers before any parliamentary scrutiny or debate can take place. During the debate last year on that amendment Act, in the other place the member for South Perth put forward an amendment to delete the words "by regulation" in section 4A. The title of section 4A is "Certain activities may be authorized by regulation." I understand that the member had further amendments that would have gone on from that initial amendment to ensure parliamentary scrutiny in the form of a Bill to allow these powers to be given to various departments and by doing so allow a greater form of scrutiny. Although I do not particularly agree that it is always necessary, in this case we are talking about a contract which is worth just under \$1m. I can understand how the Parliament could get bogged down with amendments of that type for every new authority to enter

into a contract. However, I believe there is a need for a better mechanism for handling this type of subordinate legislation. The Joint Standing Committee on Delegated Legislation tabled its sixteenth report in November 1995. It details a far better way of dealing with subordinate legislation. It includes such things as public consultation and discussion prior to gazettal, developing a cost-benefit analysis and preparing regulatory impact statements. It is not unlike some of the requirements that are already in place when it comes to the need to prepare metropolitan region scheme amendments.

The difficulty in dealing with this regulation and this disallowance motion is that in effect the regulation has already served its purpose. The regulation was gazetted on 26 June of this year. The contract which was able to be signed because of the gazettal was signed the very next day. There had been a long process in preparing a contractual arrangement between HBF and the Fire and Emergency Services Department. The very last hurdle was to have that power implemented by gazettal. Once that had been done both parties wasted no time in coming out on a Saturday to sign the contract. Interestingly the signing of the contract was done even before there was a possibility of having the regulation tabled in this House. The regulation was not tabled until about six weeks after the contract was signed. We now have the opportunity today to debate whether the regulation is worthy of disallowance a matter of five months after the initial gazettal and after a contract was signed. Whether or not this disallowance motion is successful, there will be no direct impact on the relationship established between the Fire and Emergency Services Department and HBF by way of the contract. If the regulation is disallowed, the contract still stands and the security of both parties is not affected.

However, it is essential that members support the motion as an expression of dissatisfaction with having to deal with such matters so long after the event. There are better options, such as those outlined in the sixteenth report of the Joint Standing Committee on Delegated Legislation, but three years after the report was tabled we see no visible action on the part of the Government in implementing changes which would improve the way in which subordinate legislation is dealt with in Parliament. A better system would be to allow some scrutiny prior to gazettal.

[Questions without notice taken.]

Hon NORM KELLY: Before debate was interrupted for question time, I was explaining that we need a better system to allow for the proper scrutiny of regulations prior to gazettal. It would alleviate many of the problems which have been raised in the House today. I will now address some of the specifics of the contract between HBF and the State Emergency Service. The contract allows the HBF logo to be displayed on SES vehicles and other equipment and on the volunteers' distinctive uniforms. The contract includes provision for HBF to use SES volunteers and equipment in its promotions. The sponsorship means certain functions of the SES and HBF can necessitate the use of the connection of HBF in SES activities. What should be of more concern to members is the part of the contract which stipulates that HBF is to be allowed access to the SES database. That database includes statistical information relating to the incidence and severity of typical insurance risks such as storm damage. It appears to go far beyond what is provided for in the new regulation. It could be argued that the information contained in the SES database could give an insurer such as HBF a competitive edge. The question is whether HBF has paid a fair price for that government information and whether the information is denied to other insurers. If it is not denied to other insurers, why is such a provision included in the contract? That clause in the contract could go far beyond what is allowed in the regulation which states -

The provision . . . of advertising opportunities, by means of entering into arrangements under which departmental property specified in the arrangement may be used for the display of advertising, in return for money or goods.

We are talking about using departmental property for the display of advertising, which is what the regulation empowers the Fire and Emergency Services Department to do. The provision of access to the SES database goes far beyond that regulation. It raises serious concerns about how that information is used and how it may be denied to other insurers. In my discussions with the SES I have been told that the information is readily available to anybody who asks; but if that is the case, why do we need to specify such access in a contract with HBF?

Hon Peter Foss: Are you suggesting a lie? You are suggesting they are telling an untruth.

Hon NORM KELLY: I am suggesting that it seems highly unusual to need to specify -

Hon Peter Foss: What they have told you is the truth. Are you accepting that as the truth?

Hon NORM KELLY: I am questioning what I have been told. I have not had an opportunity to discuss these matters with the people who drew up and determined what should be included in the contract. Along with the other things it is benefiting from, HBF is paying a substantial sum for access to that information. If I was the insurer, I would be asking why the SES should provide that information to my competitors when I have entered into a contract to have the information. That would be a legitimate question for HBF to ask. On inspection of the contract it appears that HBF has been able to make a favourable deal.

Hon Peter Foss: You just said it bought something it could have had anyway.

Hon NORM KELLY: Who knows what may happen to that information in the future? If the Attorney General listened to everything I said -

Hon Peter Foss: The only basis you have for saying they are lying is you don't trust them.

Hon NORM KELLY: I was talking about that a minute ago. Now I am talking about the good deal HBF has been able to get. That is part of any commercial negotiation - one tries to strike the best deal one can. I do not have a problem with that but I am concerned that HBF is getting something which the SES may have undervalued considering the potential importance of that access.

On the flip side of this contract are the benefits that flow through to the volunteers throughout the State. They will receive \$930 000 over three years, less a 10 per cent commission which goes to the people who organised the contract; that is a nice benefit for them. These funds will be distributed through a grant system similar to the way Lotteries Commission funding is distributed through the SES units. The Lotteries Commission funding is about \$100 000 a year. The method HBF and the SES have established to determine the use of the funds is a fair and adequate way of utilising the money. The grants are intended for non-essential equipment. They will boost the current SES mix of commonwealth, state and local government funding and the Lotteries Commission grants I have mentioned. Therefore it is important to clarify that the funding is for non-essential equipment and that the Government should not be tempted to reduce its funding to the State Emergency Service as a result of this sponsorship deal. Judging from the Government's track record in recent years, that is unlikely to occur because, as the volunteers have noticed, funding for these services has increased. It is important that the volunteer work force in the SES, totalling almost 2 500 workers, are still willing to participate as volunteers in years to come rather than seeing themselves as walking billboards.

Hon Peter Foss: Have you asked them what they think about it?

Hon NORM KELLY: Yes, I have. They are extremely concerned about the way this deal has been implemented. I will outline one of the cases that have caused serious problems within the volunteer services in the Armadale area. I can refer to correspondence for the member's information.

In the early days of the contract in which the SES had to take reasonable measures to make its volunteers and equipment available for HBF promotions, individual units were allowed to arrange their own sponsorship deals and fundraising activities. As a result of that, this unit arranged to participate in a television advertisement for Challenge Bank. It was asked to provide volunteers for two days in return for a donation. The problems commenced when it was believed that the SES central management should okay the agreement. On the first morning of production, questions arose about whether the volunteers should be allowed to wear their distinctive orange SES uniforms in the commercial.

Hon Peter Foss: It bothers somebody like you, by the sound of it.

Hon NORM KELLY: No; it does not bother me at all.

Hon Peter Foss: You are okay with a bank but not HBF?

Hon NORM KELLY: I am describing some of the problems that occurred in the early days as a result of the handling of the contract within the SES. I understand a direction came from central management that the team was not to use the orange uniforms. Members may have seen the advertisement on television. Apparently for the Challenge Bank advertisement the volunteers wore blue and green uniforms. I have no problems with that because I believe SES volunteers could be misrepresented in such a commercial.

Hon Max Evans: Was it because HBF would own the rights to the advertisement?

Hon NORM KELLY: It is believed that HBF placed a veto on the local brigade being able to raise funds -

Hon Peter Foss interjected.

Hon NORM KELLY: The local unit believed that the HBF had the power of veto.

Hon Peter Foss: It does not.

Hon NORM KELLY: It must be remembered that some of the volunteers had taken two days off work to participate in the filming. There was serious concern that in the early days of the HBF contract they were being denied the opportunity of raising funds for their own unit.

Hon Peter Foss interjected.

The PRESIDENT: Order! If I cannot hear the Attorney's interjections, Hansard cannot hear them.

Hon NORM KELLY: Thank you, Mr President; the interjections are not worthy of Hansard's hearing them. I am sure the Attorney General will have an opportunity to speak in due course.

Hon Derrick Tomlinson: Do not provoke him.

Hon NORM KELLY: He does not need provoking. The problem that occurred in that incident, and of which it appears the

Attorney General is aware, have been largely resolved partially because of redeployment of certain managers from key positions in the SES. From my talks with volunteers and other people within the SES, it appears that a significant personality problem had arisen in senior management which has now been resolved. Since then, HBF has used SES people for its TV commercial wearing the orange SES uniforms. That is a standard part of the HBF contract.

Although the incident with the unit at Armadale has been largely resolved, it also shows the dangers that can occur when we introduce commercialisation and sponsorship into what are essential emergency services which should be adequately funded by the Government in the first place. I have full confidence in the management of the Fire and Emergency Services Department, particularly people such as the chief executive officer, Bob Mitchell, with whom I have dealt on not only this issue but also the Fire and Emergency Services Authority of Western Australia Bill that was recently debated in this place. I am encouraged after talking to volunteers who have aired their appreciation of changes that are occurring at management level. As I said, the most important issue is that we encourage and nurture the volunteers to ensure they can keep giving their time for the good of the wider community.

Although that issue has been resolved, I remind members of my first point; that is, we are dealing with this disallowance five months after this regulation was gazetted and five months after the contract was signed. It is important that the House send a strong message to government that better accountability and consultation take place prior to decisions being made to implement subordinate legislation.

Hon Peter Foss: What would your disallowance do to that which you cited as being a difficulty?

Hon NORM KELLY: It would not have done anything to it.

Hon Peter Foss: What was the difference?

Hon NORM KELLY: The HBF was a long term contract with the overall SES unit.

Hon Peter Foss interjected.

Hon NORM KELLY: The Challenge Bank arrangement was an agreement between a unit and a commercial operation, and was arranged in the same way as other SES units will negotiate their methods of raising money in return for participating in events and the like. It is part of their normal activities.

Hon Peter Foss interjected.

The PRESIDENT: Order! I remind the Attorney General that at this stage we are trying to hear what he is saying.

Hon NORM KELLY: I will not respond to the interjections as they are not being recorded.

As was indicated in the other place last year during debate on the State Trading Concerns Amendment Bill, we must be careful when allowing government departments to enter into commercial dealings. I recommend that members support this disallowance motion.

HON MURRAY MONTGOMERY (South West) [5.50 pm]: The effect of the disallowance motion will be to penalise or punish emergency service volunteers of the Fire and Emergency Services Department, because they will go without non-essential equipment. I cannot think of any equipment that has been bought by a voluntary organisation that is non-essential - all their equipment is essential.

Hon Kim Chance: Perhaps it is core or non-core equipment?

Hon MURRAY MONTGOMERY: That is a little different from non-essential. Hon Kim Chance would accept that the general and specialised rescue equipment purchased by State Emergency Service units in country areas and in the metropolitan area includes new and second-hand vehicles, specialised trailers, computers and communications equipment. The units also pay for the refurbishment of support vehicles. The board can approve grants for many purposes, and most of the items listed would be essential in the operations of SES units.

Hon Norm Kelly: Is Hon Bill Stretch saying that is what is provided by this contract?

Hon MURRAY MONTGOMERY: No; that can be provided by the contract, as part of the way in which the grants can be used, as long as the grants are not used for general administration costs, training programs, the repayment of loans or the reimbursement of costs of already purchased equipment. Good on the SES if it can obtain a sponsorship deal with the Hospital Benefit Fund! The qualifier is that the Government does not cut funding to those organisations, and the Government has provided a commitment that it will not do that. I do not know about any future Government, but this Government has emphasised that any sponsorship arrangement will be in addition to and not in lieu of existing government funding. Volunteer organisations can obtain additional funding through sponsorship. Those sponsorship arrangements will still require approval, because they will be caught by the State Trading Concerns Act. Even local volunteer groups need to check that their sponsorship deals are in keeping with any other sponsorship deal that is in place. Hon Norm Kelly should consider that even Westpac or Challenge Bank sponsorship deals could be caught by the State Trading Concerns Act.

Hon Norm Kelly: HBF should not be part of that discussion.

Hon Peter Foss: It is not.

Hon Norm Kelly: It is. The discussion occurred when HBF spoke to Challenge Bank.

Hon MURRAY MONTGOMERY: The State Trading Concerns Act requires approvals to be granted. We cannot have a requirement that only some organisations need to obtain approval. The disallowance motion affects not only SES volunteers but voluntary firefighters in the Fire and Rescue Service, particularly in the country, because that is where many of the voluntary organisations are located. It is essential to gain those additional funds. If businesses or other groups can provide additional funds for equipment, the voluntary organisations should go for it. There may need to be a trade-off - sponsors may want their logos on a uniform. Good on them! That is what it is all about. Sponsors want to get value for the dollars they invest. The Lotteries Commission has successfully used sponsorship deals with organisations.

We should not disallow these regulations as it would affect the provision of services by fire and emergency volunteers in the community. We should accept the spirit of the regulations.

HON MARK NEVILL (Mining and Pastoral) [5.55 pm]: I understand that disallowing these regulations will not affect the existing contract between the State Emergency Service and the Government.

Hon Peter Foss: That is the legal opinion, and would be my opinion. It affects only future contracts.

Hon MARK NEVILL: The Opposition will support Hon Norm Kelly in this debate, but without any great enthusiasm. For some time we considered whether to support or oppose the motion. However, we finally came down on the side of opposing the regulation. We have concerns about this contract. The annual report of the Fire and Emergency Services of Western Australia refers to the involvement of voluntary firefighters in a school education project in which they visit schools to raise the profile of firefighters.

Hon Peter Foss: It can be confusing. I will have to check that point and take that on advice.

Hon MARK NEVILL: When I was a fresh-faced politician I knocked on a few doors and introduced myself as "Mark Nevill, MLC". I was told by some people that they did not want insurance! I do not know how firefighters will be treated if they knock on doors with HBF emblazoned on their jackets.

I am concerned about the prospect of cuts to budgets. We all know that the Government's assurances do not count for much when the razor gang is in action.

Hon Peter Foss: Not under a Labor Government.

Hon MARK NEVILL: Certainly not when former Senator Peter Walsh was around. Every source of income is taken into account and nothing is quarantined when the Government is looking to reduce funds.

Hon Peter Foss: We provide net appropriations. It is a fundamental part of government to encourage people to raise money and to give them a benefit.

Hon MARK NEVILL: It encourages them to raise funds. It does not necessarily reduce the cost to the consolidated fund, because that depends on whether the amount is maintained or reduced.

Hon Peter Foss: The history of the Government has been that it has encouraged people to raise extra money by providing a net appropriation, so they keep the money.

Hon MARK NEVILL: Yes, and that has generally been supported by members on this side of the House. I am concerned with the obligations imposed on the State Emergency Service in the sponsorship agreement. It would appear that a lot of the time of the SES will be taken up in meeting its obligations - at least a couple of salaries. Paragraph 5.1 of the agreement requires that the sponsor's logo be displayed on overalls, tarpaulins, motor vehicles, caravans, trailers, and all other equipment. The SES must ensure that the sponsor's logo is displayed prominently where public educational and promotional material is displayed, printed or reprinted.

Sitting suspended from 6.00 to 7.30 pm

Hon MARK NEVILL: Over 30 different sponsor's obligations are listed in this sponsorship agreement between the Fire and Emergency Services Department and the Hospital Benefit Fund of Western Australia. I think Hon Norm Kelly read out most of those sponsor's obligations to the House in his earlier speech.

Hon Norm Kelly: No. I made only a general reference to them.

Hon MARK NEVILL: Before the dinner suspension I read out a few of them. They are quite onerous duties imposed on that department to advise the HBF of any of these functions, to give it notice in advance to provide all sorts of equipment and opportunities and promotions for the sponsors, and to use its best efforts to encourage a number of things. Going

through them, the Western Australian State Emergency Service must conduct one educational program a year; it must advise the sponsor of any educational campaigns which it proposes to conduct, and it must include the sponsor's logo on such materials. It has to arrange for a sign, which includes the sponsor's logo, to be displayed prominently at each State Emergency Service conference. The sponsor is not providing these signs; it is the Western Australian State Emergency Service. That seems to be an added cost that is built in here.

WASES is to use reasonable endeavours to conduct and/or become involved with at least 50 promotions each year. To the extent reasonably practicable, it is to supply to the sponsor displays and equipment used by WASES in its promotions; that is, if the HBF wants to open a new office, it must supply all that equipment. It must organise media launches to announce sponsorship arrangements in the regions and in the metropolitan area. Any presentations of grants must be notified to the sponsor. It must involve the sponsor in events, such as the Teddy Bears Picnic, Red Nose Day and Telethon. The list goes on and on. Another one is that it must encourage persons the sponsor reasonably considers heroes to help promote the sponsor. It seems to me that a great deal of the time of this body will be consumed in satisfying the demands of this agreement. Hon Norm Kelly mentioned access to the Western Australian State Emergency Service database. We do not have privacy legislation in this State. Therefore, it seems to me that that right under this agreement is not prescribed by any of our state legislation; it is just a judgment of this body.

Those requirements will in this case put heavy demands on this body. It will take a great deal of time on the part of the officers of this body to service the requirements under this agreement. In return, the Western Australian State Emergency Service will receive about \$300 000 a year for three years. That is a considerable amount of money. It represents about 5 per cent of its budget, which last year was just over \$6m. It is doubtful whether this money will filter through to the volunteer State Emergency Services. Apart from a commitment, there is no guarantee that I can see in the agreement, or anywhere, that this will go through to volunteer bodies. It may or it may not. One certainly cannot assume that those volunteer State Emergency Service personnel will directly receive the benefit of that money.

Hon Peter Foss: I cannot see how they would not, because one applies for grants, and the sorts of things that grants are used for are the sorts of things that volunteers would use.

Hon MARK NEVILL: That is presuming that grants are given. Is it only by way of grants?

Hon Peter Foss: I think that is the main way it is to be given.

Hon MARK NEVILL: Only grants?

Hon Peter Foss: Yes. That is what I understand it to be.

Hon MARK NEVILL: Maybe I have not read that agreement closely enough.

Hon Peter Foss: Most of the obligation is at headquarters, and most of the benefit is at local level.

Hon MARK NEVILL: I might have misled the Minister earlier. I was quoting from the Fire and Rescue Service annual report when I mentioned going into schools. There is a plethora of bodies in this area, including the Western Australian Fire Brigades Board, the Fire and Rescue Service of WA, the Bush Fires Board, the Fire and Emergency Services Authority of WA, the state emergency management, and the Western Australian State Emergency Service.

Hon Peter Foss: All those authorities are now being compressed into one, even though the individual units still exist.

Hon MARK NEVILL: When I was first elected to Parliament, I was living in Norseman. St John Ambulance Australia was at one end of town, the fire brigade was in the middle of town, and the State Emergency Service was somewhere else. There was a proposal to build a new fire station. Therefore, I thought it might be sensible if these different bodies could be put into one new building, because none of those services was manned permanently. I think one of them might have had just a day shift there. I always thought that one of the big risks in that area was one or two tourist buses colliding with each other or a truck on the Eyre Highway. There were emergency evacuation plans to deal with that. However, after a great deal of correspondence with the different departments, the best they could offer me was three separate buildings on the one block, because the accounting was too difficult to manage between the fire brigade and St John Ambulance and the State Emergency Service at the time. There was also a volunteer fire brigade.

Hon Peter Foss: The legislation can partly fix that.

Hon MARK NEVILL: That is going back 15 years. It takes a long time for these things to evolve. However, I am pleased to see that it is now coalescing into one emergency services body, even though I cannot keep up with the changes in the names. The other matter I want to comment on is the question of whether this regulation makes the contract invalid.

Hon Peter Foss: I am not sure of the answer to that. It may make the whole purpose illegal, in which case the contract, although existing, would fall.

Hon MARK NEVILL: Yes. The heading of section 4A of the State Trading Concerns Act is "Certain activities may be

authorized by regulation". I know that is not a part of the clause, but the intention seems to be there, according to the heading. However, the clause itself does not say that advertising opportunities must be authorised as such by regulation. It seems to indicate that a fee of any amount can be charged, which I presume is done by regulation. We can only interpret that as a fee being charged for providing advertising opportunities to the Western Australian State Emergency Service and if we disallow this regulation the agreement will become invalid. I think I am getting a bit out of my depth now.

Hon Peter Foss: The best question is: Is it legal without the regulation? The second question is: What does it do to that activity? Does it cut it off at the moment the regulation cuts off or does the contract entered into continue?

Hon MARK NEVILL: It seems to be a fairly messy process into which we have entered. I have no strong objection to the service receiving extra funds through sponsorship as long as it is within reasonable bounds. However, the agreement seems to go beyond what I consider to be reasonable bounds; therefore the Labor Party will support the disallowance.

HON J.A. SCOTT (South Metropolitan) [7.41 pm]: I have some concerns about this regulation. I am pleased Hon Norm Kelly has raised it for debate. My concern is fairly fundamental and I expressed it during debate on a Bill relating to sponsorship of police. I was the only person who spoke against the Bill. That was a more serious issue than this; I had concerns about how large sponsors of the police would be treated compared with other citizens. I felt it would also raise other issues such as where the sponsorship moneys would be spent. My concerns over this regulation are not as great; however, they are still significant.

In common with Hon Murray Montgomery I am concerned about the consequences if this sponsorship took up an area of funding that resulted in the Government's abdicating its responsibilities and spending less money on the service. Hon Murray Montgomery also said he understood that would not be the case. I would like more assurance than that. We could be in a very poor position if the Government reduced its funding, perhaps not immediately, but further down the track, and sponsorship diminished leaving the organisation with a hole in its funding. I would not like to see that occur.

I am also concerned that, although I agree with Hon Murray Montgomery who pointed out that the equipment is essential even though it is being called non-essential, it makes matters worse. I am concerned that some influence could be brought to bear by what the sponsors perceived to be a need for more "sexy" equipment, if members get my gist.

Hon Peter Foss: We do not buy that sort of equipment!

Hon J.A. SCOTT: I was not using the word literally.

Hon Derrick Tomlinson: You are talking about the State Emergency Service!

Hon J.A. SCOTT: For members on the other side who do not understand what I mean, pressure could be brought to bear for the SES to be involved in items which are perceived as more glamorous, but which at the end of the day may not be the best image for the service to project.

Another situation may arise whereby the service is not conducting core business while it is undertaking promotion for the sponsor.

Hon Peter Foss: Have you read the agreement?

Hon J.A. SCOTT: I have not read it in detail.

Hon Peter Foss: I will deal with that.

Hon J.A. SCOTT: I would not like to see the service distracted from its core business or proper training. I am also concerned that in some way the focus might be taken away from the expertise of those groups if focus is placed on celebrities and promoting heroes. Although those groups might deserve that status, professionalism is most important in these organisations. Even voluntary organisations must have their focus on the main game. I have some concern that sponsorship could be seen as an alternative way of funding as a base item in itself. Over a period, sponsorship has come into a variety of areas such as the arts and schools.

Hon Peter Foss: Is that good or bad?

Hon J.A. SCOTT: It concerns me because we are talking about making a smaller section of the community pay for that service. After all, that must be paid for out of the sponsoring organisation's profits.

Hon Peter Foss: It could be of benefit to both.

Hon J.A. SCOTT: I can see there is a beneficial side to it, but I am worried that Governments as a whole want to take it up in a much bigger way rather than pursuing proper taxing policies to ensure that funding is allocated for essential services. At the end of the day we are talking about an alternative way of paying for those services. They must be paid for. However, I would just as soon see the money spent on that as on silly television advertisements, for instance.

Hon Peter Foss: Exactly.

Hon J.A. SCOTT: If the issue came to those choices, that would be one thing. However, I want it on the record that I am concerned that we do not see governments of this or any State moving in the direction of relying on the largesse of companies that can be switched off at any moment to provide essential services for people. My concern is that if we go too far in that direction, we will get ourselves into trouble. I will listen carefully to the explanation by the Attorney General before I make up my mind about how I will vote on this matter.

HON PETER FOSS (East Metropolitan - Attorney General) [7.50 pm]: I will take up the challenge that Hon Jim Scott issued, because some of these issues of sponsorship, voluntarism and patronage are important parts of our community. Perhaps modern society has lost a great deal by thinking that everything is to be provided by tax. Tax is an impersonal way of doing things. One of the good things about voluntarism is that not only does it provide a valuable service without wasting money through government, taxes and so forth, but also the service that volunteers provide is usually far better appreciated by the people who receive it because it is provided sincerely. Similarly, there is a reward to the person giving that voluntary service by doing it. We used to have a society in which a large number of services were provided by volunteers, and we saw that as the way society functioned. Society has lost a tremendous amount because, even where self-help is possible, it has to a large degree been lost.

Hon J.A. Scott: Partly that has been through changes that this Government has made through its corporatisation policy.

Hon PETER FOSS: That is rather simplistic. In fact, the role of government has continued to increase. This side of the Parliament does not believe that it should. We believe that government should be less involved rather than more involved, although - certainly on a federal basis - the services which the Federal Government has taken over to provide, and which other people have given up providing, have increased consistently, whether it is a coalition or a Labor Government. That has been unfortunate. Although I accept that there are people who must be assisted by government, the role of government has increased to take on matters which do not have to be done by government but which are increasingly becoming the responsibility of government.

The Government firmly believes in self-help, self-reliance and standing on one's own feet. That is a far better system than being dependent on government - that is inefficient. Tax takes money off people and that money is then run through government. The cost of collecting, administering and spending taxes takes a high proportion of that tax, whereas those communities which can do things for themselves often have better facilities. As a minister I visit many country towns. It is fascinating to see some of the facilities of those country towns which have been provided by the community. I will not say where I was, but on one of my regional tours I visited a small country town with its own theatre, theatre group, musical group, and cottage industries - it had everything. They wrote and produced their own musicals each year. That town seemed to have everything, and the people did not want any help from government. They were happy with what they had achieved. I then went to a large provincial town that had millions of dollars poured into it by the Government, and the community was highly discontented and felt that all it could do was to ask the Government for more money. It was interesting to compare the two different societies - one was content with what it had and had provided most of it itself, and the other felt it had not got enough from the Government and did not see itself as a society that could produce those sorts of things. There is an important quality in life in maintaining voluntarism. The State Emergency Service is an important part of that.

Sponsorship is a form of community involvement. It is saying to the community that it has a responsibility. It is also saying that there are benefits for everybody. Sponsorship is seldom a waste of money for the sponsor, and it is always beneficial for the community or organisation being sponsored, because it will receive something. That is one way to encourage good corporate citizens, and I believe that companies should be encouraged to be good corporate citizens. They should be encouraged to view money that is expended on sponsorship, particularly of the arts, as not a gift or mere patronage but as a sensible investment, from which they get a tremendous return. In many ways they can get more from sponsorship than from the equivalent advertising costs. Giving money to the SES in order to gain publicity is far more effective publicity than spending an equivalent amount of money on a television advertisement.

This is a good arrangement. It provides the SES with nearly \$1m over three years. I was asked to give an assurance that we would not reduce government funding by the sponsorship amount. One of the philosophies of the Government is to use net appropriations. That works because it is an encouragement for departments to save, to earn and to look at what assets they have that they do not need. The effect of net appropriations is that they keep their efficiencies, and the money they raise from the sale of assets. If we were to undermine that incentive, that scheme would be lost. The Government is committed to that. Members can see our record on that. The Government has encouraged departments to be efficient - not by imposing rules or by beating them on the head, but by saying to them that they must use their own initiative and be efficient. They know how to be efficient, and we give them the incentive. If the Government were to deduct the amount of money they had managed to earn we would totally undermine the whole character of what we are seeking to achieve. We give that assurance, and we ask members to look at our record of doing that. For instance, a dollar-for-dollar offer was given to the Art Gallery of Western Australia. That was not honoured and there was a budget deduction. The Government put the money back, and also the dollar-for-dollar offer. The Government felt that was necessary to establish good faith among the public.

The agreement says that the money is to be administered by a board comprising three SES representatives and two Hospital

Benefit Fund representatives. It has very much been a matter of interest for both the HBF and the SES to ensure that this money is extra. The voluntary units may make application to the board for grants. The grants will not be allowed for general administrative costs, running costs, training programs, the repayment of loans or to reimburse the cost of equipment already purchased, and the purpose of the grant must not be changed after receipt of the grant without the written authority of the board.

Hon J.A. Scott: Why couldn't it be used for training?

Hon PETER FOSS: That was seen as a core business of government. I will tell the member what it can be used for, and he will see how the two fit together. The Government is trying to make certain that the money does not go on day-to-day type expenditure, and it is seen that general administrative costs, running costs, training programs and repayment of loans are no-nos and reimbursement of those costs is not the intent of the agreement. It was intended that people get out there and buy something they would not otherwise be able to buy. The arrangement states that an application under this scheme can be combined with funds from other sources. There is also an incentive to raise money through raffles and other means. The board will consider approving grants for the purchase of general and specialised rescue equipment consistent with a unit's operational profile; the purchase of new or second-hand vehicles, specialised trailers, computers and communications equipment; and for community education awareness programs, community activities and items, shopping centres, schools and recreation activity promotions, promotional items required for community activities and promotions; and any other purposes deemed appropriate to support the goals of WASES.

This is a double benefit for the SES because the SES promotes itself. The volunteers must promote what they do and encourage people to support the SES. The SES attends events like the Avon Descent; it has a rescue role there; but it is a good exercise, it promotes the SES to the public and gives it the opportunity to let itself be known to the public. Volunteer groups must get publicity just as much as commercial organisations. They are almost more dependent on being known and being seen to maintain their activities. Often they can combine this self-promotion with being seen in at least a mock activity.

Hon Mark Nevill: The logo will be on everything.

Hon PETER FOSS: We will go through that. In return for the sponsorship the HBF has placed a number of obligations on the Western Australian SES. The draft agreement states -

Most of the obligations in the Sponsorship agreement will be met by the WASES State Headquarters.

It does not get any money for meeting those obligations, they are things it must do. However, the draft agreement continues -

Your assistance is sought with the following:

- * Advising the Media and Public Affairs Officer at State Headquarters of any public education, awareness, promotional or similar activities the Unit is holding that would be suitable for HBF to participate in. Such participation would only take place where appropriate and with the agreement of the Unit concerned. Examples include promotion activities at shopping centres, shows and other public venues.

The SES would be there to promote itself and the HBF is asking to come along too. The draft agreement continues -

Participation by HBF would be through setting up and maintaining a HBF display stand at the venue.

- * Placing the HBF logo on all WASES issue vehicles, caravans and trailers. It would be greatly appreciated if the logo is also applied to Unit owned vehicles, caravans and trailers, but this is at Unit discretion.
- * Placing the HBF logo on SES overalls - the badge on the breast pocket and the iron on logo on the back under the collar. Note that the logo is not to be placed on the SES uniform.

The logo is not on the SES uniform, just on the overalls. It continues -

- * Placing the HBF logo on other suitable large items of SES equipment.

Units wishing to obtain sponsorship funding should note that it is important that the logo is placed as discussed above. It is one of the factors considered by the Board in assessing applications.

If a Unit is successful in obtaining a grant, it is requested to:

- * Advise the Media and Public Affairs Officer of presentation arrangements of major grants from the sponsorship program.

If a unit is receiving a major grant, it is asked to let state headquarters know. The draft agreement continues -

Examples include presentation of a vehicle bought with sponsorship funds or the opening of a building funded by the sponsorship program.

I do not think that is unreasonable. If a unit receives a vehicle or a building, the HBF wants an opportunity to participate and say that it provided the money. It is a courtesy and it is put in the form of a request; it is not a matter of having to do it, but a request, which is only fair. The draft agreement continues -

The Media and Public Affairs Officer will liaise with HBF to determine if HBF wishes to send a representative.

* Acknowledging HBF as a sponsor in any media releases regarding the project.

Again that is only fair and courteous. Hon Norm Kelly was concerned about the next section, which states -

From time to time Units may be requested to participate in events managed by HBF. These include Red Nose Day, Telethon and the Teddy Bears Picnic.

If I were the SES, I would regard this as a good opportunity to be seen to be participating in each of those public days. It would get good media coverage and is a great opportunity. It is a case of "You scratch my back and I'll scratch your back and we will both end up without an itch", because each of those events would be good opportunities for the SES to be seen in their distinctive orange uniforms. If the HBF is running the event, that is fine. It is a plus for both organisations.

Hon Norm Kelly: And a good way of recruiting new volunteers.

Hon PETER FOSS: It is. The SES would love to be involved in Red Nose Day, Telethon and the Teddy Bears Picnic.

Hon Norm Kelly: This is making it a fact; if they choose not to involve themselves in these events they are negating their chances of getting funding.

Hon PETER FOSS: No, it states -

Unit participation is voluntary and is always subject to operational requirements.

The units do not have to participate but I reckon they would leap at the opportunity. It is saying that this is what the HBF expects, but it is not compulsory. It is asking units if they would participate given the opportunity. They will be scrambling over themselves to be involved. The HBF does not see any problem. The way it is phrased, it is not a legal obligation but if the SES volunteers were given an opportunity to attend these events they would be along like a shot because these are good things for them to be involved in. The draft agreement continues -

The Sponsorship agreement with HBF does not exclude SES Units from making sponsorship arrangements with other organisations.

It is requested, however, in the 'spirit' of the Sponsorship agreement, that SES Units refrain from seeking sponsorship from corporate bodies that are in direct competition with HBF. These would include other private health insurance funds or general insurance companies.

Again this is common courtesy. If one wants a sponsor, it is sensible not to seek two companies in competition with each other in the same area. The draft agreement continues -

In the event of approaches by major corporations requesting SES support in a television or radio commercial, SES Units are requested to advise the Media and Public Affairs Officer through their Regional Managers as soon as possible. This will enable the WASES will liaise with HBF prior to making any commitment to ensure that the spirit of the Sponsorship agreement is maintained. Units will be advised of the outcome as soon as possible.

That is a good deal. I would be very disappointed if that deal was lost. The question raised by Hon Mark Nevill was what would the effect of it be. It is a good question because the answer is very hard. The State Trading Concerns Act is not an easy Act. There has been a tendency in Government to be careful rather than brave with the State Trading Concerns Act. The Act states -

No trading concerns, other than those to which this Act applies or shall apply, shall unless expressly authorised by Parliament or under section 4A be hereafter established or carried on by the Government of the State or by any person acting on behalf of such Government or under its authority.

The Act says what is authorised but not what is not authorised. The Act applies to trading concerns; they are defined and then it says it does not apply to those for which a regulation has been made under section 4A. The problem we have is whether or not this is a trading concern and whether activities such as the Challenge Bank one raised by Hon Norm Kelly bring it within the definition of a trading concern. The advice has been that it all depends on how much is done. There seems to be some view - which is probably a good view - that one isolated event is not enough to make an organisation a trading concern but at some point the organisation becomes a trading concern. If an organisation is a trading concern, what it does is not permitted. I suspect that disallowing this regulation will bring this contract to an end because it stops the SES from being a trading concern rather than stopping it entering into a contract. The Government would have to take legal

advice on it, but if this was disallowed the SES would have to end the contract, otherwise it might be illegally carrying on a trading concern. Hon Mark Nevill asked me to opine on the matter. My gut reaction was that the usual thing is if one does something legally, it can continue afterwards even though the regulation is disallowed. I suspect that it may be the case in the present situation, as it is not a matter of entering a contract - it refers to being an entity known as a trading concern - that it may bring the contract to an end.

Also, it may raise some concern about entering a Challenge Bank situation again. Having become a trading concern, it would be required to prove that it is a trading concern. I do not know what the effect of this motion will be. However, it will certainly disappoint the volunteer groups involved. Members should keep in mind that it will affect not only the SES, but also the voluntary fire brigades. The regulations deal with the Fire and Emergency Services Department. Parliament made the change to bring the administrations under one body, although the branches retain separate entities. Volunteers are separately represented on the board. Nevertheless, as far as the public is concerned, they will continue to operate as separate bodies. Hon Mark Nevill raised the point that he supports central administration, through which savings can be made. I hope we achieve more sensible results from that change.

Many people in Hon Norm Kelly's electorate will be affected by the passage of this motion because the East Metropolitan Region contains more volunteer bush fire brigade members than are found in any other metropolitan region, and certainly they are more densely gathered than those in any country area. A large number of people may be affected and many SES groups are involved. This specific contract has been well set up to address all concerns raised. If one reads the tone of the contract, its structure and how it will work, one sees it is a good deal.

As I said in reply to Hon Jim Scott, we should be encouraging this activity. Volunteers are a very important part of our society. Without volunteers, our society would be far worse off. Volunteers necessarily must raise money. It is accepted that if one is a volunteer, one must raise money to enable requirements to be met. The Government adds to that effort by providing essential equipment. It is always understood that volunteers will raise money to varying degrees. The fundamental operations of the volunteer groups of the SES and country bush fires boards depend greatly on these regulations and I would be very disappointed if they were disallowed. If so, we would interfere with these groups. Although they come under government, essentially they are private volunteers. If it were not for the fact government provides support, these groups would not be caught by these regulations. If the SES were a volunteer organisation, as it easily could be - that is, if it were SES (Inc) - and did not receive government assistance, it would not be caught by state trading concern provisions. Nobody would be upset about that.

As the Government has taken responsibility for the SES - it has put it under a government department and provided substantial money - it is caught by the law; therefore, it cannot do what one would expect volunteers to do. It is a significant issue. Its recurrent funding is \$4.3m, and \$930 000 is also to be provided over three years, which is a big supply of money. This will provide the opportunity to make the volunteers more effective and do worthwhile work in electorates. I know the Labor Party has laboured mightily over this matter. If one were to fall either side of the fence, I hope that, having seen the contract and heard the argument, members will not second-guess the people involved.

Hon Mark Nevill: You should win the vote if you do not talk yourself out of a winning position!

Hon PETER FOSS: I take the hint. I oppose the motion.

HON NORM KELLY (East Metropolitan) [8.15 pm]: I thank members for their contributions to the debate. As Hon Mark Nevill said, we consider a vexed question tonight. Definite advantages and disadvantages are involved with the proposals presented. If we look solely at the contract between HBF and the SES, two aspects arise. The Attorney General did not mention the second matter; namely, the way we deal with delegated legislation in this place in that we consider such legislation five months after it has been acted upon.

My concern is that this contract may exceed what the Fire and Emergency Services Department is empowered to carry out; that is, to enter into arrangements under which departmental property may be used for display of advertising in return for money or goods. As members have commented, the detail of the contract goes far beyond using equipment for the display of advertising. It was interesting that, during the dinner suspension, a member mentioned it was a pity we had to consider this idea of an insurance company sponsoring the SES in this way. Insurance companies are one of the major beneficiaries of the work of the thousands of volunteers.

Hon Peter Foss: It is fair, I think.

Hon NORM KELLY: It is a pity insurance companies are not a little more forthcoming in donating goods and money after various incidents in which volunteer units do an extraordinary amount of work and save the community and the companies from damage and injury.

Hon Peter Foss: The old fire brigades were run and owned by insurance companies.

Hon NORM KELLY: There is a concern that as the SES is sponsored by one company, a public perception may arise that an advantage is involved if someone insures with that company. That will be only a perception, I am sure; however,

perceptions are real. We must closely consider such factors when allowing companies to sponsor essential services. I know in recent years debate has ensued about sponsorship of the Police Service activities with the air unit and the like. This matter deserves serious consideration.

The Attorney General mentioned the funding of these services through taxes and the convoluted way of extracting taxes, administering the system and providing the money for people to use. The sponsorship deal involves confronting a massive administration cost which is not factored into the equation. The cost of providing the equipment and volunteers for promotional activities for each individual unit is not factored into the overall equation. An annual amount of \$310 000 will be provided over three years, plus a possible renewal or option for three years after that. Who will be the major beneficiaries of that money? We like to think that SES volunteer units will be the major beneficiaries.

Hon Peter Foss: It could be mutually beneficial.

Hon NORM KELLY: Indeed. However, the biggest individual beneficiary will not be the SES or any of the units. Of the \$930 000 to be provided to the department, \$93 000 will go to the marketing firm which arranged the sponsorship. Although it may believe that is fair remuneration for the work it has done in setting up the sponsorship agreement, we must not forget that a substantial amount of that money, in the first year in particular, will go to that marketing firm. That is just one aspect of the administration costs that are involved in providing such sponsorship. If that money were distributed to the units evenly, each volunteer unit would receive an extra \$3 000 per year. That would give the coffers of those units a small, but significant, boost. It might enable one unit per year to buy an extra vehicle. We must consider the impact of that money in that context.

The Attorney General said also that people in country towns are involved in their community to different degrees. The sense of community to which the Attorney referred goes far beyond things such as essential volunteer services, to the whole structure of community and commercial life in the country.

The Attorney General referred extensively to the ability of units to obtain grants under this scheme. He quoted from a draft paper which has recently been circulated to various unit managers and the like for their comment. It is unfortunate that that document went out five months after the contract had been signed. That highlights the fact that the SES management entered into this agreement ill-prepared, and that it was not until these various problems had come to light that the SES realised that it needed to make clearer to unit managers their obligations and powers, and their ability to obtain grants. It is, therefore, a good move that rather than have three SES and two HBF representatives on the board that will administer the grants, at least two of those SES representatives will be volunteers. I congratulate the SES management for seeing the need to have the volunteers involved in that process.

The PRESIDENT: Order! This is a right of reply. Hon Norm Kelly should not be rerunning his initial speech, but should be commenting on anything that was raised during the debate. Hon Norm Kelly seems to be introducing new material.

Hon NORM KELLY: Thank you, Mr President. I was referring to a draft document to which the Attorney referred in his speech, and to the fact that that document was released in the past week or two, in response to my actions and some of the problems that have eventuated from this contract. Although the Attorney made some good points in referring to that document, it is not an official document. That is the reason that we have had these problems. I understand that even if this regulation were disallowed, that disallowance would not be retrospective, and the contract would still stand, unless there were some challenge about its validity under the State Trading Concerns Act. In any event, when the fire and emergency services authority was established on 1 January next year, these regulations would cease to have effect, as they cover only departments of the Public Service and not authorities, and any new agreements into which the SES might wish to enter once that authority had been established would be limited by the powers contained in the Fire and Emergency Services Authority Act.

I appreciate the comments that have been made by various members. It is very important that the Parliament scrutinise trading concerns, because the Government has the power to introduce a regulation to allow a contract to be signed, as it did in this case, each time it wants to enter into a contract, without needing to fear the consequences. Therefore, it is important that we send a strong message to this Government and future Governments that we are not happy with the fact that the Government can manipulate the procedures for delegated legislation by being able to gazette a regulation and act upon that regulation - in this case, on the following day - irrespective of what the Parliament may think subsequently, or at the first opportunity the Parliament has to debate that regulation. For those reasons, I urge members to support this disallowance motion.

Question put and a division taken with the following result -

Ayes (10)

Hon Kim Chance
Hon Cheryl Davenport
Hon John Halden

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill

Hon Ljiljana Ravlich
Hon Tom Stephens

Hon Ken Travers
Hon E.R.J. Dermer (*Teller*)

Noes (15)

Hon Dexter Davies
 Hon B.K. Donaldson
 Hon Max Evans
 Hon Peter Foss

Hon Ray Halligan
 Hon Barry House
 Hon Murray Montgomery
 Hon N.F. Moore

Hon M.D. Nixon
 Hon J.A. Scott
 Hon C. Sharp
 Hon Greg Smith

Hon Derrick Tomlinson
 Hon Giz Watson
 Hon Muriel Patterson (*Teller*)

Pairs

Hon Bob Thomas
 Hon N.D. Griffiths
 Hon Tom Helm
 Hon J.A. Cowdell

Hon W.N. Stretch
 Hon B.M. Scott
 Hon M.J. Criddle
 Hon Simon O'Brien

Question thus negatived.

SCHOOL EDUCATION BILL*Committee*

Resumed from 19 November. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 56: Closure and amalgamation -

Progress was reported after the following amendment had been partly considered -

Page 46 line 2 - To insert after the word "determines" the following words -

in accordance with the regulations prescribed for the purpose of this section

Hon N.F. MOORE: I have a problem with this amendment in that I am not sure what the member is seeking to achieve. She wants to include the requirement that regulations should apply when determining significant educational, economic or social reasons for not complying with subclause (3). One can only surmise what the member means by "the regulations". Obviously ministers must make decisions about schools where there are significant educational, economic or social reasons for taking a different point of view from that normally taken.

Clause 56 refers to how we would close or amalgamate schools. Subclause (4) gives the minister some flexibility in decision making about certain schools on the basis of significant educational, economic or social reasons. Including more rules would be very difficult, if not impossible. What sort of regulations does the member have in mind?

Hon LJILJANNA RAVLICH: The specific regulations I have in mind would relate to benchmarks determining what those educational, economic and social reasons might be that would have the minister determine that a school must be closed or amalgamated. The last time I spoke I raised the inconsistency that occurred when the local area education planning framework was being implemented. The parents' perception was that the decision to close or amalgamate some schools was based on one set of factors and there was no consistency with the reasons given for the closure or amalgamation of other schools.

A set of regulations should be drafted clearly specifying the prescribed number of students at a school before closure or amalgamation can take place and what significant educational, economic or social reasons would have to prevail for the minister not to have to comply with subclause (3). There should be some consistency in the criteria applied prior to the minister's being able to satisfy himself that a government school should be closed or amalgamated. I would gain some comfort from knowing that the Government intends to tidy up that area of inconsistency in decision making in school amalgamations and closures. The Australian Labor Party will press on with this amendment. It is very important and it seeks to do what the Leader of the House has already outlined; that is, to ensure that regulations are drafted clearly specifying the educational, economic and social reasons for not complying with subclause (3).

Hon N.F. MOORE: The Government will oppose this amendment vigorously. How one drafts regulations to deal with the social reasons for not complying with a subclause is beyond my comprehension. The member is trying to remove from the Government the power to make decisions. Members opposite want to be the Government, but it will be a long time before that happens. Governments should and must make decisions and bear the responsibility for them. There is only one way to be judged in this business; that is, every four years people vote for or against a Government. If a minister decides to close a school, it is a significant political issue. To try to draft regulations to deal with the educational, economic and social reasons that one might consider when making a decision of the sort referred to earlier is virtually impossible. A minister needs discretion when making such decisions. If the member is ever a Minister for Education, she will be demanding discretion because every school and community is different. To try to regulate this is virtually impossible. If this amendment is passed, it will be another example of how this Bill is being decimated to the point where it will not work.

Hon LJILJANNA RAVLICH: How will the minister determine there are significant educational, economic or social reasons for not complying with subclause (3) in view of the fact that the Leader of the House is arguing that regulations cannot be drafted to pick up those provisions? Given the substantive subclause, how will the minister make those determinations?

Hon N.F. MOORE: The minister will make a judgment based on the circumstances at the time. The circumstances might be educational; for example, how far the place is from the nearest school. The economic circumstances might be the effect the closure will have on the economy of that town, although I would not take that into account myself. The social circumstances might be such that a particular community would be decimated if a school were closed. Those issues require value judgments and it would be impossible to draft regulations to deal with them. Is the member suggesting that a good reason would be that 50 per cent of the community burst into tears, or that the post office would go out of business? These are value judgments that ministers make every day of the week. To remove that power from a minister is ridiculous. If the member can tell me how one drafts regulations to cover social issues like these, she is better than I am.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon Cheryl Davenport
Hon John Halden
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich

Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens

Hon Ken Travers
Hon Giz Watson
Hon E.R.J. Dermer (*Teller*)

Noes (12)

Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Barry House

Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon

Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Tom Helm
Hon N.D. Griffiths
Hon J.A. Cowdell
Hon Bob Thomas

Hon B.M. Scott
Hon W.N. Stretch
Hon Simon O'Brien
Hon M.J. Criddle

Amendment thus passed.

Clause, as amended, put and passed.

Clause 57: Consultation -

Hon HELEN HODGSON: I move -

Page 46, after line 19 - To insert the following paragraph -

- (a) whether grounds exist on which the Minister could determine under subsection (4) of section 56 that there are significant educational, economic or social reasons for not complying with subsection (3) of that section;

These amendments provide the circumstances in which the community is to be consulted when a closure is proposed. My concern stems from the fact that it is basically consultation after the fact. We have provisions that will talk about the alternative arrangements for the enrolment of students, the preparation of the educational programs, disbursement of assets and any other relevant matter. At no stage does it say that parents and the community will be consulted on whether the closure should happen in the first place. I note the wording in clause 56 which says that the minister shall determine whether there are significant educational, economic or social reasons for a closure or an amalgamation. It is perfectly appropriate to ensure the minister consults with the community in that respect. I refer to the report of the Auditor General, No 7 of August 1998, entitled "Do Numbers Count?: Educational and Financial Impacts of School Enrolment". Although it is very much based on calculating the economic level of the enrolment for schools, in a number of places the Auditor General indicates that social factors must be taken into account. In fact, in appendix 1 he has developed a model which looks at the factors that may need to be taken into account in determining whether a school should be closed. Three of those factors are alienation of students, pastoral care and community support. I find it very hard to see how factors such as that can be taken into account in a decision when members of the community have not been consulted about whether they think a school should be closed. For those reasons, I move that the minister should be required to consult to determine whether the educational, economic or social reasons exist for such closures.

Hon N.F. MOORE: Prior to the previous amendment I intended to take a reasonably neutral approach to this clause. We will now have a set of regulations which will tell the minister what to do. Any discretion he might have under clause 56(4)

is now covered by regulation. What is the point of consulting? The minister will have to say, "I am going along because Hon Ljiljanna Ravlich says we must have a regulation that describes the social reasons for my closing down a school." If such a regulation is created, it will take away any discretion the minister has, so what is the point of negotiating?

Hon LJILJANNA RAVLICH: The Australian Labor Party will support the amendment. Under clause 56 the key issues in any decision regarding closure or amalgamation rely on the significant educational, economic and social reasons for not complying with subclause (3). Hon Helen Hodgson is quite right: Clause 57(2) provides for consultation after the fact. In local area education planning school communities were advised that there were good educational reasons for closing down a school and that educational benefits would flow from the closure. On a number of occasions when questions were put to the minister and anyone else who would listen about what were the educational benefits, and when information was sought about the studies that had been done on local area education planning to demonstrate the students would be better off educationally, the Government was at a loss to provide that information. It is one thing to have the rhetoric, but it is another to be able to explain to a community how students will be better off educationally. Too much rhetoric and not enough factual information is provided by both the Education Department and the minister to local communities. Let us make no mistake about the fact that most of what has happened in school closures and rationalisation has been based on the principle of economics, rather than social and educational considerations.

Another area of some concern to me is this: When some schools have been closed, it has been very difficult to get from the department the projected growth rate of that area over the next five or 10 years. In some areas schools have gone through a period of decline in population, but because of urban development and subdivisions, brought about partly by the infill sewerage project and other infrastructure developments, we have had a regeneration. It is beholden on any minister to discuss openly with a community some of the key considerations prior to a decision being made to close or amalgamate schools. The minister talks about consultation; however, at the end of the day the subtext of all of this is that he wants the minister of the day unilaterally to be able to make a decision in accordance with that minister's wishes. We are saying that we want the minister to be more accountable to the local school community. The school is part of the community. It is their valuable resource. Often schools have been the beneficiary of much voluntary labour - contributions from local people who have assisted in putting together playground equipment, building undercover areas, planting grass on ovals and reticulating them. Different communities make different contributions to their schools and it is not acceptable to the ALP for the minister to make a decision to close a school because the minister thinks it will be in the interests of the community, without any real consultation on some of the key economic, social and educational considerations. Therefore, the ALP will support the amendment moved by Hon Helen Hodgson.

Hon N.F. MOORE: For the information of the member, regeneration of suburbs does not result in more children attending schools. Every graph of every school in the State is identical.

Hon Ljiljanna Ravlich: It was nice of you to show us that.

Hon N.F. MOORE: I can show the member the facts. When Leederville was regenerated, for example, it was filled by people living in small units with children of pre-school age or those whose children were off their hands and who were looking for a small inner-city unit. People who have children live in the suburbs in four-bedroom houses with family rooms and three bathrooms. That is where the children are who attend schools. It makes no difference to what is done with inner suburbs. They rarely, if ever, require more school space.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 47, lines 1 to 4 - To delete the subclause and substitute the following subclause -

- (3) The consultation required by this section -
 - (a) is to be carried out by the Minister in accordance with the regulations; and
 - (b) may in addition be carried out in any other way that the Minister thinks appropriate.

Subclause (3) contains a couple of issues that I need to address. The first is the method of appropriate consultation. I appreciate the minister's comments about the need for flexibility, but there should be some guidelines about that flexibility. That is the purpose of regulations. It is anticipated that the department will set up the regulations about the conduct of consultation. I find it difficult to accept the existing subclause, which proposes that the manner of consultation should not be challenged, reviewed or called into question by a court. That is quite objectionable. It means that if people have a problem with the way the Government and the minister are behaving with regard to their school and the question of closure, they have no right of appeal through the court system. That is contrary to the way in which Australians expect their system of legislation and justice to operate. Therefore, that aspect of the Bill must be rejected. I propose that the consultation be carried out by the minister in accordance with the regulations and in any other way the minister thinks is appropriate. Given that framework, it seems unlikely that people will challenge the decisions or go through the court proceedings. Provided

the regulations are followed, there will be no grounds for an appeal to the courts. It is inappropriate for the minister to determine this matter and to allow no-one to challenge or review it.

Hon N.F. MOORE: This debate is reaching an almost absurd situation. Members opposite are trying to put in place all the reasons that ministers cannot make decisions about anything. The electoral system allows people to elect the Government. Members opposite cannot get that through their heads. The coalition parties, with a record majority in the other place, are the Government. In four years' time there may be a different Government with different policies, and that Government will be judged according to the things it does. This Government will be judged according to the schools it opens, closes, or amalgamates. Members have already agreed under clause 56 to allow the minister to close schools. Clauses 57 and 58 deal with the consultation process in which the minister may have his mind changed. Under clause 56, the minister may on such terms and conditions as he thinks fit amalgamate or close schools. The minister has that power. Clause 57 is about the way in which the community can try to change his mind on the basis of those significant educational, economic and social reasons, which members have now confined to a set of regulations. Members opposite are doing themselves, this Bill and the people of Western Australia a grave disservice.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 58: Permanent closure, notice of proposal to be given -

Hon LJILJANNA RAVLICH: I move -

Page 47, lines 21 to 25 - To delete subclause (3).

This clause refers to the actions a minister must take prior to the permanent closure of any school. The Opposition is concerned about subclause (3) because it negates subclauses (1) and (2). Under clause 58(1) if the minister proposes to permanently close a government school, in accordance with clause 56, he or she must publish notice of the proposal in the *Government Gazette*. The Opposition has no problem with that. If a notice is published under subclause (1), the school cannot be closed unless the consultation required by section 57 occurs after the notice was published and a period of 12 months has expired. Alternatively, the decision can be made sooner by the minister provided that he has satisfied himself or herself that the majority of the parents of students enrolled at the school wish the school to be closed or there are exceptional circumstances which justify that closure before the period of 12 months expires.

Subclause (2)(b) gives the minister enormous power to exercise discretion. How will the minister determine who the majority of parents are? As well, if the minister wanted to close a school fairly swiftly, he could satisfy the requirements of this Bill by simply saying that he was satisfied that the majority of parents of students enrolled at the school wished the school to be closed or there were some exceptional circumstances that justified it. Substantive clause 58(3) negates the possibility of an appeal and review, which contradicts the acknowledged emphasis in the Bill on local negotiation, consultation and resolution.

Hon Helen Hodgson alluded to the same issue when speaking on clause 57(3), referring to consultation. Including the substantive clause 58(3) in the Bill makes most of 58(1) and 58(2) almost irrelevant, because it allows the minister to close the school without consultation. That judgment cannot be challenged under subclause (3), which states that the minister may satisfy himself or herself as to a matter mentioned in subclause (2)(b) in any way the minister thinks appropriate, and that decision is not liable to be challenged, reviewed or called into question by the court. It is not appropriate. I alluded to the fact in debate on an earlier clause that schools are a very important part of the community and there is usually enormous investment by local communities in their local schools. The minister should be accountable for any decision with regard to permanent closure. It is not good enough for the minister to satisfy himself or herself that the majority of parents are of the view that the school should be closed.

We have just successfully moved that regulations be drafted to ensure that the educational, economic and social reasons for not complying with subclause (3) of clause 56, closure and amalgamation, are clearly specified for standardisation across the board. We believe the minister should be accountable to communities, and the decisions to close schools are often made on economic considerations without a consideration of the educational cost benefit or of the cost benefit to the broader communities. I urge members to support this amendment because it is not good enough for the minister not to satisfy himself that other matters have been considered, nor for his decision that a school closure not be challenged, reviewed or called into question by members of the local community.

Hon CHRISTINE SHARP: I support the remarks of Hon Ljiljanna Ravlich. I think the discretionary powers of the minister are inappropriate. Most members would be aware of the high level of community concern across the State about school closures. It has shown a very high level of anxiety so this is an inappropriate ministerial discretionary power.

Hon N.F. MOORE: When I was the Minister for Education, I made a decision to give parents the final decision on whether schools would close. It drove half of them to total distraction because they wanted somebody else to make the decision.

They could not bring themselves at the school level to debate it without getting themselves so het-up that they almost had community breakdowns over the issue. The member is trying to tell me that the minister should not have any say in the matter and that it should be decided by the community. If members opposite want to put in this Bill that school communities should vote on these things, why do they not do that and make it absolutely clear what they have in mind? People will not thank them for it. They did not thank me for it even though I thought it was a good idea at the time, and I still think it is not a bad idea if people could get their minds to debate the educational issues instead of all the other issues; but that cannot be done, especially in small country towns where the school is the centre of the universe. If the school is taken away, so too is the town taken away, or so they think. It was not possible in many towns to get those debates to the level of the educational benefits of keeping that school going for the children who attended that school. It worked in some towns, but not in all of them. Some serious long-term divisions occurred in communities. Members opposite talk about communities and say that we should be friendly and be nice to each other all of the time and not have any arguments. However, as soon as someone tries to put in place a process for determining whether a school should close, immediate conflict ensues. In most cases it is easier for the minister to make the decision, but he should hear the local community's point of view first and then make the decision. That was what "School Renewal" was about, and I am sure you, Mr Chairman, read about it. "School Renewal", according to John Halden was, "Let us go through this process of consultation and determine which schools must be closed because they are too small or not providing the educational program that is necessary for that community. Consult with the community about the alternatives, and then make a decision as a minister." If the minister makes the wrong decision, he will be thrown out the next time; if the minister makes the right one, he will be thanked forever. When the communities are asked in each case to make the decision, they will not be thankful for it at all.

Hon HELEN HODGSON: I will respond to some of the comments as they reflect on things that have been mentioned in debate on the last couple of clauses. This amendment essentially would not take the responsibility out of the minister's hands; if accepted it would simply delete this subclause and state that the minister will not make a decision that is not challengeable in the courts. The minister will still have the power; the minister will be able to consult in whatever way he feels necessary subject to regulations, if those regulations exist - we do not even have a specific provision for regulations, except under clause 57; and the minister will still make that decision. We are not taking the power out of the minister's hands and putting it back into the community's hands. We are saying that the community must have a say.

Hon KIM CHANCE: I have not engaged in this debate for several clauses. One reason for that is that I am hopeful we can progress the debate. I will address those issues that were raised by the Leader of the House regarding the decisions which are made by schools about their closure or their continuation. It is something that is close to my heart. I clearly remember when the Leader of the House, as the minister, made that decision to which he referred about allowing the school communities to make their own decisions. I remember the political pressure that was on him at the time and I sympathised with him, but I think he made the right decision, regardless of whether he made it due to that political pressure. I am aware that it created a degree of division in some communities because the communities had to face that difficult decision for the first time ever. Previously they had always been able to rely on someone coming from Perth and telling them the future of their school. This time they had to make a choice about the future of their school. Some of those choices were not easy to make. Notwithstanding the comments that the Leader of the House made, which are correct, I believe those communities are better now for having engaged in that debate. Of all the schools with which I had some involvement in that debate in my electorate - it was only seven or eight, far fewer than the minister would have been involved in - it caused a real division in only one of the communities. Another of those communities made the decision to shut its school down, which was a proper outcome for the education of its children, notwithstanding the fact that the school was about 23 miles - not kilometres - from the nearest school, which was also under threat of being closed down.

My only criticism of the amendment is that it does not go far enough. I would much rather see the decision that was made by the Leader of the House in his role as the Minister for Education at that time contained in the Bill. It does not do that and I am not seeking to take us back to that point, but I believe that is the correct decision. From my point of view, we do not have an ideal situation reflected in the Bill, nor in the Bill as it is proposed to be amended, but it is better than the situation which existed before whereby a minister could close a school down without any form of consultation. I think consultation is absolutely vital, but I recognise everything the Leader of the House has said as being correct. It is not an easy decision and it never is, but it is a difficult decision that is better made within the community than imposed on the community by the minister. In his heart, I think the Leader of the House agrees with me that the decision is difficult, but it is better to make that decision in the community itself.

Hon LJILJANNA RAVLICH: I will not spend too much time on this because I realise that we have many more clauses to get through. I was heavily involved with the local area education planning of Cannington, Kewdale and Gosnells high schools. It became apparent that one or more of those schools had to go.

A devastating effect of that process is divided communities pitched one against another in determining which has the most valid reason to stay open. Therefore, in some ways they may have been trying to put one over each other to get the guernsey to stay open. Local area planning has detrimental social impacts.

The other criticism I heard was that a real perception arose that the decision had already been made by the department prior

to consultation even starting: "We know that at least one or two of these schools will go, or they will change in composition, and the decision is already made. It is a part of some process to suck us in so we feel that we have a say. However, we know we do not have a say at all." The Australian Labor Party wants genuine consultation, and decisions to be made for the right reasons with input from local communities.

It is interesting that the minister never visited Cannington Senior High School even while the local area education planning process was under way. It was only after a rally at the front steps of Parliament House that the minister gave an undertaking to look at the school. He then realised that it was located pretty much on arterial roads, and was close to a railway line. He met with the local community. I am sure that this had a profound impact on the final decision at Cannington, which will receive a significant upgrade.

The parents at Kewdale did not want their school to close. It has long been a central part of that community. The last meeting was held about a fortnight ago, yet the decision to close that school was probably made four or five months ago. People are not happy with that decision. When the prospect of Cannington closing was very evident, the district director visited the school and met with parents. A question put to her was that if Cannington closed, where would the students be put. The district director's response was that they could attend the school closest to them. Parents asked what happened if the closest school did not have enough room, and they were told that the students must go somewhere else. The Labor Party does not think that that is good enough. Amendments will be moved regarding reserving the right of students to attend local schools. We are not happy with the provisions of the Bill as they stand given experience with local area school planning. We want government to be increasingly accountable for its decisions. The Australian Labor Party supports the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 59 put and passed.

Clause 60: Local-intake schools -

The CHAIRMAN: I suggest that the member might like to first move amendment BU60, which will create proposed subsection (2). The first amendment on the Supplementary Notice Paper in the member's name may prove to be a nonsense if this amendment were not adopted.

Hon KIM CHANCE: I move -

Page 48, after line 10 - To insert the following new subclause -

- (2) The chief executive officer is not required to declare a government school to be a local-intake school if, in the chief executive officer's opinion, it would be inappropriate to do so -
 - (a) because of the educational programme at the school; or
 - (b) because the matter of whether a child should be enrolled at the school should be determined by the availability, or lack, of suitable means of transport for the child to attend the school; or
 - (c) because of geographical isolation of the school from other schools.

Local intake schools are a key factor of this Bill. The degree to which the public administration committee seeks to amend clause 60, the key clause regarding local intake area, needs to be described in principle first and then in detail. The Bill's principle is that all schools are freed from the burden, as the Government sees it, of being declared local area intake schools. In clause 60(3) the chief executive officer is to publish in the *Government Gazette* the list of schools deemed to be local intake schools and their intake areas. The committee found it to be reasonable to protect the rights of children to attend their local schools. In so doing, it recommended amendments to clause 60(1)(a) to apply to all government schools, except those where the minister has determined otherwise. That is the key change. It changes the emphasis of whether all schools are to be freed of the local intake requirement or whether in the committee's view at least it is better for the minister to determine which schools should not be local intake schools.

The motive behind the general principle is that all children should have a right, albeit qualified - I will go into that in a moment - to attend a school provided under proposed subclause (2), that an appropriate educational program for that child be provided and that a suitable means of transport is available for the child to attend the school.

Proposed subclause (2) of the amendment states that -

The chief executive officer is not required to declare a government school to be a local-intake school if, in the chief executive officer's opinion, it would be inappropriate to do so -

A number of circumstances are then listed. The first is paragraph (a), which states, "because of the educational programme

at the school". The educational program at a certain school may make it inappropriate to declare that school a local intake school. Paragraph (b) states, "because the matter of whether a child should be enrolled at the school should be determined by the availability, or lack, of suitable means of transport for the child to attend the school". That is fairly clear. Paragraph (c) states, "because of geographical isolation of the school from other schools". I forget the example that we used - I think it was Turkey Creek - but isolation may impose its own local intake area.

The committee arrived at that position because of its in-principle view that all children should have the right to attend the school which is nearest to the child, provided always that the child and the educational opportunities that are offered by that school are compatible; and there are obvious reasons that that may not be the case. I appreciate the potential difficulties in that position, particularly with regard to children with disabilities, and those difficulties are dealt with in later clauses. However, those are the key elements of how the committee believes clause 60 should be read.

Hon LJILJANNA RAVLICH: I reinforce the words of Hon Kim Chance. It is a bit of a shame that we are looking at new subclause (2) prior to the proposed amendments to subclause (1)(a), because those amendments put this matter in context by declaring that each government school will be a local intake school, and subclause (2) provides the exceptions under which this would not be the case. We believe that the substantive subclause would allow the minister of the day to determine the direction of student traffic by defining the local intake area. We would be particularly concerned if the situation that I outlined about Cannington Senior High School became a reality. If a school were closed and students were advised that they had to go to the school closest to them, that school might be pretty close; for example, within 10 kilometres. However, if that school were full, they might be forced to travel 20 or 30 kilometres, and in some cases to catch two or three buses, at an additional cost to parents, and also placing an additional burden on students.

Therefore, although the ALP supports the notion of choice, it believes that Governments should establish schools as community institutions and give priority to students from the local intake area. New subclause (2) is designed to ensure that absolute priority is given to children who live locally, particularly if read in conjunction with our proposed amendments to subclause (1)(a), which will ensure that each government school is a local intake school. The intent is that all students have access to their local kindergarten, or primary or high school, but we have provided some exceptions in new subclause (2).

Hon HELEN HODGSON: I addressed the issue of local intake schools at some length in the second reading debate. We believe that schools should give priority to local children. However, if a school has surplus capacity, it is appropriate to provide parents with choice, and that is the reason for the exceptions with regard to educational programs and transport.

Hon N.F. MOORE: These proposed amendments to clause 60 are the exact reverse of the policy of the Bill. The Bill states that the chief executive officer may declare a school to be a local intake school; and, by extension, all schools that are not declared are not local intake schools. The amendment proposes that every school will be a local intake school, unless an exemption is given. This is another example of the Opposition trying to be the Government. The Government has decided to provide for choice with regard to the schools to which children want to go. The Opposition keeps saying that schools exist for the community. Schools exist to educate children. We keep forgetting that. The Government has made a deliberate decision to acknowledge the system that exists now and to recognise that schools have an obligation to look after the local area and the children within that local area, but also to provide the capacity for children to move from one school to another and to be given maximum choice. Maximum choice is what we should seek to provide for children. Members opposite want the whole of Western Australia to be divided up into little parcels. They would like to put a big barbed-wire fence around each school so that no-one could get in or out. If the Opposition's amendment were passed, all schools would need to have a boundary around them, even those that do not have one at the moment, with only three exceptions.

In my view, this amendment is a significant attempt to change the direction of and the philosophical view behind this Bill. The Government is very concerned that this is part of a concerted attempt by members opposite - I do not know why - to completely emasculate this Bill. This Bill has now been so amended that it is destined for the rubbish bin. It does not matter what arguments we have put up tonight or previously, members opposite are determined to have their way in respect of this Bill. They know darn well that will mean the Bill will ultimately not be enacted, because it is so contrary to the Government's views that no Government could live with it. I believe also that no-one could operate under it, because it is becoming so ridiculous.

If the amendment were passed, the first job of the CEO would be to put boundaries around every school in Western Australia, or come up with some reason that she could not do that. A ludicrous, ridiculous administrative requirement is being put into this Bill. It is taking the education system back 50 years, not ahead as we had hoped. The Government is vigorously opposed to this. It is a pity. I hope everybody comes to understand what is going on here. This collection of opposition parties is seeking to destroy this Bill; that is what they are about. I do not know why. Maybe they will tell us before we end the debate. However, they are trying to destroy this Bill and the way they are going, they are doing a good job of it.

Hon LJILJANNA RAVLICH: I assure the minister that the Australian Labor Party is not trying to destroy the Government's Bill. The Australian Labor Party is trying to reintroduce some balance into this legislation. Perhaps that question of balance should have been addressed and greater attention paid to the input following the consultation on the Green Bill. The minister

calls it choice. However, I call it a denial to local students of their local school. He can call it maximum choice but where is the maximum choice for the students at Belmont Senior High School who will not have a school to attend next year?

The CHAIRMAN: Order! Hon Ljiljanna Ravlich will address the Chair and not the minister.

Hon LJILJANNA RAVLICH: I put this question to the minister: What choice do the students who cannot be accommodated at Belmont Senior High School have? It is likely that there will be students for whom there is excess capacity within Belmont Senior High School next year. What real choice will those students have? Many of those students will be forced to go door-knocking over the holidays to find somewhere to receive a government education. The minister calls it choice but I call it a denial of choice, a denial of the rights of the children of Western Australian taxpayers. The minister should be ashamed of running that silly line about how ludicrous and ridiculous these amendments are, purely and simply because they do not accord with his ideology. That is why we are on this side of the Chamber.

Hon N.F. Moore: You are living in the nineteenth century. That is where your ideology was formed and that is where it still resides.

Hon LJILJANNA RAVLICH: If that is where I am living, that is fine. The minister can be assured that the Australian Labor Party will be doing its best to ensure that local students have access to their local school.

Hon CHRISTINE SHARP: These amendments were proposed in the report of the Standing Committee on Public Administration. They do not belong to the Opposition, but to a group of members from all parties who sat down and looked at this issue without pressure and duress and came to a unanimous decision that we all subscribed to the need to protect the right of children to attend local schools.

Hon KIM CHANCE: To some extent I can understand why the minister is so upset about this. However, he has let his emotional reaction to the amendments cloud the way he is delivering his point of view. He said the "Australian Labor Party". I am sure he meant the Standing Committee on Public Administration because this is a Public Administration Committee recommendation. Let us assume that that was a slip of the tongue. He said by unanimous decision the Public Administration Committee is seeking to take us back to the nineteenth century. Let me remind the minister of the present situation. With few exceptions, schools currently have boundaries. He said that if we pass this amendment, the chief executive officer will have to draw boundaries around the schools. She will not; the boundaries are already drawn.

Hon N.F. Moore: They are not!

Hon KIM CHANCE: There are already boundaries. How does the minister define what a cross-border transfer is?

Hon N.F. Moore: There are not boundaries around every school.

Hon KIM CHANCE: There do not have to be boundaries around every school under this amendment.

Hon Derrick Tomlinson: That is what it says. Read the amendment!

Hon KIM CHANCE: I have. I wrote it.

Hon Derrick Tomlinson: Tell us what "must" means.

Hon N.F. Moore: Must publish in the *Government Gazette*.

Hon KIM CHANCE: Read on! There is a list. Proposed subclause 2 paragraphs (a), (b) and (c) relieve the chief executive officer from the requirements of the "must".

Hon Derrick Tomlinson: Read your own amendments.

Hon KIM CHANCE: I suggest Hon Derrick Tomlinson read the amendments and this time try to understand what he is reading.

Hon Derrick Tomlinson: When you go from "may" to "must", you are changing the whole meaning.

The CHAIRMAN: Order! Hon Derrick Tomlinson will come to order. He will have an opportunity to speak shortly.

Hon KIM CHANCE: The effect of the amendments does not unduly bind the chief executive officer in respect of the boundaries. With these amendments, when children of school age seek to attend the school nearest to them, they have the right, with some qualifications, to attend that school. It is a simple, basic thing on which we should be insisting. That was the view of the committee.

I did not intend to go into all this. However, what concerned the committee was avoiding the creation of two different tiers within the state school system. One of the most valuable things the government education system in this State can deliver is a degree of standardisation and uniformity. As near as possible, regardless of whether one lives in the wealthiest, most leafy suburb of Perth or in the roughest, toughest outback town in Western Australia, one can, within an obvious range of conditions, achieve the same standard of education. We know that in outcome terms that will never be possible. However,

only by having a commitment to standardisation can we minimise the differences between those two schools. It seems that the minister's argument and the principle of his argument - whether he sees it in these terms - is that we no longer strive for that degree of standardisation. That is why he says it is the Australian Labor Party's commitment to the nineteenth century. That is rubbish! A commitment to a high standard of education and a standard which is not affected by its environment is not a nineteenth-century concept; it is one of the things that made this country better than many other countries in our region and in terms of public education better than many of the countries with whom we are most commonly compared including, and notably, the United States. In that country in the same city one can attend a school in a low-income suburb and achieve one level of education. In another suburb - maybe the adjoining suburb - where the income levels are higher and the local government authority is better endowed, one can achieve a much higher level of education. That is the natural outcome of deviating from a commitment to the standard. The standard and the regulation which underlies the standard is the local area intake system. It always has, always will. Once one starts to deviate from that, one deviates from a commitment to the standard. I am committed to these amendments to clause 60. As I have said, they are not the pipe dreams of the ALP, WACSSO or the SSTU. They are a result of a referral by this House to a standing committee and a unanimous recommendation from that committee.

Hon N.F. MOORE: I am coming rapidly to the conclusion that my persuasive argument is having no effect.

Hon John Halden: It has taken 20 years!

Hon N.F. MOORE: Sometimes a person reaches a point in his life when he realises he is having no effect, even though what is happening to his arguments is destroying something good.

Hon Ljiljanna Ravlich wants to know what happens to the child who cannot get into the local school. Under the existing arrangements, the department puts a boundary in place if it is required. If more children want to attend a school than can be accommodated, they are allowed to go elsewhere. However, if the local children want to go to a particular local school and other children also want to attend then a boundary is set for local children. It is easy to do that. However, the member is saying that we must have a big barbed-wire fence around every school and force the children to stay until the CEO says they can move.

I was around when Bob Pearce gave us the Better Schools program. It was designed to allow flexibility in the education system. The legislation still has remnants of the nineteenth century. We are trying to give people some choice about the schools their children attend, but we will protect those who want to go to the local school by imposing a boundary if we must. It is not the reverse; that is, saying we will have a boundary but we might think of letting some of the children get out. That is what the Labor Party is doing and that is why it is wrong.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon Cheryl Davenport
Hon John Halden

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich

Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers

Hon Giz Watson
Hon E.R.J. Dermer
(*Teller*)

Noes (12)

Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Barry House

Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon

Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon J.A. Cowdell
Hon Bob Thomas
Hon Tom Helm
Hon N.D. Griffiths

Hon W.N. Stretch
Hon B.M. Scott
Hon Simon O'Brien
Hon M.J. Criddle

Amendment thus passed.

The CHAIRMAN: We will now reconsider Hon Kim Chance's amendment to page 48, line 5.

Hon KIM CHANCE: I move -

Page 48, line 5 - To delete "The chief executive officer may" and substitute "Subject to subsection (2), the chief executive officer must".

The amendment requires the chief executive officer to take account of subsection (2), which is the matter we have just dealt with by way of amendment.

Hon N.F. MOORE: What an extraordinary description of what that does. The member says that it simply requires the CEO to take into account subsection (2). He forgot to say that the CEO must by order published in the *Government Gazette* declare each school to be a local intake school and then define the area of that intake. The member has moved to include a total requirement to have this barbed-wire fence around every school in Western Australia in the first instance. Perhaps the CEO can then take -

Hon Kim Chance: We have just debated that. Do you want me to do it again?

Hon N.F. MOORE: No, I do not. However, the member flippantly passed this by as though it had no significance. He says that all it requires is for the CEO to take into account certain things. In fact, it requires him or her to declare every school in Western Australia to be a local intake school and decide the boundary. That is stupid and outrageous.

Hon LJILJANNA RAVLICH: The minister is correct; that is exactly what it does. The CEO must by order published in the *Government Gazette* declare each government school to be a local intake school. The Labor Party has gone to extreme lengths to outline the reason it deems that local schools are so important to local communities and local students and that they should have access to their local school. One does not have to be Einstein to work out the full implications of the amendment. The Labor Party does not shift from its position that it wants all schools to be declared local intake schools.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon Cheryl Davenport
Hon John Halden

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich

Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers

Hon Giz Watson
Hon E.R.J. Dermer
(*Teller*)

Noes (12)

Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Barry House

Hon Murray Montgomery
Hon N.F. Moore
Hon B.M. Scott

Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Tom Helm
Hon N.D. Griffiths
Hon Bob Thomas
Hon J.A. Cowdell

Hon M.D. Nixon
Hon W.N. Stretch
Hon M.J. Criddle
Hon Simon O'Brien

Amendment thus passed.

Hon KIM CHANCE: I move -

Page 48, line 7 - To delete "any" and insert "each".

This is again another expression of the general principle which has already been argued in respect of the first amendment to this clause. Its meaning is simple enough. Where the Bill requires an order for any government school to be made a local-intake school, the amendment requires every government school to be a local-intake school. The case has, by and large, already been argued.

Hon N.F. MOORE: This could be termed the authoritarian clause. This is the one that says everybody must do it; every school must have its barbed-wire fence built around it. I guess that is typical of members opposite and the attitude they have towards these things.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon Cheryl Davenport
Hon John Halden
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers

Hon Giz Watson
Hon E.R.J. Dermer
(*Teller*)

Noes (11)

Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Murray Montgomery

Hon N.F. Moore
Hon B.M. Scott
Hon Greg Smith

Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon N.D. Griffiths
 Hon Tom Helm
 Hon Bob Thomas
 Hon J.A. Cowdell

Hon W.N. Stretch
 Hon M.J. Criddle
 Hon M.D. Nixon
 Hon Simon O'Brien

Amendment thus passed.

Progress reported, pursuant to standing orders.

PLANNING LEGISLATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.00 pm]: I move -

That the Bill be now read a second time.

This Bill amends planning legislation to achieve three separate outcomes. First, the Town Planning and Development Act is amended to provide two new rights of appeal. Second, the Town Planning and Development Act is amended to provide a head of power for local government fees and charges for planning services. Finally, the Bill amends the Western Australian Planning Commission Act to provide the Western Australian Planning Commission with the same planning tools for country region schemes as it now has for the metropolitan region scheme.

The first of the two new rights of appeal being introduced under the Town Planning and Development Act relates to the initiation of town planning scheme amendments by local governments. This new right of appeal which is restricted to landowners and the rezoning of land can be found in clauses 5, 6, 11(a) and 12 of the Bill. This right of appeal is to the Town Planning Appeal Tribunal against a decision of a local government to not initiate an amendment to its town planning scheme or against any conditions or requirements a local government seeks to impose upon such a decision. The purpose is to make discretionary decisions of a local government with respect to the amendment of its planning scheme subject to review, and to provide consistency with other discretionary decisions of both local government and the WA Planning Commission. This right of appeal in practice will control unreasonable demands upon landowners in the land development process and, as a consequence, will facilitate the provision of land required to accommodate the growth of the State. Amendments to this appeal right were made in the Legislative Assembly. These amendments restrict the appeal right to landowners in respect of their land and confine the area of appeal to rezonings rather than other matters relating to a town planning scheme.

The Western Australian Municipal Association has actively opposed the introduction of a right of appeal against local government decisions on proposals to rezone land. It should be noted, however, that the right of appeal will be to only the Town Planning Appeal Tribunal and not to the Minister for Planning. The Western Australian Municipal Association has established a planning peer review panel to work with and advise local governments on planning matters of concern to State Government, particularly inappropriate demands made of landowners in exchange for initiating rezoning amendments to town planning schemes. The planning peer review panel has not yet had the opportunity to prove its success or otherwise. The Minister for Planning has promised local government the opportunity to try to self-regulate and it would therefore be appropriate for proclamation of these provisions to be deferred so as not to cut short that opportunity. Clause 2 allows for various parts of the Bill to commence at different times by proclamation.

The second new right of appeal being introduced by this Bill can be found in clauses 4, 7, 8 and 9. It is a second right of appeal against decisions of the WA Planning Commission on subdivision applications. The existing right of appeal arises following the refusal of a subdivision application or the imposition of conditions on a subdivision approval. The new right of appeal will be at the stage of seeking endorsement of a diagram or plan of survey. It had long been believed that a second right of appeal existed but in the case of *Accommodation International v the State Planning Commission*, the Town Planning Appeal Tribunal concluded that there was no second right of appeal. The Town Planning Appeal Tribunal acknowledged that its decision in that case did not fit easily with practice and the general understanding of practitioners in this regard. As one option, the tribunal concluded that "to overcome the obvious inconvenience that this decision will create, it will be necessary to remove doubts by creating a separate appeal right within the Act itself".

This second right of appeal will overcome the problem where, in the case of a conditional subdivision approval, the complexities associated with satisfying conditions may not be known within the 60 day period which is allowed for the lodgment of an appeal following receipt of a decision.

In clause 10, the Bill addresses local government fees and charges for planning services. Many local governments currently charge fees for planning services under powers contained in the Local Government Act. There is, however, no uniformity in the system of fees and charges and wide disparity in the fees charged by local governments for similar planning services.

It is proposed to introduce a standard system establishing maximum limits to fees and charges which local governments levy for planning services in regulations made under the Town Planning and Development Act. The Bill provides a head of power for the Governor to be able to make regulations setting limits to the scope and level of local government fees and charges for planning services. On the advice of the Crown Solicitor, it is necessary to put beyond doubt that regulations can be made with regard to fees and charges for the range of planning services provided by local government. Regulations are necessary to ensure that fees and charges are reasonable and related to the service provided.

The remainder of the Bill provides for amendments to the Western Australian Planning Commission Act to support the introduction of country region schemes. I remind the House that the Western Australian Planning Commission Act was amended in 1995 to allow for the introduction of country region planning schemes. A coalition commitment for the current term of office is to pursue, through the WA Planning Commission, a program of preparing statutory region schemes for major regional centres. Now that some of these region planning schemes are under preparation, it is necessary for certain planning powers to be made available to the WA Planning Commission prior to the first of the schemes being advertised for public submissions.

In clause 16, the Bill addressed the coverage of region planning schemes. Section 18(1) of the Western Australian Planning Commission Act, which lists the function of the commission, is proposed to be amended by clause 16(1) of the Bill to insert a paragraph covering the functions of the commission with respect to regional planning schemes. These proposed functions exactly mirror the commission's function in section 18(1)(e) of the Act in relation to the Perth metropolitan region.

Section 6 of the Town Planning and Development Act states exactly what a local government town planning scheme can cover and that same section was invoked for the metropolitan region scheme by way of section 30(2) of the Metropolitan Region Town Planning Scheme Act. This Bill invokes the same section of the Town Planning and Development Act for region planning schemes.

Section 34 of the Metropolitan Region Town Planning Scheme Act requires local government schemes or local laws to be consistent with the metropolitan region scheme. The WA Planning Commission Act needs a provision equivalent to section 34 of the MRTPS Act to ensure that local government schemes and local laws are consistent with a region planning scheme. That is provided for in the Bill.

Clause 17 of the Bill provides the WA Planning Commission with the same array of planning tools for country region schemes as it has available to it, or did have available to it, for the metropolitan region scheme covering the Perth region.

The following new provisions being inserted in the Western Australian Planning Commission Act provide planning tools which mirror those available in the Metropolitan Region Town Planning Scheme Act and the Town Planning and Development Act.

Part IIA provides for interim development control. Section 7B of the Town Planning and Development Act enables the Minister to make interim development orders to allow a local government to control the development of land in an area for which a town planning scheme is being prepared.

Interim development control powers such as those currently available to local governments were once available to the then Metropolitan Region Planning Authority for the metropolitan region scheme under the Metropolitan Region Town Planning Scheme Act. Those provisions were repealed after the scheme had been operational for a number of years and interim controls were no longer needed.

The Bill will give similar powers to the WA Planning Commission subject to consulting with affected local governments to allow it to control major developments which could impact upon a region planning scheme while the scheme is being prepared. Such orders will be called regional orders.

The Western Australian Planning Commission Act is to be amended to allow for the making of regional orders by the minister upon the WA Planning Commission resolving to prepare a region planning scheme and for the commission to administer the order. Regional orders will operate in the same way as those made for local governments. These provisions will provide for interim development control and land acquisition during the statutory process of adoption and finalisation of a region planning scheme. This will ensure that the proposals in the scheme are not compromised pending finalisation and will offer a remedy to landowners whose land may be blighted by those proposals.

In response to concerns in the WA Municipal Association amendments to the Bill were made in the Legislative Assembly to ensure that the commission applies powers only of a regional order where development may materially affect the preparation or implementation of the regional planning scheme; prior to making a regional order the commission consult with each local government in the area to which the regional order will apply; and the regional development order would be used only to prevent development which could prejudice a future regional planning scheme rather than allow development which could be contrary to an adopted district town planning scheme.

Part IIB provides for land acquisition and the payment of compensation. Section 36 of the Metropolitan Region Town

Planning Scheme Act enables the commission to compensate landowners injuriously affected by the metropolitan region scheme or alternatively to elect to purchase the affected property. Prior to any region planning schemes being finalised, the commission must have the same ability to purchase land and compensate landowners affected by such planning schemes. To achieve this the Bill duplicates section 36 of the Metropolitan Region Town Planning Scheme Act in the Western Australian Planning Commission Act.

Part IIC provides for planning control areas to be declared. The Metropolitan Region Town Planning Scheme Act in part IVA contains provisions which enable the commission to declare planning control areas where land is being considered for reservation. The effect of such a declaration is that the commission can then control development and deal with claims for compensation arising from the restriction of development rights. Similar provisions are required with respect to region planning schemes and the Bill provides for them in part IIC of the WA Planning Commission Act.

Part IID deals with miscellaneous powers of the commission and the Minister. Proposed section 37G of the Western Australian Planning Commission Act is the equivalent of section 37(3) of the Metropolitan Region Town Planning Scheme Act and it allows the commission to acquire land by agreement with the owner where the land is proposed to be reserved under a region planning scheme.

Proposed section 37H is the equivalent of section 37(6) of the Metropolitan Region Town Planning Scheme Act and it allows the commission, within certain constraints, to dispose of land held under a region planning scheme.

Section 37I provides for the commission to prepare improvement plans. Section 37A of the Metropolitan Region Town Planning Scheme Act provides for the preparation of improvement plans for advancing the planning, development and use of any land within the Perth region. Under an improvement plan the commission is able to purchase and dispose of land. The Bill includes a similar provision in the Western Australian Planning Commission Act for region planning schemes.

Sections 37J and 37K provide powers for the enforcement of development control decisions. I have already said that the Bill will provide interim development control over areas to be covered by region planning schemes. Interim development control will include the power to remove, pull down, take up or alter development to enforce development approvals or development which has been commenced and carried out without approval. However, interim development control powers will cease when the region planning scheme, incorporating development control powers, is introduced. Alternative ongoing enforcement provisions need to be in place for use after the introduction of the region planning scheme. Section 43 of the Metropolitan Region Town Planning Scheme Act gives the commission enforcement powers against development which does not have the proper approval under the metropolitan region scheme and section 43A of that Act gives the power to use injunctions. The Bill incorporates the equivalent of these sections in the Western Australian Planning Commission Act for the commission to use where necessary for the enforcement of region planning schemes.

Section 37L provides powers for the enforcement of environmental conditions. At the time of integrating the land use planning and environmental consideration of town planning schemes in August 1996, a provision was placed in each of the relevant planning Acts to give the Minister for Planning specific power for enforcing environmental conditions attached to schemes. The specific powers were the same as those available to the Minister for the Environment for enforcing the same types of conditions imposed on proposals approved under the Environmental Protection Act. The Bill provides powers, the equivalent of section 43B of the Metropolitan Region Town Planning Scheme Act, to the Minister for Planning under the Western Australian Planning Commission Act for use if and when necessary with respect to region planning schemes.

The provisions of this Bill are relatively simple to effect and will not create substantial difficulties in administration. Nevertheless, each offers a significant improvement to the planning system of the State in terms of equity to landowners and implementation of region planning schemes. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

PARLIAMENTARY SERVICES COMMITTEE

Assembly Membership Change

Message from the Assembly received and read acquainting the Council that it has agreed to the following motion -

That the member for Armadale be discharged from the Parliamentary Services Committee and the member for Perth be appointed in her place.

ROAD TRAFFIC AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

House adjourned at 10.12 pm

QUESTIONS ON NOTICE

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

WESTLINK COMMUNICATION SERVICES

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 246, Contract and Management Services - Output 1 Westlink Communication Services, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of CAMS 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

GOVERNMENT CONTRACTS

Expenditure on Programs

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

In reference to the 1998/99 Budget, page 247, Contract and Management Services - Output 2 Government Contracts, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;

- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of CAMS 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

GOVERNMENT CONTRACTS

Expenditure on Programs

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

In reference to the 1998/99 Budget, page 248, Contract and Management Services - Output 3: Agency Specific Contracts (Goods and Services), will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The

accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of CAMS 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

GOVERNMENT CONTRACTS

Expenditure on Programs

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

In reference to the 1998/99 Budget, page 249, Contract and Management Services - Output 4 Warehousing and Furniture Purchasing, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of CAMS 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

GOVERNMENT CONTRACTS

Expenditure on Programs

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

In reference to the 1998/99 Budget, page 250, Contract and Management Services - Output 5 Youth Policy Development and Co-ordination, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;

- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of CAMS 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

GOVERNMENT CONTRACTS

Expenditure on Programs

41. Hon Ljiljana Ravlich to the Minister for Finance representing the Minister for Works:

In reference to the 1998/99 Budget, page 251, Contract and Management Services - Output 6 Youth Programs and Initiatives, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The

accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of CAMS 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1142, State Supply Commission - Output 1 Promotion of Best Procurement Practice in Public Sector Agencies, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1143, State Supply Commission - Output 2 Accreditation model management, buying practice assessments, investigation and complaint management and advice, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;

- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1144, State Supply Commission - Output 3 Services to the Contracts Referee, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The

accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1145, State Supply Commission - Output 4 Secretariat services to the Commission, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1146, State Supply Commission - Output 5 Procurement reform advice, awareness raising and implementation of Buying Wisely, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;

- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1147, State Supply Commission - Output 6 Supply information management, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The

accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1148, State Supply Commission - Output 7 Education and facilitation of buying skills, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

STATE SUPPLY COMMISSION

Budget Allocation for Programs

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

In reference to the 1998/99 Budget, page 1149, State Supply Commission - Output 8 Contract preparation, advice and management, will the Minister for Works provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;

- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the SSC1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

MINISTRY OF CITIZENSHIP AND MULTICULTURAL INTERESTS

Budget Allocation for Programs

86. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

In reference to the 1998/99 Budget, page 784, Output 1 Policy and strategic advice, and support to the Government and its agencies, will the Minister for Citizenship and Multicultural Interests provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The

accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the Office of Multicultural Interests 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

MINISTRY OF CITIZENSHIP AND MULTICULTURAL INTERESTS

Budget Allocation for Programs

87. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

In reference to the 1998/99 Budget, page 785, Output 2 Information to the Community, will the Minister for Citizenship and Multicultural Interests provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the Office of Multicultural Interests 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

MINISTRY OF CITIZENSHIP AND MULTICULTURAL INTERESTS

Budget Allocation for Programs

88. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

In reference to the 1998/99 Budget, page 786, Output 3 Support to community activities, will the Minister for Citizenship and Multicultural Interests provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -

- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the Office of Multicultural Interests 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

MINISTRY OF CITIZENSHIP AND MULTICULTURAL INTERESTS

Budget Allocation for Programs

89. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

In reference to the 1998/99 Budget, page 787, Output 4 Financial assistance to non-government organisations, will the Minister for Citizenship and Multicultural Interests provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
 - (i) 1997/98;
 - (ii) 1998/99; and
 - (iii) 1999/2000?

Hon MAX EVANS replied:

I am advised that:

- (a)-(e) The 1998/99 budget was the first time the State budget has been presented on a full accrual accounting basis. The accounts are in full accordance with the relevant Australian Accounting Standards. While the budget papers are not set out in the manner described by the Member, it should be seen that the inclusion of an Operating Statement, Balance Sheet and Cash Flow Statement provides a much more informative view of the overall financial position of Government agencies and the outputs they deliver. This will enable the Government to ensure properly informed budget allocation decisions are made. Details of the Office of Multicultural Interests 1997/98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department's Annual Report and will subsequently be tabled in Parliament.

FORESTS AND FORESTRY

Number Employed

282. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Further to question on notice 946 of 1996, in which the Minister for the Environment provided information regarding direct employment in -
- (a) native forest management - 840;
 - (b) native forest logging (falling and hauling) - 440;
 - (c) sawmilling logs from native forest - 1,125;
 - (d) woodchipping logs from native forest - 40;
 - (e) woodchipping sawmill residue from native forest logs and forest residue from native forest logging - included in (d); and
 - (f) processing native forest hardwoods - 5,270 (Australian Bureau of Statistics 1992/93 estimate of employment in wood and wood products and furniture); 695 ((Australian Bureau of Statistics 1992/93 estimate of employment in paper and paper products, excluding printing and publishing); 5,965 total,

would the Minister now provide up to date figures for each of the above categories?

- (2) For each category, how many workers are employed in the -
- (a) Perth metropolitan area; and
 - (b) South West?

Hon MAX EVANS replied:

- (1) The figures presented in Parliamentary Question No. 946 (1996) were prepared using CALM and Australian Bureau of Statistics records available at that time. Since then further data collection, and variation in the definition of hardwood industry sectors has occurred, largely due to the information gathered for the Regional Forest Agreement process. Accordingly, differences in the figures presented below and those of 1996 do not necessarily infer changes in employment within sectors, but rather variations arising from such improved data and refined definitions.
- (a) native forest management - 430 FTEs directly plus up to 517 FTEs with direct links to native forest management activity.
 - (b) native forest logging and haulage - 790.
 - (c) sawmilling logs from native forest - 1050.
 - (d) woodchipping logs from native forest - 100.
 - (e) woodchipping sawmill residue from native forest logs and forest residue from native forest logging - included in (d).
 - (f) processing native forest hardwoods - incomplete breakdown available from Australian Bureau of Statistics data. The total employment in the wood and paper products manufacturing sector from the 1996 census was 8 781 (ABS 1996).
- (2) Precise data on the location of employees across all sectors is not available. The proportion of the total employment in each category in the Perth metropolitan and south west area has therefore been inferred from records of business location. These estimates are indicative only.

- (a) native forest management - 20% Perth metropolitan area; 75% south west
- (b) native forest logging - 15% Perth metropolitan area; 80% south west.
- (c) sawmilling logs from native forest - 10% Perth metropolitan area; 85% south west
- (d) woodchipping logs from native forest - 100% south west;
- (e) woodchipping sawmill residue - included in (d).
- (f) processing native forest hardwoods - data not available.

LAND

Nelson Location 12897

288. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for Lands:

Further to the answer to question on notice 2001 of 1998 -

- (1) As control of Nelson Location 12897 was not transferred to the Executive Director of the Department of Conservation and Land Management ("CALM") once the excision from the D'Entrecasteaux National Park took place and a "C" class reserve created, has a breach of agreement between Cable Sands (WA) and CALM, or any other department, taken place?
- (2) What action has CALM taken to ensure control of Nelson Location 12897 is transferred to it?

Hon MAX EVANS replied:

- (1) No.
- (2) A deed was entered into between the Executive Director of the Department of Conservation and Land Management and Cable Sands (WA) Pty Ltd on 26 August 1998. After execution by the parties, the deed was submitted to the Department of State Revenue for assessment of stamp duty. The documents were stamped in October and a transfer of land for Nelson Location 12897 was lodged for registration at the Land Titles Office on 30 October 1998.

WESTRAIL FREIGHT AND SIGNALLING SECTIONS

307. Hon LJILJANNA RAVLICH to the Minister for Transport:

With regard to the decision to sell off the freight and signalling sections of Westrail -

- (1) What number of full time Westrail employees will be affected by the sale?
- (2) Will all current employees, irrespective of length of service be offered a choice of continuing their employment under the new owner with a guarantee of no financial disadvantage?
- (3) What will the employees be offered in terms of the package ie severance or otherwise?
- (4) Considering the number of Westrail employees affected, what is the estimated cost of the transition from Government to private ownership?
- (5) What are the names of the prospective buyers?
- (6) What are their credentials and experience in the public transport industry?

Hon M.J. CRIDDLE replied:

- (1)-(4) A task force has been established to provide recommendations to Cabinet on the options for the disposal of Westrail's freight business and it is too early in that process to answer the questions raised by the Hon Member. However, in the event of disposal of Westrail's freight business, there would be no intention for any employee to be financially disadvantaged. The matter of accepting employment with a new owner, or some alternative arrangement, will be a matter of personal choice for each employee.
- (5)-(6) It would be premature and inappropriate of me to speculate on who would be prospective buyers of Westrail's freight business. However, the urban rail network will be remaining in Government ownership.

TRANSFORM WA PAMPHLETS

352. Hon KEN TRAVERS to the Minister for Transport:

With regard to pamphlets produced to advertise the Main Roads "Transform WA" -

- (1) What was the name of the company(s) involved in the -

- (a) design;
- (b) printing; and
- (c) distribution,

of the pamphlet?

- (2) On what date, and in which newspapers, were tenders called for these contracts?
- (3) What were the names of the companies which tendered for the contracts?
- (4) What were the prices quoted by the winning tenderers?
- (5) What was the final cost of each contract?

Hon M.J. CRIDDLE replied:

- (1)
 - (a) Jung Lautrec and Shaw.
 - (b) Progress Print.
 - (c) Sunday Times Newspaper and the Community Newspaper Group.
- (2)-(3)
 - (a) Jung Lautrec and Shaw were chosen from an existing all-of-Government contract arranged by the Department of Contract and Management Services. They were already engaged in related work for Main Roads and the Department of Transport and their knowledge made them the most appropriate choice for concept, design, writing, graphics and development of the pamphlets.
 - (b) Quotes were obtained from three printers between December 1997 and February 1998. Two Western Australian firms possess the type of printing equipment that could be used for efficient printing of the quantity of the brochure required. Both quoted for the work along with Southweb from South Australia. Progress Press Bibra Lake WA were selected as they were cost competitive and able to meet the delivery time deadline.
 - (c) The Sunday Times and Community Newspaper Group were selected for distribution as the most cost effective option.
- (4) The prices quoted by the successful tenderers were:

Development	\$46 124
Printing	\$172 386
Distribution	\$46 480
 Total	 \$264 990
- (5) The final costs were:

Development	\$43 125
Printing	\$173 866
Distribution	\$42 850
 Total	 \$264 317

PEEL HEALTH SERVICE, BUDGET

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

With regard to funding allocations to health services in the Peel Region -

- (1) What was the budget allocation to the Peel Health Service in the years -
 - (a) 1996/97;
 - (b) 1997/98; and
 - (c) 1998/99?
- (2) What was the actual expenditure for 1996/97 and 1997/98?
- (3) What was the budget allocation to the hospitals of Murray Districts and Mandurah located within the jurisdiction of the Peel Health Service for the same three financial years?
- (4) What was the actual expenditure at these two hospitals for 1996/97 and 1997/98?

Hon MAX EVANS replied:

- (1)
 - (a) \$14,908,800.
 - (b) \$12,707,500.*
 - (c) \$ 8,192,800.*

- (2) Actual expenditure as per statement of cash flow 1996/97 \$14,855,371.
Actual expenditure as per statement of cash flow 1997/98 \$12,478,448.
- (3) The allocation made by the Peel Health Service to its individual hospitals is as follows:

	Murray	Mandurah
1996/97	\$7,986,790	\$4,017,630*
1997/98	\$7,729,429	\$2,164,651*
1998/99	\$5,222,800	Nil*

- (4) Actual expenditure for separate hospitals is not available through Statement of Cash Flows as Annual Report is rolled up into Peel Health Services. The figures below are from the unaudited Management Report and may vary slightly from a full Statement of Cashflow.

	Murray	Mandurah
1996/97	\$7,956,440	\$4,582,620*
1997/98	\$7,603,840	\$2,145,080*

Note: *Expenditure and income for Mandurah Hospital relates to the first two months only in 1997/98. The Mandurah Hospital was operated by Peel Health Services up until 31 August 1997. From 1 September 1997 the hospital was operated by a private company, Health Solutions. Payments to Health Solutions are excluded from the above information.

The reason for the apparent inequities between the budgets and expenditures for 1996/97 and 1997/98 is due to the costs associated with the transfer to the private sector of services provided at Mandurah Hospital. In a situation where we were effectively closing the public hospital operation we paid all the normal claims we received from VMP's and other suppliers in July and August, and were still paying claims some months later for services provided in those 2 months. This reflects that Health Services do not use full accrual accounting, so these payment lags catch up when the service is closed. One-off transition payments were also made to Mandurah Hospital staff who transferred to the private operator.

The costs were as follows:

Carry over of creditors	\$ 18,665
Transitional payments to staff	\$849,445
Excess of Visiting Medical Practitioner costs	\$236,960
Extra-unfunded pay period	\$115,480
Lag in unpaid accounts	\$ 10,000
Staff not transferred to Peel Health Campus	\$101,090
TOTAL	\$1,331,630

"CYCLING IN THE WEST" FUNDING

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

- (1) Has Bikewest cut funding to the cycling newsletter *Cycling in the West*?
- (2) Did Bikewest ensure that an alternative source of funding was available prior to the cut in funding?
- (3) How much did Bikewest contribute to the newsletter *Cycling in the West* prior to the cut in funding?
- (4) How much does Bikewest now contribute to the newsletter *Cycling in the West*?

Hon M.J. CRIDDLE replied:

- (1) Bikewest has reduced its funding to the Bicycle Transport Alliance's newsletter, *Cycling in the West*.
- (2) Yes.
- (3) To cover the costs of production, printing, postage and mail-out services of the Bicycle Transport Alliance's newsletter *Cycling in the West*, the Bicycle Transport Alliance invoiced Bikewest:

during 1995/96 in the sum of \$6 640.17;
during 1996/97 in the sum of \$8 001.90; and
during 1997/98 in the sum of \$8 098.34.

- (4) During the 1998/99 financial year Bikewest has offered to contribute \$5 804.25 to the costs of production, printing, postage and mail-out services of the Bicycle Transport Alliance's newsletter *Cycling in the West*. In addition, Bikewest has offered to circulate the Bicycle Transport Alliance's newsletter *Cycling in the West* along with its own Bikewest newsletter, at no cost to the Bicycle Transport Alliance.

WANNEROO ROAD, ACCIDENTS

414. Hon KEN TRAVERS to the Minister for Transport:

- (1) How many accidents have been recorded on Wanneroo Road between Joondalup Drive and Yanchep Beach Road in -
- (a) 1998;
 - (b) 1997;
 - (c) 1996; and
 - (d) 1995?
- (2) How many of those accidents were fatal?

Hon M.J. CRIDDLE replied:

- (1) Report crashes for the years in question are:
- (a) 1998 40.
 - (b) 1997 44.
 - (c) 1996 42.
 - (d) 1995 51.
- (2) Five crashes involving eight deaths.

MOTOR VEHICLE TRANSFERS - STAMP DUTY

422. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) What steps have been taken to implement effective compliance strategies and procedures over the stamp duty assessment and collection process on motor vehicle transfers?
- (2) Has a computerised data matching system been developed to assist with the identification of understated purchase prices declared on motor vehicle transfers?
- (3) If not, why not?
- (4) Has a motor vehicle audit program been established as recommended by the Auditor General in the report "*Control, Compliance and Accountability Audits 1998*"?

Hon M.J. CRIDDLE replied:

- (1) Department of Transport is reviewing the process of assessing market valuations and collection of stamp duty. Until the completion of the review Transport Licensing staff have been requested to exercise more care in the assessment of market values and stamp duty payable on new vehicle registrations and used vehicle transfers. Amendments have been made to the latest print of the Notice of Disposal form to include provision to record the odometer reading of the vehicle and a declaration as to the condition of the vehicle on the Disposal Notice form and to include a further warning message to the sellers of vehicles advising of the offence and penalties applicable for providing false or misleading information.
- (2) No.
- (3) The Department of Transport is currently consulting with suppliers of electronic motor vehicle valuations with the view of interfacing this data with extracts of the Department's vehicle records to produce exception reports which will be referred to the State Revenue Department for investigation and further action.
- (4) The Department of Transport will undertake the establishment of revised program as part of the review referred to in relation to the answer to question 1.

MINISTRY OF JUSTICE - EXECUTION OF WARRANTS

425. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) What was the cost for the consultants engaged by the Ministry of Justice to assist the Ministry in considering alternatives for improving the execution of warrants?
- (2) Will the Minister table the documents provided by the consultants and/or the Ministry of Justice which recommended the outsourcing of serving of metropolitan warrants?
- (3) What was the annual cost to the Ministry for Justice for this service in 1996/97 and 1997/98?
- (4) What improvements are expected by the outsourcing of this service?

Hon PETER FOSS replied:

- (1) \$20,000.
- (2) No, not until after the tender is awarded.
- (3) 1996/97 - \$617,607
1997/98 - \$715,819
- (4) Ensure the maximum number of offenders will pay their fines;
Maximise the number of fines that are satisfied by way of payment;
Reduce the number of work and development orders undertaken as an alternative to the payment of the fine;
Minimise processing costs;
Reduce the current backlog of warrants.

WORKSAFE WA COMMISSIONERS - IMPACT OF INQUIRY

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

What action, if any, has the Minister for Labour Relations taken to ensure that -

- (a) WorkSafe Commissioners are not exposed to the same type of damaging findings as those recently brought down by the Public Sector Standards Commissioner;
- (b) the Commissioners are fully informed and involved in any discussion on a change in policy; and
- (c) the chief executive officer of WorkSafe adheres to the guidelines and directions laid down by the Commissioners?

Hon PETER FOSS replied:

- (a) The Public Sector Standards Commissioner did not make an adverse finding on members of the WorkSafe Western Australia Commission and advice to this effect has been tabled in the Parliament.
- (b) The Chairman and members of the WorkSafe Western Australia Commission have been informed of my intention to involve them in any discussion on changes to policy falling within the functions of the Commission.
- (c) The Chief Executive Officer of WorkSafe Western Australia is not subject to control by the WorkSafe Western Australia Commission.

BARTHOLOMAEUS, MR NEIL - PUBLIC SECTOR STANDARDS COMPLIANCE

480. Hon TOM HELM to the Attorney General representing the Minister for Labour Relations:

- (1) Can the Minister for Labour Relations confirm that the WorkSafe Commissioner, Mr Bartholomaeus, had signed a performance agreement with the previous Minister for Labour Relations which clearly spelt out that Mr Bartholomaeus was to -

“Meet the principles of the *Public Sector Management Act* and ensure organisational compliance with the code of ethics.”
- (2) If yes, what action will the Minister be taking following a finding from the Commissioner of Public Sector Standards that Mr Bartholomaeus did not comply with s.9 of the *Public Sector Management Act*?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The Hon Premier has appointed Mr Wayne Martin QC to investigate the matter under the terms of the *Public Sector Management Act*. The result of that investigation was tabled in the Parliament on 10 November 1998.

OMEX CONTAMINATED SITE - REDEVELOPMENT

498. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to the Minister for the Environment's response to questions on notice dated September 17, 1998 concerning the rehabilitation of the Omex Contaminated Site -

- (1) With regards to question (1), is it correct that Lots 55 and 56 are under the WA Planning Commission's Improvement Plan for the redevelopment of the Omex site?
- (2) If yes, then as these properties are located next to the main sludge pit at the Omex site, why has the Department of Environmental Protection not undertaken investigations for contamination?

- (3) If contamination does exist on Lots 55 and 56, what action will the Minister take?
- (4) Are residents living on Lots 55 and 56?
- (5) Given that the land acquisition process under the improvement plan for the Omex site was to have been completed prior to the commencement of works on the site, what is the delay in acquiring the Omex related properties (Lots 51 - 58 and 60)?
- (6) With reference to part (8), could the Minister explain how the surrounding community will be protected by the "Project Safety Incident and Management Plan" if they do not have access to the equipment and facilities that on-site workers will have?
- (7) Are the surrounding community members entitled to a safety plan that includes them specifically?

Hon MAX EVANS replied:

- (1) Yes.
- (2) All residents were afforded the opportunity to have their properties investigated however the owners of Lot 55 and 56 declined the offer. Assessment, and remediation if required, will be conducted by the state once these lots have been acquired.
- (3) As lots 55 & 56 are contained within the improvement plan for the redevelopment of the Omex site, contamination, if any, will be managed in accordance with the remediation strategy for this site.
- (4) Yes.
- (5) Remediation of contaminated material has not commenced on site. The only work which has commenced on site is the construction of a containment wall. The negotiations for the acquisition of Lots 57, 58 & 60, involving a number of parties, are quite complex and require legal advice prior to finalisation.
- (6) The surrounding community do not require the equipment and facilities that on-site workers have because the surrounding community are not exposed to the hazards on-site.
- (7) A safety plan associated with the containment wall project is not required for the surrounding community.

BUSES - TRIPS MISSED THROUGH INDUSTRIAL ACTION

519. Hon TOM HELM to the Minister for Transport:

Last year your predecessor tabled figures for the numbers of missed trips by MetroBus and included in this the number of trips missed because of industrial action, will the minister now tell us, in respect of each bus company, how many trips have been missed or arrived late because of industrial action since January 1, 1998?

Hon M.J. CRIDDLE replied:

MetroBus	Nil
PATH Transit	Nil
Swan Transit	Nil
Perth Bus	Nil

Southern Coast Transit 1 670, these trips were missed as a result of industrial action instigated by the Transport Workers' Union. There is no record of trips arriving late due to industrial action.

BP GARAGE SITE, GUILDFORD - CONTAMINATION OF ADJACENT PROPERTIES

545. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to the remediation of the BP Garage site in Guildford -

- (1) Is the Minister for the Environment aware that excessive levels of contamination have been found on residential properties adjacent to the BP garage site in Guildford, after the clean-up had already commenced?
- (2) Why was the full extent of contamination not determined before works began at the site?
- (3) Does the Minister stand by her statement contained in a media release dated September 29, 1998 that "this site poses no risk to the community's health and safety"?
- (4) Has the Department of Environmental Protection inspected the now removed underground storage fuel tanks?
- (5) If so, what are their findings?

- (6) What results have been found from investigations into the possible contamination of the Helena River and Spring Creek?

Hon MAX EVANS replied:

- (1) I am aware that three soil borings on one residential property have exhibited hydrocarbon contamination of soil. The contamination is predominately above residential guidelines with some samples being above commercial property guidelines.
- (2) The information contained within the environmental site assessment report indicated that the external perimeter of soil borings placed at this site either did not detect contamination, or were below levels considered suitable for commercial/industrial developments, which is compatible with the current zoning of the site. Any further contamination detected during the excavation/remediation phase would be pursued by the excavator and removed at that time. This is an acceptable assessment/remediation practice.
- (3) In my media statement on 29 September 1998, I "reassured residents that the clean-up of a former BP petrol station in Guildford would not pose a threat to public health". The contamination identified to date on the adjacent residential property is located at 2 metres depth at its shallowest point.
- (4) It is not the DEP's practice to inspect decommissioned tanks. The DEP's concerns relate to protection of the environment and human health and the focus with contaminated site remediation is on contamination of soil and surface and ground waters and the measures necessary to deal with that.
- (5) Not applicable.
- (6) Results of surface water samples taken within Spring Creek and the Helena River did not detect any contamination from the BP site.

BP GARAGE SITE, GUILDFORD - CLEAN-UP

546. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to the remediation of the BP garage site in Guildford -

- (1) Is the Minister for the Environment aware that BP's Remedial Action Plan does not include the removal of contaminated materials under the verge and road on Johnson Street in Guildford?
- (2) If yes, is this clean-up incomplete?
- (3) If yes, what action will the Minister take to ensure that all contamination is removed from this site?
- (4) Could the Minister detail the results of soil bore testing at locations SB19, SB25 and SB26 that were taken at the BP garage site?

Hon MAX EVANS replied:

- (1) BP's Remedial Action Plan details that there are no direct exposure pathways to the contaminated soil under Johnson Street, that it is at depths greater than two metres and is covered by bitumen and concrete.
- (2) It is an acceptable practice for contaminated soil to remain in-situ and degrade naturally provided that ongoing monitoring is undertaken to ensure that the contamination is not posing a threat to human health or the environment.
- (3) BP has committed to the ongoing monitoring of groundwater to ensure that this contamination does not impact upon the environment.
- (4) Analysis of soil samples from borings SB19 and SB26 indicated non-detection of hydrocarbon contamination. The environmental site assessment report indicates that the hollow stem auger met with refusal in soil bore SB25 at 2.5 metres below ground surface and the bore could not be completed. As a result, soil boring SB26 was added adjacent to SB25 to assess the contamination at this location.

HOMESWEST - MR STEVE PROSSER, CONTRACTS

550. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any contracts been awarded by Homeswest to companies in which Mr Steve Prosser is a director, since January 1, 1996?
- (2) If yes, can the Minister for Housing provide the following details of each contract -
- (a) the date the contract was awarded;

- (b) the project the contract was awarded for;
- (c) the original tender cost of the contract;
- (d) the actual final cost of the contract; and
- (e) the names of any other companies which tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.

ABORTION - MEDICAL PANEL

558. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

- (1) With respect to section 334(7) of the *Health Act 1911* has a panel been established?
- (2) If so, when?
- (3) How many medical practitioners were appointed?
- (4) Who are the medical practitioners and in each case what is the date of their appointment?
- (5) Has any abortion been performed?
- (6) If so, in each case -
 - (a) when;
 - (b) did two medical practitioners as members of the panel agree in their clinical judgment that the procedure was justified;
 - (c) what was the severe medical condition;
 - (d) was the severe medical condition with respect to the mother or the unborn child; and
 - (e) what facilities have been approved by the Minister for Health for the purposes of the section and in each case when were the facilities approved?

Hon MAX EVANS replied:

- (1) Yes.
- (2) 27 July 1998.
- (3) Seven medical practitioners were appointed on 27 July 1998.
- (4) It is not appropriate for this information to be provided.
- (5) Yes. Abortions have been performed under section 334(7) of the *Health Act 1911*.
- (6) (a) It is not appropriate for the specific dates to be provided.
- (b) Yes.
- (c)-(d) It is not appropriate for this information to be provided.
- (e) King Edward Memorial Hospital for Women is the only facility that has been approved by the Minister for Health for the purposes of section 334(7) of the *Health Act 1911*. This approval was granted on 27 July 1998.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS - CEILING ON FULL-TIME EQUIVALENTS

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

- (1) With respect to the Annual Report of the Office of the Director of Public Prosecutions Western Australia 1997/98, what was the "ceiling on full-time equivalents" as at June 30, 1998?
- (2) Has the "ceiling" been raised?
- (3) If so, when and what is it now?

Hon PETER FOSS replied:

- (1) 103.0 FTE.

- (2)-(3) There has not been a formal increase in the DPP's approved FTE allocation since 30 June 1998. However, in response to a government initiative to reduce the unacceptably high number of criminal matters awaiting trial in the District Court, it is anticipated that the DPP's FTE allocation will be formally increased to 116.0 from 1 July 1999, with approval for additional staff to be engaged during 1998/99.

CONSOLIDATED CONSTRUCTIONS PTY LTD - CONTRACT DETAILS

564. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any agencies or departments under the Minister for Housing's control awarded any contracts to Consolidated Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the contract number;
 - (b) the date it was awarded;
 - (c) the project the contract was awarded for;
 - (d) the cost of the contract;
 - (e) if the contract has been completed, the final cost of the contract; and
 - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.

BGC CONSTRUCTION AND HOMESTYLE PTY LTD - DETAILS OF CONTRACTS

570. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any agencies or departments under the Minister for Housing's control awarded any contracts to BGC Construction or Homestyle Pty Ltd since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the contract number;
 - (b) the date it was awarded;
 - (c) the project the contract was awarded for;
 - (d) the cost of the contract;
 - (e) if the contract has been completed, the final cost of the contract; and
 - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1)-(2) The firm currently tenders and contracts as "BGC Constructions a division of Homestyle Pty Ltd" and is a large contractor with Homeswest. I am not prepared to commit the resources to answer the question in its current form. However, if the Hon Member has an enquiry about a specific project I would be prepared to commit the resources to provide an answer.

PINDAN CONSTRUCTIONS - DETAILS OF CONTRACTS

576. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any agencies or departments under the Minister for Housing's control awarded any contracts to Pindan Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the contract number;
 - (b) the date it was awarded;
 - (c) the project the contract was awarded for;
 - (d) the cost of the contract;
 - (e) if the contract has been completed, the final cost of the contract; and
 - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.

MacMAHON HOLDINGS AND MacMAHON CONSTRUCTIONS PTY LTD - DETAILS OF CONTRACTS

582. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any agencies or departments under the Minister for Housing's control awarded any contracts to MacMahon Holdings or MacMahon Constructions Pty Ltd since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
 - (a) the contract number;
 - (b) the date it was awarded;
 - (c) the project the contract was awarded for;
 - (d) the cost of the contract;
 - (e) if the contract has been completed, the final cost of the contract; and
 - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.

MAINLINE CONSTRUCTIONS - DETAILS OF CONTRACTS

588. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any agencies or departments under the Minister for Housing's control awarded any contracts to Mainline Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
 - (a) the contract number;
 - (b) the date it was awarded;
 - (c) the project the contract was awarded for;
 - (d) the cost of the contract;
 - (e) if the contract has been completed, the final cost of the contract; and
 - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.

PASTORAL LEASES - HALLS CREEK

600. Hon MARK NEVILL to the Minister for Finance representing the Minister for Lands:

On what is now vacant Crown land in the Shire of Halls Creek, what pastoral leases previously existed?

Hon MAX EVANS replied:

Approximately 19% of the Shire of Halls Creek is land that was formerly, but is now not, pastoral leases.

PASTORAL LEASES - MOOLA BULLA AND MT AMHURST

601. Hon MARK NEVILL to the Minister for Finance representing the Minister for Lands:

- (1) Were the Moola Bulla and Mt Amhurst Pastoral leases granted for the benefit and use of Aboriginal people?
- (2) Would these leases be subject to the "right to negotiate" under the *Native Title (State Provisions) Bill 1998*?

Hon MAX EVANS replied:

- (1) No.
- (2) Future acts over these leases will not be subject to the right to negotiate under the Native Title (State Provisions) Bill 1998.

PRISONS - WORK RELEASE PROGRAMS

602. Hon HELEN HODGSON to the Attorney General:

- (1) How many prisoners incarcerated in Western Australian prisons are currently eligible to be involved in a work release program?

- (2) How many of those prisoners have had their involvement in a work release program approved?
- (3) How many of those prisoners are currently actually participating in a work release program?
- (4) How many approvals for work release have been granted in the past six months?
- (5) Has the Attorney General made any recommendations or directions in respect of access to work release programs in the last 12 months?
- (6) If so, will the Attorney General table these recommendations or directions?

Hon PETER FOSS replied:

- (1) As at 31 October 1998, the number of prisoners eligible to apply for Work Release was estimated to be 132.
- (2) As at 31 October 1998, there were 4 prisoners approved but not yet released to the Work Release program.
- (3) As at 31 October 1998, 39 persons were participating in Work Release programs.
- (4) 54 approvals for Work Release were granted between 1 May 1998 and 31 October 1998.
- (5)-(6) Yes. I refer the Hon Member to the Sentence Administration Bill 1998 and also the Sentencing Legislation Amendment and Repeal Bill 1998 which were recently introduced into the other place. Those Bills seek to effect change to current sentencing legislation and in particular propose changes to the current Work Release provisions.

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

In relation to the mobile phone found recently in the possession of a prisoner at Casuarina -

- (1) Was a record of the calls made from this phone obtained from the carrier?
- (2) If yes, for what purpose was the phone being used?

Hon PETER FOSS replied:

- (1)-(2) As I have previously advised the House, this matter is the subject of an investigation by the police and it is inappropriate for me to make any comment on an operational issue.

QUESTIONS WITHOUT NOTICE

CARNARVON FASCINE, DREDGING

565. Hon TOM STEPHENS to the Minister for Transport:

In relation to the dredging operations being carried out at the fascine in Carnarvon -

- (1) What funds were spent on the dredging in 1997-98?
- (2) What progress has been made with the project to date?
- (3) What cost is involved in the new tender for the dredging of the fascine that has now been let to CGC Dredging?
- (4) What additional cost is involved in the termination of contract with Dredgemasters WA and the retendering of the work to CGC Dredging?
- (5) Is the State Government now seeking a contribution towards the cost of the fascine project from the Shire of Carnarvon?
- (6) If yes, what amount is being sought and for what purpose are the funds sought?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) \$391 422.
- (2) To date 254 000 cubic metres of material has been dredged, being 30 per cent of the total to be moved.
- (3) \$2 436 903.

- (4) The cost of terminating Dredgemasters' contract and retendering the works is \$83 000.
- (5) No. The Shire of Carnarvon, as proponent for the project, has approached its local member, Hon Norman Moore, seeking additional funding from the Government to allow the works to be completed as envisaged. It is understood that the shire offered to contribute towards funding the dredging on the basis that dredged fill would be made available to construct a storm surge barrier to protect houses in South Carnarvon during cyclones. The shire has been asked to make a submission to the Government.
- (6) Not applicable.

WOMEN'S PRISON, PYRTON

566. Hon N.D. GRIFFITHS to the Minister for Justice:

In relation to the Pyrtton site being considered for a new women's prison -

- (1) When was the minister first advised of the need for a new women's prison?
- (2) What sites other than Pyrtton were considered?
- (3) When did the minister decide to proceed with respect to the Pyrtton site?
- (4) What is the minister's timetable for the new prison to be available to accept women prisoners?

Hon PETER FOSS replied:

- (1)-(4) I am not sure whether Hon Nick Griffiths requires precise dates. If he does require them, I will certainly need to check them. The best thing to do in respect of dates is to take the question on notice and let the member know.

Even to this stage the Government has not finally made a decision on Pyrtton because it is still subject to Western Australian Planning Commission approvals. Each stage requires a decision. Firstly, we decide to look for a site; secondly, we decide which site is most preferable; thirdly, we announce it and hear community views; and, fourthly, we decide to go to the next stage. Several decisions are still to be made. The decision to consider Pyrtton was made at the beginning of the year. The decision to put it forward as the preferred site was made shortly before the information became public. It became public while we were trying to advise some stakeholders in advance.

As to the timetable, we believe that the appropriate thing to do with Pyrtton, as with all new prisons, if we are to have permission to use it, is to occupy it progressively. One of the things that we do with any new prison, in order to build a style of behaviour, is to bring in a small number of prisoners at the beginning and establish their behaviour by having a very high ratio of staff to prisoners, and then as we bring in further prisoners the current prisoners help to establish the regime. It is good prison management to move people in progressively. We would expect, if we have approval, to have the prison fully occupied by the middle of next year, but we would start earlier than that with small numbers of prisoners.

MR LES McCARREY, CONSULTANCY

567. Hon TOM STEPHENS to the Minister for Finance:

In relation to the \$105 542 consultancy that was given to Les McCarrey by the Aboriginal Affairs Department which commenced in August 1995 and concluded in December 1997 -

- (1) Why was the consultancy not advertised?
- (2) Who was responsible for awarding the consultancy?
- (3) What role did the minister play in hiring Mr McCarrey?

Hon MAX EVANS replied:

I thank the member for some notice of this question. I thought that the question was answered the other day.

Hon Tom Stephens: There is a slight variation, sufficient to be a new question.

Hon MAX EVANS: I did not answer it previously.

- (1)-(2) Chair of the Legislative Review Reference Group on Statewide Aboriginal Affairs program investigating the development of new legislation to replace the Aboriginal Affairs Planning Authority Act 1972.
- (3) August 1995 to December 1997.
- (4) No.

LAND VALUATION TRIBUNAL, APPEALS

568. Hon J.A. SCOTT to the Minister for Finance:

- (1) How many appeals did the Land Valuation Tribunal -
 - (a) receive in
 - (i) 1997 and
 - (ii) 1998; and
 - (b) resolve in
 - (i) 1997 and
 - (ii) 1998?
- (2) Does the tribunal deal with appeals in the order they are received?
- (3) On what date did the tribunal receive appeal No 15 of 1997-98 and -
 - (a) Has it resolved that appeal?
 - (b) Has it begun its consideration of that appeal?
 - (c) If the answer to (a) and (b) is no, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) (a) (i) 56.
(ii) 30.
(b) (i) 35.
(ii) 38.
- (2) Yes.
- (3) 3 December 1997.
 - (a) No.
 - (b) Yes.
 - (c) Not applicable.

WOMEN'S PRISON, BARTONS MILL

569. Hon NORM KELLY to the Minister for Justice:

- (1) Has the ministry considered the Bartons Mill site as an option for a new minimum-security women's prison?
- (2) If so, will the minister table any documents and recommendations related to an assessment of the site?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1) No.
- (2) Not applicable.
- (3) The site has no infrastructure, power supply, or water supply and it is in a water catchment area. When I say it has not been considered, the name passed by, but in view of its obvious difficulties it did not take much time for it to be discarded.

AGRICULTURE WA, HORTICULTURE BUDGET

570. Hon MURIEL PATTERSON to the Minister for Transport:

- (1) With the rapid growth of horticulture in the south west, what proportion of Agriculture WA's budget is directed towards this sector compared to broadacre farming?
- (2) How many staff are directly employed in providing extension and research services in this sector?

- (3) What programs does the Government have in place to ensure that south west growers have access to the latest information?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The total Agriculture WA budget from funds directed to the 10 programs is \$141.9m. Horticulture receives \$12m, which includes an additional \$1m per annum as part of the coalition's 1996 election commitment, while the major broadacre programs receive the following: Cereals, \$13.1m; pulses, \$9m; wool, \$6.4m; and meat, \$6.1m. Funds from the trade and market development new initiatives and new industry sustainable rural developments and agriculture protection programs are also directed in part to both horticulture and broadacre sections of agricultural industries.
- (2) The horticulture program budget currently purchases wholly or partly 94 full-time equivalents to provide extension research services. This includes technical support and farm staff.
- (3) South west growers have access to the latest information through a number of industry-directed newsletters, field days, field walks, the Internet, CD-ROM and regular articles in rural magazines and newspapers and in radio and TV presentations and workshops. The Manjimup Horticulture Research Centre is being redeveloped at a cost of approximately \$2m. The design and development phase is complete and the tender and construction documentation is being finalised. In addition, Agriculture WA has established three horticulture information centres at Denmark, Bremer Bay and Donnybrook, with three more planned for Gingin, Augusta and Capel. Major industry forums have been held at Manjimup and Margaret River, and further seminars are planned for Bunbury. If the member has any specific issues the Minister for Primary Industry has indicated he would be happy to arrange a comprehensive briefing.

MINING, MOHSAB REPORT

571. Hon MARK NEVILL to the Minister for Mines:

- (1) Has the minister received a copy of the MOHSAB report into risk taking in the underground mining industry?
- (2) Does the minister support all the recommendations; and, if not, which recommendations does he not support?
- (3) When will he be able to release that report to the public?

Hon N.F. MOORE replied:

- (1)-(3) I received the report yesterday. I have not had a chance to read it since then. As soon as I have had a chance to look at it, and I will do so with some urgency because it is important. I will then contemplate whether it will be tabled.

WESTERN AGRICULTURAL INDUSTRIES, MEMORANDUM OF UNDERSTANDING

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

In respect to my question of Wednesday, 18 November 1998 in relation to the memorandum of understanding between Western Agricultural Industries Pty Ltd and the State of Western Australia -

- (1) Will Western Agricultural Industries Pty Ltd have to complete a study into sustainable surface water yield, part of which will include the nomination of a preferred dam site or other storage facility acceptable to the State?
- (2) Are the commitments and requirements contained within the MOU between Western Agricultural Industries Pty Ltd and the State of Western Australia binding?
- (3) If yes, why?
- (4) If not, why not?
- (5) Does the Premier still support the view he stated in *The West Australian* on 6 March 1993 that up to three dams could be built on the Fitzroy but initially he was looking at two?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(4) The memorandum of understanding between Western Agricultural Industries and the Government of Western Australia covers both prefeasibility and possible feasibility studies of surface water options. Both parties are obliged to pursue the MOU in its present form, and the Government has had no discussions with the company regarding changes to the MOU.

- (5) Studies have previously been undertaken on a number of dam site possibilities on the Fitzroy River and its tributaries. The Government does not have before it any proposal to place a dam on the Fitzroy River or any of its tributaries.

COURTS, NORTH METROPOLITAN REGION

573. Hon RAY HALLIGAN to the Attorney General:

Are there any plans to improve access to the court system for people living in the North Metropolitan Region?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

The metropolitan area is well served by court services. This is particularly the case in the North Metropolitan Region, as the Joondalup Magistrate's Court is the most modern of all metropolitan court facilities. Current and projected demand both at Joondalup and elsewhere is monitored closely, and it is on this basis that planning for new magistrate's courts facilities at Fremantle, Rockingham and Busselton is now under way. Work is also under way to establish additional interim Criminal Court facilities in the central business district, prior to the development of a co-located Supreme and District Court early next century. In addition, more innovative use of existing facilities is being considered to further enhance access to justice. For example, planning is now under way to pilot a project involving extended court hours within the metropolitan area.

NORTHBRIDGE TUNNEL, WATER LEAKAGE

574. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to my question last week regarding problems with water leaking through the tunnel face of the Northbridge tunnel -

- (1) Has the minister now received a report on this matter?
- (2) If so, can he confirm that a problem exists and explain what action he is taking?

Hon M.J. CRIDDLE replied:

- (1)-(2) I did inquire into the incident at the tunnel as result of the question from the member. Water lay to a depth of 50 to 100 millimetres at the front of the excavation of the tunnel as a result of ground seepage after rain. That is where the steel fixers are scheduled to work. The work was temporarily suspended. The event had no impact on the construction program or the permanent works. In fact, there will be minimal leakage through the outer diaphragm of the walls of the tunnel.

Hon Ljiljanna Ravlich: But it is leaking.

Hon M.J. CRIDDLE: I will finish the explanation. That leakage has always been expected in the design of the tunnel. The tunnel structure is designed to have a life span in excess of 150 years.

TITLES VALIDATION BILL, MIRIUWUNG-GAJERRONG CASE

575. Hon HELEN HODGSON to the Leader of the House:

- (1) Is the minister aware that the decision in the Miriuwung-Gajerrong case was handed down today?
- (2) Will the minister defer debate on the Titles Validation Amendment Bill until members of this House have had an opportunity to consider the 260-page judgment?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) No.

DENTAL CLINICS, WAITING TIME

576. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

Some notice of this question has been given.

- (1) What are the latest figures for people waiting for treatment at the Perth Dental Hospital and other government dental clinics; that is, what are the waiting times and how many people are waiting for treatment?
- (2) How many people are waiting for care through the country patients dental subsidy scheme and what is the average waiting time?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- | | | | |
|-----|-------------------------|-------|-----------|
| (1) | Perth Dental Hospital | 2 754 | 10 months |
| | Fremantle | 1 450 | 14 months |
| | North Perth | 835 | 16 months |
| | Liddell (Victoria Park) | 1 119 | 13 months |
| | Swan | 580 | 9 months |
| | Sir Charles Gairdner | 122 | 4 months |
| | Rockingham | 1 217 | 18 months |
| | Warwick | 903 | 14 months |
| | Mt Henry | 105 | 7 months |
| | Albany | 92 | 5 months |
| | Bunbury | 364 | 8 months |
| | Vasse | 51 | 6 months |
| | Geraldton | 85 | 6 months |
| | Boulder | 18 | 2 months |
| | | 9 695 | |
- (2) Country patients dental subsidy scheme - seven months. An additional \$300 000 has recently been allocated to the scheme.

BUSES, NEW SERVICES**577. Hon E.R.J. DERMER to the Minister for Transport:**

- (1) What additional moneys have been allocated to fund the increase in bus services announced on 23 November 1998?
- (2) Are any existing services being cancelled or reduced to accommodate the new services?
- (3) If so, what are those services?
- (4) From where will the extra buses come given that the long-awaited buses on order from Mercedes are supposed to replace the existing fleet, which now has an average life of over 14 years?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. This demonstrates the fact that the bus services in Western Australia will improve in the next few years.

- (1) The revised and improved bus services for the Canning region announced on 23 November 1998 will be funded from the budgeted 1998-99 funds allocated for new public transport services.
- (2)-(3) The revision of bus services in Canning does not impact on the provision of existing bus services in any part of Perth. This growth in services is a reflection of the Government's commitment to the "Ten Year Better Public Transport Plan" issued in April 1998. The 10-year plan emphasises an expansion in the route network and increased frequency of services so that public transport is more competitive with private cars.

The new routes in Canning necessarily involve the cancellation or amendment of some old routes in the same area. The new routes have been developed with input from the community so that they offer an attractive and popular service. Routes which have been cancelled as they are superseded by new routes are routes 172, 174, 178, 179, 192, 193, 198, 199, 217, 228, 527, 528, 529, 725, 884 and 885. Route 538 has been retitled route 555, with increased frequency and extended hours. It is emphasised that the service to residents in this area has been improved markedly. The routes that have been removed have been replaced by new services which operate on more direct and efficient routes offering reduced journey times.

Services in the Canning region have been increased by 50 per cent overall, and, in particular, weekday services have increased by over 30 per cent. Saturday services have increased by 30 per cent and Sunday services have increased by 170 per cent. The design of services in Canning has been amended to reflect the wishes expressed by passengers responding to Transperth's passenger satisfaction surveys for quicker, more direct, higher frequency, improved evening and weekend services.

- (4) An additional seven buses have been allocated to the contractor in this area in order to introduce these new services. These seven buses are from the existing Transperth fleet and are some of the buses saved which have been realised from the efficiency of contract bus operators under the contracting-out process. During the process of contracting out the operation of bus services to private contractors from January 1996 to July 1998, 57 buses have been released for reallocation to new services. This has allowed 13 major new services to be introduced across the metropolitan area. The circle route, with stage 1 introduced in February of this year, and the impending upgrade of services in Canning are two of the more substantial improvements which have been allowed by the efficiencies of contracting out.

REGIONAL POWER SITES, TENDERS

578. Hon GREG SMITH to the Leader of the House representing the Minister for Energy:

Can the minister list those regional power sites that have been put out for tender and any expressions of interest that have been received to date?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. This is a good question. Here is a member looking after the interests of his electorate.

Several members interjected.

The PRESIDENT: Order! Some of the members interjecting are on my list of members wishing to ask questions. However, if they do not want to ask their questions and would prefer to interject, I am happy to strike them off and continue with the other members on the list.

Hon N.F. MOORE: An expression-of-interest process has commenced in two regional areas for the supply of bulk power to Western Power for distribution to its customers in these regions. These regions cover the towns of Broome, Derby, Fitzroy Crossing, Camballin and Halls Creek in the Kimberley, and the towns of Yalgoo, Mt Magnet, Meekatharra, Cue, Sandstone and Wiluna in the mid west.

The expressions of interest received for the first of these two regions, the west Kimberley, are in the process of short listing and are being treated by the Regional Power Procurement Steering Committee as commercial-in-confidence prior to announcement of short-listed parties who will be invited to tender. The Minister for Energy will announce the short-listed parties when advised of their identity by the steering committee. The same process will be followed for the second region, the mid west, and subsequently also for the Esperance region.

PRISON BEDS, FUNDING

579. Hon TOM HELM to the Minister for Justice:

In the Estimates Committee hearings held in May this year, Ministry of Justice officials confirmed that funding for 150 interim prison beds announced by the minister in March was not in fact in the budget. Has the minister now obtained supplementary funding to meet the cost of the 150 interim beds he promised in March? If not, why not?

Hon PETER FOSS replied:

It is quite handy that Hon Ljiljanna Ravlich gave notice some time ago of a similar question, which she has not yet asked. The answer to her question contains some interesting information. I cannot give the precise figures. However, there have been discussions between the Ministry of Justice and Treasury on how the supplementary beds will be provided. We already have some in place. We already have 44 beds available by way of double-bunking: Twenty-four are installed at Bunbury, 12 at Albany, and eight at Greenough. I understand that discussions have been held with Treasury and that the go-ahead has been given for a 12-bed self-care unit, which is presently under construction, at Karnet; a 48-bed relocatable unit to be constructed at Canning Vale Prison by April 1999; and a 45-bed unit at the Canning Vale Remand Centre, with the completion date of March 2000 being brought forward to June 1999.

Hon Tom Helm: The funds are available for those?

Hon PETER FOSS: I am not sure about the formal funding. Obviously, a process must be followed under the various constitutional requirements by which funding is given to do this under the Treasurer's Advance Authorization Act. I do not know the stage that that has reached. However, arrangements have been made between Treasury and the Ministry of Justice to allow the Government to go ahead with that. I do not know the precise legal state of that at the moment.

GENETICALLY ENGINEERED CROPS

580. Hon CHRISTINE SHARP to the minister representing the Minister for Primary Industry:

(1) Is the minister aware of recent scientific reports published in the *Nature* journal, as well as other leading journals, that have raised the very real possibility that -

genetically engineered crops may spread their herbicide tolerance to other crops;

genetically engineered crops may crosspollinate with weeds and create new strains of herbicide-tolerant superweeds;

genetically engineered crops may have adverse impacts on insect and bird populations, with a flow-on effect through the entire ecosystem; and

genetically engineered crops may spread antibiotic resistance up the food chain?

- (2) Does the minister have a plan to contain environmental damage in the event that the introduction of genetically engineered crops has one or more of these effects?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The Minister for Primary Industry is aware of such claims.
- (2) Currently, applications for release of genetically modified organisms are assessed nationally by the Genetic Manipulation Advisory Committee. Consultation between the Commonwealth, State and Territory Governments and interested community organisations is under way to establish regulatory arrangements for gene technology. It is intended that comprehensive legislative arrangements, with complementary legislation in all States, will ensure protection of human health, agriculture, and the natural environment.

ATTORNEY GENERAL, JAPAN TRIP

581. Hon KIM CHANCE to the Attorney General:

Last week the Attorney General claimed in relation to his trip to Japan during March-April this year that either he or the Premier would have announced it. I ask -

- (1) Can the Attorney General confirm that he did not put out a media statement announcing this trip?
- (2) Can the Attorney General confirm that the Premier's media statement did not mention that the Attorney General was present during the Premier's visit?
- (3) Would the Attorney General explain why there was a news blackout of his trip to Japan?
- (4) Did any of the Attorney General's staff accompany him on this trip; and, if yes, who?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) There was no such blackout. It is not for me to dictate the content of the Premier's media statement. I understand from other ministers that the Premier does not usually make specific mention of their presence in his delegation. I recall that on one occasion I accompanied the Premier to Calais, and he did not acknowledge my presence there with him. However, it is not for me to criticise my leader.
- (4) Yes, my chief of staff.

ATTORNEY GENERAL, MINISTERIAL COUNCIL MEETING IN BRISBANE

582. Hon KEN TRAVERS to the Attorney General:

According to the September 1997 "Report of Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business" tabled by the Premier in April this year, only an agency officer, Jim Thomson, attended a ministerial council meeting in Brisbane in July last year.

- (1) Can the Attorney General confirm this?
- (2) If this entry is not correct, who else attended that meeting and why were the full details not published?

Hon PETER FOSS replied:

- (1) No, that is not the case.
- (2) The ministerial council meeting was attended by me, accompanied by my chief of staff and Dr Thomson. I travelled directly to Brisbane from Adelaide for the ministerial council meetings and Standing Committee of Attorneys General meeting. Details of this travel were included in my quarterly return. However, they have been inadvertently omitted from the Premier's report which was tabled. I am advised that an addendum will be included by the Ministry of the Premier and Cabinet in the report for the quarter ended 31 March 1998 to incorporate details of this travel.

KEVIN CULLEN COMMUNITY HEALTH CENTRE, BUSSELTON

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

- (1) Can the minister confirm that the audiology service at the Kevin Cullen Community Health Centre in Busselton has been cut?

- (2) If yes, who was consulted prior to the cuts being made?
- (3) Where can public patients now access this type of service?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) A public audiology service has never been provided by the Vasse Leeuwin Health Service. To do so would require the purchase of specialist equipment including a sound booth and the employment or contracting of an audiologist.
- (2) Not applicable.
- (3) There is a private visiting service in Busselton which costs approximately \$75 and cannot be claimed against Medicare. The nearest audiology service for public patients is Australian Hearing Services at Community Health Services in Bunbury. It also offers a service every second Friday of the month at the Vasse Leeuwin Health Service's bureau office.

YOUNG OFFENDERS ACT, REPORT

584. Hon N.D. GRIFFITHS to the Minister for Justice:

I refer to the question I asked last Thursday about a report reviewing the Young Offenders Act.

- (1) Can the minister confirm that he has received such a report?
- (2) If so, when did he receive it?
- (3) When will he release the recommendations contained in the report?
- (4) Is he able to table the report?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(5) The report may have been received by my office but I will have to check. The rest of the question is dependent on answering the first part and, knowing the member's particular standards of accuracy and the fact that I may face some form of privilege committee if there is even a slight ambiguity in my answer, I ask that he put it on notice.
-