



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 17 March 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

URANIUM MINING INDUSTRY

Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, from 100 persons praying that the Government opposed the establishment of a uranium mining industry in Western Australia.

[See paper No 884.]

JERVOISE BAY SOUTHERN HARBOUR DEVELOPMENT

Petition

Hon J.A. Scott presented the following petition bearing the signatures of 1 149 persons -

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

We the undersigned residents of Western Australia are concerned that the proposed Industrial Infrastructure development for the Jervoise Bay southern harbour will:

- Cause human-induced degradation of marine habitat of Cockburn Sound
- Degrade the high value of Brownman Wetlands
- Cut off access to the coast for recreation activities, and reduce fishing access to Cockburn Sound
- Increase the probability of seafood contamination
- Threaten the ecological integrity of Mt Brown and the Beelier Regional Park
- Reduce the amenity of nearby residential areas
- Add to the flushing problems of Cockburn Sound

We request that the plans for the infrastructure including the re-alignment of Cockburn Road be abandoned.

Your petitioners as in duty bound, will ever pray.

[See paper No 886.]

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Extension of Time

Hon Kim Chance reported that the Standing Committee on Public Administration had resolved that the time in which it has to report on the Labour Relations Legislation Amendment Bill (No 2) 1997 be extended from 17 March to 6 May 1999, and on his motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 885.]

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Inquiry Into Management of Western Rock Lobster Fishery - Motion

Resumed from 11 March on the following motion -

That the Standing Committee on Ecologically Sustainable Development inquire into the management and sustainability of the western rock lobster fishery having regard to-

- (1) The accountability of the Department of Fisheries and its rapid rate of expansion.
- (2) The potential conflict of interest of the department in being a regulator and having involvement in projects and marketing.
- (3) A proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers.

- (4) The ability of Western Australian fishers to store, feed and sell their product anywhere within Australia.
- (5) The establishment of a seafood exchange in Fremantle.

And that the ESD Committee report its findings and recommendations to the House on or before 2 June 1999.

HON B.K. DONALDSON (Agricultural) [4.05 pm]: During my last contribution I referred to the concerns that from time to time surface in any industry. Hon Jim Scott raised a number of points, including his desire that an inquiry be undertaken by the Standing Committee on Ecologically Sustainable Development. That would be a duplication of effort. I do not know whether the member is aware, but the Auditor General is undertaking a performance examination of Fisheries WA. The inquiry commenced in September 1998 and will be finalised by June 1999, after which time the report will be tabled in Parliament. Fisheries WA has been cooperating fully with the Office of the Auditor General and has made available all records and personnel to assist. Another inquiry would involve additional costs and would be a duplication of effort.

Although he probably wishes he had not, Hon Jim Scott also mentioned the ability of the scientists and those involved in the industry to forecast catches. He believes that they have not been very successful. The season had a very slow start, but this morning's *The West Australian* stated clearly that a bumper crayfish season would help to offset the price fall.

Hon J.A. Scott interjected.

HON B.K. DONALDSON: The season has not concluded. The whites ran later and the reds have begun more slowly than predicted. It is very hard to predict the Leeuwin current, the sea temperatures and the El Nino and La Nina effects. However, over time the forecasts have been very accurate. It is not like counting sheep or cattle in a paddock; it is very hard to observe the behaviour patterns of lobster. It is well known that at times the big bank has been unproductive. Weeks prior to fishermen moving to the big bank, divers reported lobsters on the move. By the time the fishing season started, the lobsters were no longer there. Scientists and others are probably wondering what triggered the move. It would be terrific if we could empty the ocean for a week to see what the biomass of the lobster was doing.

Hon Kim Chance: It is one of life's great mysteries.

HON B.K. DONALDSON: It is. They are unpredictable in many ways. I did suggest in a lighthearted manner to Peter Rogers, the executive director of Fisheries WA, that supposedly about 5 per cent of lobsters actually walk off the edge of the shelf. I do not know whether that is the correct percentage but there is some loss. I did lightheartedly say to him that maybe we should allow some of the amateur lobster fishermen to increase the number of pots to save that wastage before it got to that stage. Fisheries WA's predictions have been fairly accurate. If we look at the coastal fishery up to the end of December, Fremantle produced 1 595 tonnes, Jurien Bay 631 tonnes and Geraldton 1 556 tonnes, which made a total of 3 782 tonnes. To the end of December 1997 the total was 3 159 tonnes. Across the board on an average percentage difference, production is up about 19.3 per cent. From the evidence shown of accounts some years prior to that, production is very predictable.

Hon Jim Scott interjected.

HON B.K. DONALDSON: Fisheries WA predicted the catch last year and this year and it has also predicted the catch for next year. Given the history of its predictions for two and three years ahead, it has not been very far wrong. It puts quite a credible position each year. In *The West Australian* this morning Fisheries predicted the catch next year at something like 14 500 tonnes, if I remember rightly. The predictions and the larger catch have offset some of the price fall. At present, fishermen have been getting \$17 as a beach price. I understand that recently the southern zone has increased the price to \$19 and that it has moved to \$18 in some areas. Although the Asian downturn has affected the export market, significant gains have been made into other areas around the world which did not previously buy very much rock lobster from Western Australia. About 1 100 tonnes were used by the domestic market over the Christmas period, so that figure has gone up quite significantly. A big marketing program was run 12 months ago. As the price came down, the domestic consumer reacted. Certainly many more people had a cold Christmas lunch with not only lobster but also prawns. Last Christmas there was a very big marketing campaign, the results of which were certainly reflected in the amount of lobster consumed in the domestic market in Western Australia. That is great to see.

I do not want to be disrespectful to the restaurant industry, but with the low prices it is very disappointing for me to go into a restaurant and pay \$35 for a lobster. That price is for a lobster's size, which usually runs to about two for a kilogram. If restaurants were buying from a wholesaler at about \$23.50 a kilo for a lobster, I find it difficult to comprehend with the amount of effort it takes to put that onto a plate in a restaurant, which I do not believe is excessive in effort or time, why the restaurant industry has not responded as well as I thought it would to a delicacy that Western Australians enjoy. Western Australia also has a very large tourism industry. Although \$35 might not seem a dear price to the number of Asians who come here because they pay a huge price in their own countries, I would like to see the restaurant industry becoming more proactive in times of low prices to encourage people when they are eating out to try some lobster rather than their waiting to go to the market or waiting for specials in the supermarket chains. In 1992 when I was campaigning to get into this place I was talking to some people further up the coast. I told them that I believed there should be a pretty extensive marketing

program from ocean to plate. The export prices went up and I guess their enthusiasm subsided somewhat because the domestic market was not as crucial. Because of the amount of lobster being caught each year, there was not a problem because the export market bought up those lobsters.

Hon Jim Scott mentioned the expansion of Fisheries WA. I would have been disappointed had Fisheries WA not expanded its vision and used its expertise to look at ways and means the industry catches the lobsters and how it stores them, particularly where there is a large live market. The industry needs to look at the work ethic involved and the size of gauges at different times. The industry is catching lobsters and throwing them back and repeating the exercise. I do not know whether it was a good idea to change the legal size from 76 to 77 millimetres. Maybe the industry needs to look at some of its work practices. The industry is now starting to look more seriously at how it can catch and market its product in the most efficient and economic way. I think it has been recognised that the cost inputs are about \$12 a kilogram. If the industry is getting \$17 a kilogram, it could be bringing down its margins quite considerably. I think the industry itself has realised that maybe the honeymoon is over to some extent and that prices will have a cyclical pattern. This industry is no different from any other industry dealing with commodity prices. It is important that the industry continue to look seriously at how it markets the product and, more important, how it goes about catching the product.

The idea of extending the season for a couple of months was highly unpopular at all coastal zone meetings. A number of reasons were put forward. I am not a lobster fisherman, so I do not have the expertise to comment on the comments made at the meetings. The fishermen in the industry are the players in the field. They know what it means and how productive an extended season would be for the rock lobster industry. Taking that into account, how does the industry combat some of the other competitors in this field in the world market? It seems that industry can keep some of the live product and many processors are doing so. To keep sufficient quantities for the period of time I have been talking about is a very costly exercise. The realisation in the industry now is that it cannot expect the processors to carry that cash outlay for that period of time because it is very expensive to keep lobsters inside a live lobster facility. The industry is looking carefully at how it might hold those lobsters in an ocean scenario. A lot of research is needed into the shedding of shells and so on and the taking of a catch of, say, 76 millimetres or even 77 millimetres early in the season and then storing those lobsters for a period of time. The industry may need to have something like 3 000 tonnes stored. Why not? There are probably ways and means of doing it. I do not know. It would spread the product. I remember making a statement about three years ago at a coastal tour meeting. I had some very funny looks when I said that it is a bit like Myer closing its doors on 30 June and opening them again on 15 November. If we cannot supply what the consumers around the world are demanding when they want it, we will have problems. If Myer Stores Ltd closed its shop doors until 15 November it would lose its customers. We must be mindful of that. Cuba, Argentina, Brazil and South Australia can come onto the scene. They would be catching lobster when we closed down.

Hon Kim Chance: New Zealand in particular.

Hon B.K. DONALDSON: Yes. Those changes must be made. I was interested to hear that Hon Jim Scott was concerned about the number of changes. As I said last Thursday, I would be concerned if we were not making changes.

Hon J.A. Scott interjected

Hon B.K. DONALDSON: I did not hear what Hon Jim Scott said.

Hon Derrick Tomlinson: He is in a dead spot!

Hon B.K. DONALDSON: Is that what it is? I also said in the brief time I had last Thursday that perceptions always prevail in industry. I can relate the situation to farming and other areas. People feel disfranchised for a number of reasons. Their grievance may be real or it may be a perception. Disfranchising has occurred in some form as a result of the formation of splinter groups. That is sad because at the end of the day they should have the same focus. I guess an example of that is in primary industry in which the Western Australian Farmers Federation and the Pastoralists and Graziers Association were formed. However, they have existed for a long time.

Hon Kim Chance: Neither you nor I could throw stones on that basis.

Hon B.K. DONALDSON: I am not intending to; I am not being disrespectful towards those organisations; each has a right to feel comfortable about whichever forum they belong to. I would like to see a more concerted effort by fishermen to examine and implement best practice in their industry. They feel disfranchised because of the way the rock lobster industry advisory committee operates, for argument's sake. They do not feel as though they are getting full representation. I am not being disrespectful towards RLIAC; it has done some excellent work. However, that is not what the fishermen feel. Many of them feel that they are not getting their message across. It is like people's perceptions of politicians. They believe members of Parliament have stopped listening to them. In respect of RLIAC, whether that is a reality or a perception, some changes are necessary in how RLIAC is formed. Perhaps people would feel more comfortable with an election process. The election of directors at Cooperative Bulk Handling Ltd has worked well over the years. Not too many groups split from CBH because people feel that they are not being represented.

Hon Kim Chance: You have been reading Labor policy documents again!

Hon B.K. DONALDSON: I have been studying the situation. As Hon Kim Chance well knows, RLIAC has done some good by developing a strategy. *The West Australian* carried an advertisement on Saturday, 28 February indicating that strategy would be completed by the end of July 1999. It set itself a number of targets, some of which are the changes that are occurring within industry and technology.

With GPS there is a tremendous amount of expertise among fishermen themselves. They have been around for a long time. As we all know it is a long process to move from a "decky" to a skipper as either an owner or a skipper of a boat. Research is taking place now. A workshop was held in Geraldton on 11 March on the rock lobster enhancement and aquiculture program at which a number of guests spoke. They canvassed some of the issues about which we are talking, one of which was peurilist harvesting to which a research grant has been awarded. Another topic was whether down the track rock lobster could be propagated and turned into an aquiculture industry. At present the wild capture is meeting demands. At least the people involved are starting to move into those areas.

The WA Fishing Industry Council represents the broader industry, including processors. I would dearly love to see a more consolidated effort being put into that industry. It is a very important industry. I am very pleased to see that in the Fisheries Department 1997-98 budget research grants have increased from approximately \$857 000 to just over \$1m. Some of the regional services have increased from \$1.8m to nearly \$2m. The management budget has decreased from \$67 000 to \$60 000. I am not referring to management advisory committees. The overall cost of advisory committees and staff has increased from \$3m to \$3.4m. Corporate support also increased by about \$18 000 to \$20 000 during that period. Some pruning has occurred to some of the administration costs while some of the important regional and research areas have increased. That is important. I do not think any lobster fishermen in that industry would complain too strongly about the licence fees.

Another side to this industry is the scrapping of the 7/10 rule. That has opened up an opportunity. I have been an advocate for scrapping the 150-pot rule. Once the 7/10 rule went that should have also gone. An analogy I have used before is a 150-horsepower tractor pulling a certain size implement being replaced by a 400-horsepower tractor that must pull the same size implement. That is not very smart, economical or efficient. The scrapping of that rule will not destroy the industry because fishermen have been judging fairly accurately the number of pots they can efficiently operate from their own boats. The 18 per cent reduction will mean that anyone who owns 100 pots will end up with 82, but if they leased or bought another 18, the number would increase again to 100. However, 150 pots would reduce to 123 and that that would be it. That is rather silly.

Hon Kim Chance: Removing one inequity created another.

Hon B.K. DONALDSON: Yes. Within an industry a sorting out process occurs. People will want to exit it and have done so, in some cases on very good terms. Admittedly the price of pots has dropped as a result of the cyclic downturn. However, at the end of the day it will not reduce the fishing fleet a great deal. In business many decisions must be made. If an owner wants to operate with 150 pots he must have a boat that can handle that number. A fairly high capital outlay is necessary not only because of the size of the boat but also to get the additional pots. People who paid \$28 000 to \$38 000 for a pot a few years ago may wish they had not been so eager to increase their number of pots. I suppose if they are in for the long haul it will be worthwhile at the end of the day. That industry should be closely examined.

It reflects on the work ethic and the necessary tasks. If we see diminishing returns into the future, with inevitable increased costs, and in three or four years we are not achieving greater than \$17 or \$18 a kilo, with a \$13 or \$14 a kilogram average cost, many fishermen will need to assess how they operate in the industry. Part of that process is to consider how one markets the catch. Do we need a 15 November to 30 June season? Maybe if we applied the 76 millimetre gauge earlier, we could store the lobster efficiently. We should be catching the lobsters when they are available and storing them. Maybe we need not put a boat in the water every day as the operating costs of fuel, bait, etc are not cheap. I know that some of these changes are being considered.

It takes two or three years for people to assess changes and consider the consequences. Many other changes may be involved. I do not profess to be an expert in this area. Like many other primary industries, we need to reassess what is being done in the fishing industry. With all due respect to the Standing Committee on Ecologically Sustainable Development, I question whether its members are the best people to monitor this industry driven change. Involved organisations are helping the process. Fishermen are driving the agenda. It takes time for people to recognise that change is inevitable. The practices of five to 15 years ago no doubt will be different from those operating five years hence. All primary industries face that problem.

I return to some of the issues raised by Hon Jim Scott. He summarised opposition to the season extension. The industry will determine that matter. No-one is arguing about the reasons given for the proposal. That change is helping to drive another agenda. If we are not fishing at those times, maybe we should fish differently. For scientific or other reasons, alternative methods may not be possible. I do not know. It is being considered. Hon Jim Scott said he lacked faith in the conservation process. As I said a while ago, it does not matter whether it is a perception or a reality, the important point is

whether in everyone's mind he or she has been disfranchised. Maybe the industry needs to reconsider the formation of its peak organisational groups; namely, how they are selected, and whether they are elected. That is an evolving issue.

Hon J.A. Scott: Is that not a statutory matter?

Hon B.K. DONALDSON: One needs flexibility in the system. We have seen some success stories with many primary industry organisations. I referring repeatedly to the success of Co-operative Bulk Handling Ltd. Growers have felt comfortable and not disfranchised. I cannot speak for the industry and individuals, as a divergence of opinion is evident. I do not know the answer. We need to ask ourselves certain questions: Why are people feeling disfranchised? Why do they want to create new organisations? We need to consider how many processor depots we need. Should they be concentrated solely in Geraldton, Jurien, and Fremantle or Perth?

Hon Kim Chance: Or do we need more?

Hon B.K. DONALDSON: A capital outlay is involved. Again, maybe we should look at reducing not necessarily the processors, but the handling facilities. Lobsters are being handled better today than Hon Kim Chance and I can remember. I remember as a child - not wanting to date Hon Kim Chance - wandering around the Fremantle fishing boat harbour and seeing lobsters sitting in old wheat and corn sacks in the heat. They seemed to be dead by two o'clock, although some lived longer. Their handling today is a credit to the operators. I remember in Lancelin in 1993 seeing the competition between boat owners supplying one processor: This related to the number of "lives" they could achieve from each basket. The processor noted the percentage of live lobsters in the catch each day from each supplying boat. It was healthy competition. If the percentage dropped, they had to ask what went wrong on the boat. I am sure a few drinks and cartons were bet on the boat which most successfully delivered the most "lives" as a percentage of the catch. That creates competition and increases product quality. That is occurring more extensively.

Large lobsters have been caught recently. Rather than leaving them in the one basket, they have been separated on board the boats. They are then delivered to the processor and the large lobsters go direct to the markets.

Hon Kim Chance: China and Taiwan like the big ones.

Hon B.K. DONALDSON: It is to one of those markets. This is an on-board quality management practice which saves a lot of double handling. The oversized lobsters are placed in a separate basket and then in the live tank for a particular market. Many changes have occurred.

Hon Jim Scott indicated that I was not loathe to have an inquiry conducted into the Fisheries Department. I was referring to the late 1980s and into the early 1990s when I was concerned about many allegations made of a black market operating with abalone off the south coast. I remember receiving many papers on the matter, although people were reluctant to talk. The old Fisheries Act had no power to enforce compliance in some of the areas where penalties could have applied. To prove people had taken abalone, the department had to catch them in the act. When we enacted the Fish Resources Management Act in 1994, the Fisheries Department was able to follow up and prosecute people.

Queensland and the Australian Capital Territory did not have licences for export of abalone, if I remember rightly. When the Bureau of Agricultural Economics in Canberra produced figures, about 100 tonnes had been exported which was not part of the export quota licences of all the other States. At the time those abalone were caught in the south, allegations were made that they were being taken into Queensland or the Australian Capital Territory, where there was no control over abalone licences, and exported from there. I was not very happy and I remember speaking about it in this place at the time. I was also angry when I felt we were not moving into aquaculture fast enough. I saw this industry beginning all over the world, and I made some critical comments about it. I have felt more comfortable in the past two or three years since quite significant strides have been made in that area. A lot of money has been put into aquaculture by both the Government and the industry, particularly into research. Fisheries WA can be very proud of the management controls, techniques and science it has applied, not just to the rock lobster fishery, but to the industry generally. In other areas of wild capture, whether it be crustacea, fin fish or whatever, we in this State can hold our heads high, because we are providing and maintaining a good biomass in these different areas of fishing. At the end of the day we do not need an inquiry about what Fisheries WA is doing. The evidence is clear.

The member also talked about the lack of faith in the options taken by Fisheries WA. He said the ability of the industry would be achieved through live-storage facilities. That is happening already. It concerns me that we often espouse theories and say that a committee should look at an issue which is an industry matter. If there was a belief that the sustainable catch was not being achieved or the sustainability of the industry was in serious question, one could argue the need for such a committee, because it is of concern to the economic wellbeing of the State, especially regional Western Australia where the rock lobster industry occurs. If that were the case, I would support that; however, I cannot because it is not happening. I refer members to an article in this morning's newspaper about some other fisheries, including abalone, snapper, shark, scallop and many others. We are maintaining a sustainable biomass across the whole of industry. I will not support the move to establish this committee. It will be a duplication of effort.

Hon J.A. Scott: Will you talk about marketing?

Hon B.K. DONALDSON: The processors have gone to considerable trouble. Their expertise has grown from year to year and they have achieved excellent results. We have had a massive downturn in the Asian economy, as a result of which our exports to those countries have been reduced; yet, the processors have picked up other markets and successfully encouraged Western Australians to eat more lobster. They have achieved huge successes in those areas. It is arguable that Fisheries WA should be involved solely in the management of the fisheries and keep out of the rest of the operations, as the member suggested; however, sometimes all of these groups may need a bit of direction, and the department has the ability to research and to encourage processors through the industry groups. It is also important to recognise that the department can provide expertise and direction to encourage and assist those processors to get more markets.

Fisheries WA has arranged to set up two exhibition stands at the world aquaculture conference to be held in Sydney in the last week in April. I encourage all members to go across to look at it. I will be in Sydney between the Wednesday and Sunday of that week. On the Saturday and Sunday a very big seafoodfest is to be put on by the Sydney fish markets, the fourth largest in the world. Of course, the conference is a forum for those who wish to avail themselves of technical expertise. This expo is well worth seeing. Fisheries WA is playing a major role in it, not only by putting in money, but also by being there and showing what Western Australia is producing. Fisheries WA has a role to play, as does private enterprise. The department has moved down that path, and I support the efforts it has made. I would also like to see some of the suggested changes occur.

HON KIM CHANCE (Agricultural) [4.46 pm]: In the time I have available today, while we are dealing with the motion I will outline the position of the Labor Party on this inquiry. As we said publicly prior to this occasion, Labor will support the motion but, in doing so, will not necessarily endorse all the reasons presented by my friend Hon Jim Scott when he moved the motion. We concur that an inquiry by the Standing Committee on Ecologically Sustainable Development will provide an opportunity for industry participants and stakeholders to put their points of view on how the industry should address its future. I have some doubts about the necessity of the inclusion of the issue of sustainability in the terms of reference in the motion, and I will touch on that to a greater extent later. We have specific reasons for supporting the motion and I will turn to those shortly.

Initially I will set out our broader reasons for this in-principle support. In 1995 Parliament enacted new legislation for the management of the whole fishing industry; that is, the Fish Resources Management Act 1994. That was a very comprehensive piece of legislation, the planning for which had started well into the term of the previous Labor Government. Despite the scale and the fundamental nature of that Act, it was ultimately subject to bipartisan support and by and large was welcomed and embraced by the industry. The 1994 Act was comprehensively reformed. It was bipartisan in both its passage and construction. It is important to note that the Fish Resources Management Act 1994 replaced the Fisheries Act, which was first enacted 90 years earlier in 1905. The Fish Resources Management Act set a new direction for the whole of the Western Australian fishing industry, including the rock lobster fishery, which is by far the most significant sector of the WA fishing industry.

The new direction encompassed in the legislation was based on a management ethic which recognised the value of input from the industry participants and stakeholders in the formation, implementation and review of the systems of management that are employed in each fishery. That is a significant difference from the ethic of the 1905 Act, which was closer to the bureaucratic line management system than to a devolved consultative system, which marks the ethic of the new Act. To some extent this issue has been personalised. I often hear fishermen say, "This would never have happened when Bernie Bowen was the executive director of Fisheries WA", or words to that effect. Although the former executive director, Bernard Bowen, and the current executive director, Peter Rogers, may have different personalities and different approaches to the problems, it could also be said that the way those two men did their job, and are currently doing their jobs, is as much a reflection of the changed nature of the Act which those two people had to administer as it is of their personalities. The Act requires Peter Rogers, the current executive director, to consult with industry and to work through issues with industry on a more partnership-aligned basis than did Bernard Bowen. Bernard Bowen's power as the chief executive officer of that department under the 1905 Act was almost Stalinist in its absolute nature. I am not for a moment suggesting that Mr Bowen was a Stalinist, but the power of the Act was such that the absolute power of the CEO was clearly reflected.

What has concerned me for sometime is that the institutional tools which are employed by the rock lobster industry for its management are tools that were put in place, not under the auspices of the current 1994 Act, but under the auspices of the 1905 Act. This raises a fundamental question: Are those management tools, designed as they were in reflection of that Stalinist-type Act, now appropriate to the more consultative 1994 Act, the Fish Resources Management Act? If the Standing Committee on Ecologically Sustainable Development were to do nothing else in its inquiry than answer that question, it would make a positive contribution to the industry. Some questions about the institutional structures employed by the rock lobster industry do not reflect the ethic of the current legislation. It must be recognised at this stage that the industry has monitored rock lobster fishermen's level of satisfaction with the current industry structures. I am told that a fairly high level of satisfaction was indicated by that survey. Having said that, it cannot be denied that a significant number of rock lobster fishermen want to see changes in the way the industry is managed. I know that because I have spoken to them on a

one-to-one basis and in industry meetings. It is an issue which emerges very clearly. In the main, the sector of the industry which has sought change has been represented by the Western Australian rock lobster fishermen's federation. The federation has argued that the present system is based on the ministerial appointment of the key decision maker or the key source of advice in the industry, the Rock Lobster Industry Advisory Committee, which has the central advisory function, and that the means of appointment of RLIAC is unrepresentative. The federation is seeking a wider base for industry input into decision making. That is a legitimate aspiration. It deserves serious consideration by the ESD committee and the Parliament in the context of the support for the retention of the current system.

We must also be aware that the management system is not completely static, but is subject to continual evolution and hopefully improvement. Although the current institutional structure may be a product of the 1905 Act, the change to the 1994 Act has not been a hot and cold issue. It has evolved. The 1905 Act was not as absolute in its direction by 1993 as it was in 1905. The institutional structures have moved with that. That does not detract from the point that I am trying to make; that is, the institutional structures are the product of the earlier Act. In some areas the structures fail to reflect the ethic of the Fish Resources Management Act. In that context, the Western Australian Fishing Industry Council has sought industry views on a subject which has long concerned me: The degree of ownership that fishermen have of the decisions which flow out of RLIAC, the Rock Lobster Industry Advisory Council. The Labor Party's position is that we will work with industry towards improving input into the selection of RLIAC. We have flagged that we would like to see a proportion of the committee elected by fishermen. I am delighted to see that Hon Bruce Donaldson shares that vision. WAFIC also has looked at that proposition and is moving towards an agreement that that is something that we should be setting out to achieve, even if the mechanisms of putting it in place will take a little time. The industry's current position is that it is not yet ready to endorse direct election of RLIAC. However, it is something on which I look forward to working with industry and I am sure that, in time, we can achieve a structure with which industry feels comfortable, while at the same time gaining a greater ownership of RLIAC's decision-making process. That last factor is consistent with the ethic of the new Act.

One aspect of the new management process that has always bothered me is an issue which was referred to extensively by Hon Jim Scott and Hon Bruce Donaldson; that is, the way in which the grassroots consultation is carried out in the industry. The mechanism for this in the rock lobster industry is what is called the "coastal tour". The coastal tour is a series of meetings along the west coast which provide for an interchange of views between rock lobster fishermen, Fisheries WA, the Rock Lobster Industry Advisory Committee and the minister, if he so chooses. On the surface, the coastal tour is a model of a consultation process. In some centres - one that immediately comes to mind is Dongara - it is a process which seems to work exactly as it was intended. Dongara, however, is a smaller centre. My concern is that in the large tour meetings, such as in Fremantle and Geraldton, the amount of consultation which actually happens is less than is needed. This goes to the core of some of the issues that Hon Jim Scott mentioned. I hope that the Standing Committee on Ecologically Sustainable Development, should the House decide to refer this matter for its investigation, will take evidence on the value of the coastal tours and will recommend ways in which the consultative process can be augmented. I am not in any sense advocating the cessation of the coastal tour - quite the reverse; I am looking for a way of improving it. Much of the opposition generated in Fremantle to the current management system has stemmed from the failure of the coastal tour meeting in Fremantle to provide effective two-way communication between industry participants and industry managers. I have witnessed that failure personally.

Debate adjourned, pursuant to standing orders.

SEATING ARRANGEMENTS IN LEGISLATIVE COUNCIL

THE PRESIDENT (Hon George Cash): I have agreed to alternative seating arrangements for the Attorney General today, and possibly tomorrow depending on the level of improvement in his back complaint. The Attorney General, along with other members of this House, has raised with me the inadequacy of seating in this Chamber. Members should know that, although I have not yet been successful, I have raised the matter with the Premier at a budget meeting and indicated that not only is funding needed to improve the situation, but also that the Parliament may face a legal liability with respect to back problems that are clearly developing with some members. That is a matter for the Government to consider.

[Questions without notice taken.]

JURIES AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and transmitted to the Assembly.

SOIL AND LAND CONSERVATION AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendment No 2 made by the Council, and had agreed to amendment No 1 subject to an amendment, now considered.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Amendment No 1 made by the Council, to which the Assembly proposed an amendment, was as follows -

Page 4, after line 18 - To insert the following subsections -

- (9) The steps that are prescribed for the purposes of subsection (8) in relation to a proposed service charge are to include —
 - (a) the holding of one or more public meetings for the consideration of the service charge by persons who would be required to pay it and who attend such a meeting;
 - (b) the placing of prescribed information before any such public meeting; and
 - (c) the giving of an opportunity to persons referred to in paragraph (a) to vote at a public meeting for or against the service charge or otherwise to express their views.
- (10) Regulations made as mentioned in subsection (9) (a) in relation to public meetings are to include -
 - (a) requirements to be observed in connection with the calling of any public meeting, including a requirement to give public notice of the meeting;
 - (b) provision as to the chairperson; and
 - (c) provision for the procedures to be followed, including provisions for a quorum and in respect of voting.
- (11) The imposition of a service charge is of no effect if any prescribed step is not taken or is not taken in accordance with the regulations but a service charge may be imposed even if a public meeting does not vote for it or votes against it.

The amendment by the Assembly was as follows -

To delete all words after “regulations” from paragraph (11).

The Assembly's reason for amending the Council's amendment was as follows -

The amendment would have complicated the legislation to a degree not envisaged by the Legislative Assembly.

Hon M.J. CRIDDLE: I move -

That the Assembly's amendment to the Council's amendment No 1 be agreed to.

Hon CHRISTINE SHARP: The message refers to an amendment that I moved. I shall explain briefly why I am happy to concur with the proposal in the message. The amendment as I moved it was to tighten accountability measures with regard to soil and land conservation amendments so that the imposition of service charges was subject to full community scrutiny and agreement. However, the wording of my amendment was subject to negotiation with the office of the Minister for Primary Industry and my original wording was somewhat tempered by that negotiation process. Therefore, I am pleased to receive a message back from the Assembly which brings my original motive to fruition. In removing all words after the word "regulation" we are removing the minister's discretionary power to prevent community accountability measures from holding sway. For those reasons the Assembly's message strengthens my accountability measures and I am pleased to support the suggestion in the message.

Question put and passed.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

HOSPITAL AND HEALTH SERVICES 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) [5.41 pm]: I move -

That the Bill be now read a second time.

I am pleased to introduce this Bill to amend the Hospitals and Health Services Act 1927 - namely, the hospitals Act. The major impetus for this Bill was the establishment of the Metropolitan Health Service Board on 16 July last year. The MHSB is a statutory corporation formed by the amalgamation of the former boards of the metropolitan teaching and non-teaching hospitals. The MHSB has management responsibility for the following public hospitals: Armadale-Kelmscott Memorial Hospital, Bentley Hospital, Fremantle Hospital, Graylands Hospital, Graylands Selby-Lemnos and Special Care Hospital, Kalamunda District Community Hospital, King Edward Memorial Hospital for Women, Osborne Park Hospital, Perth Dental Hospital, Princess Margaret Hospital for Children, Rockingham-Kwinana District Hospital, Rottneest Island Nursing Post, Royal Perth Hospital, Sir Charles Gairdner Hospital, Swan District Hospital, Woodside Maternity Hospital, and Wooroloo Hospital.

The MHSB is not a government trading concern and so is not charged with endeavouring to make a profit consistent with maximising its long-term value. However, in discharging its obligation under the new health care principles to provide public patient services free of charge, the MHSB is responsible for the administration of a significant budget, comprising commonwealth and state funds. For this current financial year, that budget is in the order of one-sixth of the State's recurrent consolidated fund expenditure.

When the MHSB was established, it was decided to pay the independent members sitting fees. The independent members are remunerated at commercial rates. This compares with other public hospital boards, the members of which are not paid. The creation of a statutory corporation the board members of which are paid commercial fees and which has direct control of a significant proportion of the State's budget necessitates the application of a rigorous, but fair, accountability regime for the corporation and its members. This Bill delivers that regime.

In developing this Bill, close regard was given to corporatisation legislation in this State. The provisions of the Gas Corporation Act, the Electricity Corporation Act and the Water Corporation Act - corporatisation legislation - were examined. The Bill draws heavily on the accountability provisions contained in the corporatisation legislation. These accountability provisions provide for the relevant corporation to develop and work to corporate planning documents. They comprise five-year rolling operational plans and annual statements of corporate intent.

An operational plan is required to set out economic, financial and operational targets. A draft of the plan must be prepared for the minister's consideration and agreement three months before the commencement of each financial year. If agreement cannot be reached, the minister has the power to direct the hospital board, but only after appropriate consultation has taken place with the board. If a direction is given, the direction must be tabled in Parliament. The minister is not permitted to agree to a draft operational plan, or any variation to one, without the concurrence of the Treasurer.

The statement of corporate intent must be consistent with the board's operational plan. The statement of corporate intent is required to specify the board's objectives and address matters such as continuity of provision of hospital and health services, delivery of optimum services, key performance indicators and a profile of targeted activity in all patient services for the relevant financial year. The processes for approval of the statement of corporate intent are similar to those for the operational plan. The document is, in effect, an instrument by which government can evaluate the performance of the hospital board for each financial year.

The accountability provisions of the Bill are designed to foster a partnering relationship between the minister, the Treasurer and the relevant public hospital board, which will contribute to optimal delivery of public and private patient health services to the Western Australian community. The Bill also draws heavily on the directors' liability provisions contained in parts 3 and 4 of the Statutory Corporations (Liability of Directors) Act - namely, the statutory corporations Act. It is notable that these provisions were in turn drawn from the corporatisation legislation. The statutory corporations Act does not apply to public hospital boards. Part 2 of the statutory corporations Act applies only to corporations that are established by legislation. Hospital boards are established under or pursuant to the hospitals Act, not by it.

Parts 3 and 4 of the statutory corporations Act apply to corporations that are listed in the schedule to that Act. The corporations that are currently listed in that schedule are all government trading entities. Hospital boards are not state trading concerns or government trading entities, although having said this, they do have a limited capacity to provide services for a fee. Hospital boards are permitted to raise fees for the treatment and accommodation of private and compensable patients.

Additionally, section 18(2a) of the hospitals Act provides that notwithstanding the provisions of the State Trading Concerns Act, hospital boards may, with prior ministerial approval, provide services for a fee. These services must be of the kind that the board provides in performing its statutory functions. The Bill also includes provisions dealing with a board's capacity to exclude or indemnify a board member from liability and to insure a board member against liability for certain acts or omissions. These provisions differ from section 15 of the statutory corporations Act. The exclusion, indemnity and insurance provisions in the Bill are based on similar provisions in the Port Authorities Bill.

I have cited the major impetus for the Bill as the establishment of the Metropolitan Health Service Board, yet the Bill refers to the MHSB only in clause 15. This is because the MHSB is established not by an Act, but, as mentioned earlier, pursuant to an Act. The Bill entitles the minister to make an order declaring a particular public hospital board to be subject to the

corporate planning document provisions of schedule 2, the directors' liability provisions of schedule 3 and various other provisions concerning the employment or engagement of key board personnel.

It is proposed that the MHSB will be the first public hospital board to be subject to the new accountability regime. It is not anticipated that the accountability regime will be imposed on country hospital and health service boards which manage small budgets, and the members of which contribute their time free of charge. In the future, it may be appropriate to require significant regional public hospital and health service boards to comply with the accountability regime. It is anticipated that this would occur only if the members of these boards were remunerated at commercial rates.

The Bill delivers significant initiatives in addition to the accountability of boards and board members. The Bill also clarifies the role of the Commissioner of Health. Currently under the hospitals Act, the Commissioner of Health has only one function; that is, to license private hospitals and private psychiatric hostels. The Bill spells out that the commissioner's role is to advise the minister on all aspects of policy relating to hospitals and health services and to assist the minister in the performance and exercise of the various functions, powers and duties that are vested in the minister under the hospitals Act.

The Bill also gives the Commissioner of Health a stake in the employment and removal of the chief employee and the chief executives of designated multi-hospital boards. A designated multi-hospital board must obtain the commissioner's approval to employ, engage or dismiss a chief employee and a hospital chief executive and to fix the terms and conditions of that person's service or engagement. The commissioner is also given the power to direct the hospital board as to the processes to be followed in the recruitment and selection of such persons. That does not exempt the board or the commissioner from complying with the Public Sector Management Act and the public sector standards. The powers given to the commissioner concerning key public hospital personnel underpin the concept of a partnering arrangement between relevant public hospital boards, key hospital executives and the Health Department. Those organisations and personnel must work together closely and cooperatively. It is important to forge strong allegiances between the key players in the government health industry. The Bill introduces mechanisms that I hope will achieve greater efficiencies in health service delivery in the metropolitan area and secure effective, cooperative relationships between key public hospital boards and their executives and the Health Department.

It is important to mention that the Bill also amends certain provisions of the Queen Elizabeth II Medical Centre Act. The QEII Act currently provides that if there is a teaching hospital on the QEII reserve, as there is in the form of Sir Charles Gairdner Hospital, the Senate of the University of Western Australia may nominate not less than one-fifth of the members of the board of that teaching hospital. When the MHSB was established that provision was not observed, because a decision was made by the then Minister for Health that it was not appropriate for any member of the MHSB to represent any particular institution or interest group. As that provision of the QEII Act was not observed when the members of the MHSB were appointed, it is appropriate to validate the establishment of the MHSB.

The QEII Act also provides that the clinical appointments committee of the teaching hospital on the QEII reserve must be chaired by the chairperson of the board of Sir Charles Gairdner Hospital. Since the MHSB was established as the board of Sir Charles Gairdner Hospital the chair of the MHSB has not chaired the hospital's clinical appointments committee. Consequently, the Bill validates the appointment of all medical personnel at Sir Charles Gairdner Hospital since the MHSB was established. The Bill suspends the operation of those provisions of the QEII Act for the period that the board of Sir Charles Gairdner Hospital has the management and control of more than one hospital. In the event that Sir Charles Gairdner Hospital ever again has a dedicated board, the Senate of the University of Western Australia will be entitled to nominate not less than one-fifth of the members of that board.

I now refer to the particular provisions of the Bill. The key clauses can be summarised as follows: The hospitals Act currently provides for two types of public hospital boards - appointed boards and ministerial boards. In the absence of an appointed board, the minister is deemed to be the board of a public hospital. Clauses 4, 6 and 8 make it clear that references to boards throughout the hospitals Act include both types of boards, while references to boards constituted under section 15 of the Act refer only to appointed boards. Clause 5 introduces a new section 6 into the hospitals Act. Section 6 clarifies the role of the Commissioner of Health in the terms outlined earlier.

Clause 9 repeals section 18A of the hospitals Act. The current section 18A deals with the minister's capacity to access board information by ministerial direction. Clause 9 introduces a new section 18A that permits the minister to determine that an appointed board is subject to the corporate planning document provisions set out in schedule 2. As mentioned, the provisions of schedule 2 are based on the corporate planning document provisions of the corporatisation legislation. Clause 9 also introduces new sections 18B, 18C and 18D into the hospitals Act. Those sections deal with the minister's capacity to obtain information, the responsibility of appointed boards to keep the minister informed, and the need for consultation between appointed boards and the minister. Those provisions are also based on similar provisions in the corporatisation legislation. I will not speak at length about schedule 2 or clause 9, as the content of those provisions was the subject of extensive comment and discussion during the passage of the corporatisation legislation.

Clause 10 introduces a new section 18E into the hospitals Act. Section 18E entitles the minister to determine that a board that has the management and control of more than one hospital is subject to schedule 3. Schedule 3 deals with board member

liability issues, and essentially reproduces part 3, divisions 2 and 3, and part 4 of the statutory corporations legislation. It obliges board members to act honestly and reasonably and not to make improper use of information or their position. I will not speak at length on the provisions of schedule 3, as they were also the subject of extensive comment and discussion during the passage of the statutory corporations legislation. Division 5 of schedule 3 is not drawn from the statutory corporations legislation but is based on similar provisions contained in schedule 3 to the Port Authorities Bill. Division 5 prohibits a board from -

- exempting a member from liability to the board incurred as a member;
- indemnifying a board member, directly or indirectly, from certain liabilities incurred as a member;
- indemnifying a board member, directly or indirectly, against legal costs incurred in defending criminal proceedings in which the person is found guilty and certain other proceedings; and
- paying premiums for insuring a member of the board against a liability, other than for legal costs, arising out of wilful breaches of duty or improper use of information or position.

Clause 11 introduces a new section 19A into the hospitals Act. Section 19A(1) provides that the minister may determine that a multi-hospital board is subject to section 19A(2) to (6) inclusive. Section 19A(2) to (6) prohibits the board from employing or engaging a chief employee or a chief executive of a hospital, fixing that person's terms and conditions of service or engagement, or removing that person from office, without the approval of the Commissioner of Health. Clause 12 amends the current schedule to the hospitals Act by renaming it schedule 1 and providing that a board member is guilty of misbehaviour in certain specified circumstances. Clause 13 inserts schedule 2, dealing with corporate planning documents. Clause 14 inserts schedule 3, dealing with board members' duties and liabilities. Clause 15 amends the QEII Act, rather than the hospitals Act, by suspending the operation of the provisions to which I referred earlier, and validates the establishment of the MHSB and the appointment of all medical staff at Sir Charles Gairdner Hospital on and from 16 July 1997.

The Bill has been assessed under the national competition policy. It has been determined that no clause has an anti-competitive effect necessitating substantiation on a cost-benefit basis. The Bill is not a panacea for all the inadequacies of the hospitals Act. However, it is a significant and necessary initiative to underpin the establishment of the MHSB, to clarify the role of the Commissioner of Health and to improve the minister's power to obtain information in the possession of appointed boards, and to oblige appointed boards to keep the minister informed of their financial and operational position. A comprehensive review of the hospitals Act is planned to occur shortly. The advent of the national competition policy, the introduction of the commonwealth aged care legislation, the expiry of the Medicare Agreement, the enactment of the new health care principles, the negotiation of the new Health Care Agreement and the development of the State's Metropolitan Health 2020 plan, among many other factors, necessitate that overall review. In the meantime, however, I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

**METROPOLITAN REGION SCHEME AMENDMENT No 1001/33 SOUTH WEST DISTRICTS OMNIBUS
(No 3A) JERVOISE BAY**

Motion for Disallowance

Resumed from 16 March on the following motion -

That the Metropolitan Region Scheme Amendment No 1001/33 South West Districts Omnibus (No 3A) Jervoise Bay, published in the *Gazette* on 17 November 1998, and tabled in the Legislative Council on 17 November 1998, be and is hereby disallowed.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.55 pm]: It is proposed that at 7.30 pm the Attorney General respond to a number of questions that have been raised in this debate. In view of the fact that we have five minutes before the sitting is suspended, I thought I would give the House the benefit of my knowledge on this matter; my comments will be about the sum total of it all. I wish to say a few words in view of a fortunate experience that I had last week when I visited Norway to speak on oil and gas development in Western Australia.

For the benefit of members, the Agent General in London, in conjunction with the oil and gas industry in Norway, organised a meeting of oil and gas companies that operate in Norway to inform them about the Western Australian oil and gas industry and to indicate the opportunities that might be available to them should they wish to relocate to Western Australia.

Hon Tom Stephens: Did you deliver a paper?

Hon N.F. MOORE: Yes. I spoke at the seminar and explained in general terms what I believe to be the future of the oil and gas industry in Western Australia.

Hon Tom Stephens: Could I have a copy of that paper?

Hon N.F. MOORE: Yes, of course. The bottom line is that we have a significant oil and gas industry, which will grow. At the moment oil prices are low. However, oil is not our major petroleum resource; it is in fact gas. Some delays are occurring in finalising a number of contracts between the North West Shelf partners and potential customers in Japan. The Gorgon project is also experiencing difficulties with potential customers for its gas. I think Hon Tom Helm said last night that the delays which have been visited on these projects may be beneficial to Western Australia in the long term, because while they are occurring it gives us a chance to develop the Jervoise Bay facility. That will give Western Australian companies, and other companies that operate out of Jervoise Bay, the opportunity to be part of the development of Gorgon and the expansion of the North West Shelf operations.

Kvaerner, Aker Maritime and other major Norwegian oil and gas companies are already active in Australia and are keen to be more active in the future. I was surprised to learn that Norway is the world's second largest oil exporter. I had not realised how big the industry was in Norway. Because of the North Sea developments, a number of support bases for the offshore industry have been developed along its coast. The exploration is undertaken by the major oil companies, and once they discover an oil or gas deposit, the platform is built and the process for extracting the oil and gas is put in place. However, that is just the beginning. A great deal of work associated with supporting and supplying the platforms is then carried out. There is also a great deal of work involved in the maintenance of the platforms and the vessels that support the industry.

When I was in Stavanger, which is the Norwegian port at which the conference was held, I saw an extraordinary, most peculiar-looking undersea pipe-laying vessel which lays underwater gas pipelines to the tune of something like four kilometres a day. It is an amazing vessel. It was berthed at Stavanger to be refurbished and maintained. The work associated with that vessel was quite significant. I imagine that the development of a similar facility at Jervoise Bay will be of great importance to our own oil and gas industry. It will give us a chance to compete with particularly Singapore, and to create within Western Australia the expertise that goes along with the oil and gas support industries.

I suggested to the people at the conference that they might contemplate using Perth as their South East Asian base rather than Singapore or some other Asian country. I said that Perth has a great deal to offer with respect to cost, our lifestyle and our climate. There are many reasons why setting up a base in Perth, rather than in some other part of South East Asia, for the South East Asia and Oceania area is a good idea.

Sitting suspended from 6.00 to 7.30 pm

HON PETER FOSS (East Metropolitan - Attorney General) [7.30 pm]: I oppose the motion. Hon Jim Scott spent several hours speaking on the matter, and during that time he quoted extensively from something he called the Joyce report. At the beginning of his speech we learnt the character of what he called the Joyce report. We have a very good system whereby undergraduates can work as interns for members of Parliament. It is an excellent experience for them and it is excellent assistance for members of Parliament. Mr Joyce was one of those. As I understand it, he is an undergraduate at the Curtin University of Technology, taking a Bachelor of Arts degree - I do not know whether he has graduated - and as an undergraduate member of that university he has no status as representing that university. His Bachelor of Arts, I believe, is in politics. As a document prepared by an intern, it is a useful political document; it is well written from a political point of view. The people who have read it say that it is riddled with inconsistencies and poor technique. The only reason that he and the document have come under criticism is that the document has been elevated to more than it actually is. It is no more than a research document carried out by a person who is not qualified in the matter, for a political purpose. It serves that political purpose and we should treat it as such. It has no status or standing whatsoever on its own. Its arguments stand or fall on their strength. We cannot use Mr Joyce's report in order to say, "As so and so said; therefore that is the basis." He does not have that status. It is unfortunate that Hon Jim Scott spent so much time quoting somebody else who was not worth quoting. He either had an argument which he should have put forward or he did not have an argument. We should not have been subjected to Hon Jim Scott reading to us for so many hours. I intend to treat it as Hon Jim Scott reading from his extensive notes prepared in his office and I will deal therefore with such arguments as arise.

Most of the arguments, of course, arose not in the course of Hon Jim Scott's speech but in the course of the speech by Hon John Cowdell, who posed many of the important questions that have to be answered by Governments, and in fact many of the important judgments that have to be made by Governments when it comes to making decisions about whether to go ahead with something. Interestingly, many of Hon John Cowdell's questions were answered by his colleagues. Hon Mark Nevill's speech was excellent; in some respects he echoed Queen Elizabeth I. Many members remember the story about Sir Walter Raleigh and Queen Elizabeth I - I have mentioned it previously - in which Sir Walter Raleigh, wondering whether he should go off to the Americas, scratched with his diamond ring on the glass at Hampton Court: "Fain would I climb, yet fear I to fall." He did not realise that his graffiti was being observed by Her Majesty. She then reached past him and wrote with her diamond ring: "If thy heart fails thee, climb not at all." The point is that nothing will happen unless something is done. People who fear even to take the first step never take the second, third, fourth or fifth steps.

It was a little unfair on the Labor Party for Hon Jim Scott to indicate that all the things that happened down at Kwinana had been at the behest of one or other Liberal Government. Some people in the Australian Labor Party would say that they had been rather badly left out of having any part in the development of Western Australia.

Hon J.A. Cowdell: You, no doubt, will claim all the credit.

Hon PETER FOSS: No. Hon Mark Nevill quickly put Hon Jim Scott to shame - he actually dealt with facts, which is always one of the nice, refreshing things about a speech by Hon Mark Nevill. He not only considers a matter deeply but also relies on facts, not assertions. One of Hon Jim Scott's really good assertions was that there was an "overload" of tributyltin. I am well aware that tributyltin is a serious problem in Cockburn Sound. I am aware also of where it comes from - international shipping. I have urged the Federal Government to do something about an international convention on tributyltin. The Western Australian Department of Environmental Protection has been a leading mover in trying to do something about international pollution of the seas. Unfortunately, it is not a matter which the Western Australian Government can control completely, but as far as we can control it we have dealt with tributyltin. Tributyltin is unlikely to be brought to us by the projects that will take place in Jervoise Bay. It is due to the fact that foreign ships visit regularly and tributyltin is their anti-fouling material. It has got into Cockburn Sound; it is in the life-cycle there and it is a problem.

The word "overload" almost suggests that there is a point to which we can go with tributyltin and that when we exceed that point we will have an overload of it. Hon Jim Scott constantly uses such pseudo-scientific arguments to indicate that perhaps something happens at a particular stage and that now we have an overload of tributyltin. Hon Jim Scott knows full well that it is a serious problem, but it is not that it has reached that point and that one little point gives us something called an overload. There is no such thing as an overload of tributyltin. There is either tributyltin or there is not tributyltin, there might be a lot of tributyltin or a small amount of tributyltin, but there is not a certain point when it suddenly becomes an overload of tributyltin.

We know that there is a problem with nutrification of Cockburn Sound and we also know the major sources of it. Eighty per cent of the nutrification of the sound comes from two sources: One is Love Starches and the other is the Water Corporation's sewerage plant.

[Interruption from the gallery.]

The PRESIDENT: Order! Last night I advised the public gallery that, as much as the House is happy to have members of the public attending and listening to the debates, there is no room for discussion from the gallery.

[Interruption from the gallery.]

The PRESIDENT: Order! You have put me in a position now of asking you to leave the public gallery, because I cannot have such interjections.

[Interruption from the gallery.]

The PRESIDENT: Order! That is your choice.

[Interruption from the gallery.]

The PRESIDENT: Order! I am now asking that you please do not interject because most members would be pleased if you would stay and listen to what is being said.

Hon PETER FOSS: It is very pleasing that people are going through the same experience as I had to when listening to the rather extravagant claims being made by Hon Jim Scott when he was unable to put his arguments with the degree of accuracy and scientific correctness required. One of the good things that has arisen from this proposal is the benefits to the sea, such as the undertaking to put in wells that will take up the water that contains the nutrients, denutrientify it and reinject it into the ground. It is often difficult to get that sort of thing done. However, as a result of this proposal, that undertaking has been made and it will be an important benefit for Cockburn Sound. A problem arose in the northern part of Cockburn Sound because of the high amount of nutrients flowing from those two sources.

Notwithstanding that and because the project has been aired, the design of the harbour further included an island construction to maximise the flow of water through that part of Cockburn Sound. That was a sensible response. The real problem was in the north.

One of the benefits that arose from an application some time ago by Cockburn Cement Ltd to dredge the Sound - Hon Mark Nevill remarked on the same point - was the large amount of research carried out by Cockburn Cement. From that arose the fact that it is possible to regrow some of the seagrasses.

Hon J.A. Scott interjected.

Hon PETER FOSS: It is. That was one of the myths. The fact is that *Poseidonia* has regrown in King George Sound.

Hon J.A. Scott: Bits were replanted; it has not regrown.

Hon PETER FOSS: It has regrown. There is nothing like being Hon Jim Scott's kind of person. He is just like the man who rang the bell and said, "If I say it three times, it is true." That seagrass can be re-established; he knows that, but he continually says things which are incorrect. Mr Scott has never really -

The PRESIDENT: Order! It is "Hon Jim Scott" while we are in this House.

Hon PETER FOSS: Hon Jim Scott has a little problem. Members might recall that when I was Minister for the Environment we remeasured the area of national parks. When we did so they were found not to be as big as we thought. We therefore allocated some more land to them. Notwithstanding that, Hon Jim Scott, who knew this, went around saying that we had reduced the amount of land allocated to national parks. He will carry that with him for the rest of his life. Knowing the facts, he misrepresented them and said that we had reduced the amount of land allocated as national parks. He knew he was wrong. It does not help his credibility. He has never satisfactorily explained in this House why he did that. He cannot keep repeating things in the hope they will be treated as true.

Hon Bob Thomas: Tell us about the regrowth in Albany.

Hon PETER FOSS: It has occurred; that is why we know *Poseidonia* does regrow.

Hon Bob Thomas: Tell us how it happened.

Hon PETER FOSS: It does not matter how it happened. Hon Jim Scott says that it cannot happen.

Hon Bob Thomas: Tell us how it happened.

The PRESIDENT: Order! Hon Bob Thomas should understand that he, as much as I, want some relevance in the debate. We are debating Cockburn Sound. If the Attorney General returned to the subject of Cockburn Sound, that would be helpful.

Hon PETER FOSS: I endorse entirely the speech of Hon Mark Nevill. He got to the guts of the matter. He said that the previous Labor Government started it and the previous Federal Labor Government originally supported it. He was quite right; that was the case. It is one of those projects that not only has but also deserves the support of both sides of the House. He and Hon Tom Helm made the point that someone must get these things started. If we do not take the first step we will never get anything to happen. One of the important things Governments can do is provide infrastructure. If infrastructure is not provided, developments cannot happen.

There was no demand to travel by rail to the northern suburbs prior to the Labor Government building the railway. That seems amazing these days. Until the infrastructure is in place, people do not have facilities to use. Hon Tom Helm indicated that he is one person who happens to know of people who are prepared not only to put more money into it than both the State and Commonwealth Governments combined but also to do it this minute. That is the way in which we will have development in this country.

I will refer to some of the specific points raised by Hon John Cowdell, leaving aside that Hon Mark Nevill, Hon Tom Helm and Hon Barbara Scott have answered each of his questions. If he does not go along with them, he is saying that he will not make a move until everything is sewn up. Nobody will be able to make a move. As he knows, each person says, "I will do this if all these other things happen." The funding from the Commonwealth has always been dependent on environmental and planning approvals. The Prime Minister made this clear in his announcement of Commonwealth support on Australia Day 1998. The commonwealth Environment Minister, Senator Robert Hill, gave his clearance subject to the proponent meeting all the conditions and commitments required by the state Environment Minister. It is tying back into that. The Commonwealth Planning Commission requirements will be met by the rejection of this disallowance motion. We must do something ourselves to guarantee that. If we reject this motion we will have satisfied one of the conditions necessary for the commonwealth money.

Expressions of interests from the private sector were launched on 26 February 1999. Applications for the Information Memorandum have demonstrated that interest is very strong. For obvious commercial reasons it would be inappropriate to disclose the names of the companies interested. However, we have the name of one: Hon Tom Helm has kindly indicated that it is Ross Cammallaird Group of Companies.

To be well competitive the development requires access on an as-needs basis to diversity of skilled trades and tertiary qualified engineering personnel.

Hon Tom Helm plainly dealt with that matter. We all agree with him; we would love to see development in the north. We need in Western Australia a pool of labour to perform base-skill level work. One of the big problems is that we have stop-start employment, which causes considerable concern and disruption among the labour force. We have been very lucky with the aluminium boat construction industry. I saw a magazine produced overseas called *Tugs and Ferries*. Although it is an international magazine, a third of it was about boating issues in Western Australia and a third of the advertisements were about products in Western Australia.

We have been extremely successful in attracting that industry to Western Australia. Even though the aluminium boat industry is a different industry from that which we have sought to have based here, some skills are shared, some facilities can be shared because of their proximity and it provides the base level of support necessary to create a stable industry. It is the only metropolitan site which will allow a clustering of engineering contracts over time which will provide a steady base load of work augmented by major project activity. Fremantle has a totally inadequate harbour sound construction area, extremely limited berthing capacity and no industrial land to support industry development. Obviously the costs of mobilising and demobilising skilled labour at regional sites including Bunbury, Geraldton and Dampier render those sites non-viable. Even with his emotional attachment, Hon Tom Helm reluctantly - and I understand his emotions about this - recognised that fact. Hopefully, one of these days things will change, but that is the situation at the moment.

The old BHP site is an exposed jetty and would require extensive dredging, breakwater construction and other civil works. It lacks the support facility of the adjacent marine sports facility and access to available industrial land which is critical to the project's success.

Hon J.A. Scott: What is that document?

Hon PETER FOSS: These are the answers I am supplying for Hon John Cowdell. He asked many questions and I am answering them.

Hon J.A. Scott: Where did you get that information?

Hon PETER FOSS: I obtained the information from the various ministers.

Hon J.A. SCOTT: What are their qualifications?

Hon PETER FOSS: I was asked to detail what the ministers said. I am giving Hon John Cowdell exactly what he asked for. He did not ask for what Mr Joyce, Professor Jennings or even Hon Jim Scott had to say; he asked what the Government was saying about it and that is what I am telling the House. I understand that that is what Hon John Cowdell wanted; he just nodded so that is what I am giving the House. The project's economics are driven by assessment of market share activity and planned resource development projects. For projections of revenue, Ernst and Young obtained from industry sources an estimate of 2.5 per cent approaching the expenditure of fabrication work which will flow to Jervoise Bay based on an annual investment of \$4b in projects which approximates recent history. Thus, Jervoise Bay will earn \$100m a year; \$4b by 2.5 per cent. This project work represents 40 per cent of site capacity without considering the general heavy engineering fabrication, ship repair and maintenance work which will provide the site's base load. We again heard from Hon Tom Helm and Hon Mark Nevill who gave the House some indication of that; small amounts of work that take place and the jobs they provide. This base load of 60 per cent represents an annual turnover of \$160m thus resulting in a fully built site having an income of \$260m. The jobs projection of the development is 1 600 jobs and 2 600 support jobs. Those figures were produced by Ernst and Young. These are projections but people like Hon Jim Scott were around when C.Y. O'Connor built Fremantle harbour and the pipeline to Kalgoorlie. I suspect that if we read the newspapers of that time, we would find that an ancestor of Hon Jim Scott was equally critical of what was happening then.

Hon Simon O'Brien: So it's genetic then, is it?

Hon PETER FOSS: It is a genetic problem. The recent Laminaria project demonstrated Western Australia's competitiveness despite the cost handicaps of the two-site location and the constraints of the north Fremantle site. Advice had been received that the costs of a Jervoise Bay site would have been 20 per cent less. Our major engineering companies have proven to be very competitive against Singapore-based organisations. The most important thing we should do is try to compete with these people. Many people have Hon Jim Scott's attitude. They do not like to say that they are against everything and they do not like to say that they are pessimists. They like to say that they have principles, that they are Greens. All too often when one scratches the surface, one finds that they are not concerned with the positive parts of our life, they are not concerned about our environment, and they are not concerned that people are part of our environment. They are really pessimists masquerading as people with some sort of crusade.

The Industrial Supplies Office of Western Australia provides an excellent communication service between resource developers and local companies. It undertook a federally funded study of supply access to major projects to examine methods of maximising Australian industry and projects in national ports. The design encompasses world-best practice facilities for the intended activities and is based on advice from Norwegian consultants who are leaders in the field. The long-term master plan provides for a future gravity casting basin or dry dock including a floating dock option for the manufacture of large floating structures such as concrete or steel platforms, but the implementation of such a facility will be the responsibility of industry and will be driven by future project demands. The conditions pertaining to this project were comprehensive and published in the Minister for the Environment's statement of 24 December 1998. The newsletter refers to two new commitments in response to issues raised in the Environmental Protection Authority Report No 908.

[Interruption from the gallery.]

The PRESIDENT: Order! I asked the gentleman in the public gallery not to interject. If he interjects again, I will ask him to leave. I have said before to all people in the gallery that most members are happy that they have taken the time to listen to the debates but there are rules.

[Interruption from the gallery.]

The PRESIDENT: Order! There is no need to address the Chair. The minister is speaking and I am asking members of the public not to interject.

Hon PETER FOSS: The second port proposal is currently subject to a tender process for the right to negotiate with the Government to build, own and operate a port in the naval base area. The successful tenderer will become the proponent for the port project and will seek its own approvals including environmental approvals prior to development. Other than its role as regulator, there will be no direct government involvement in the funding, development or operation of the port.

Point of Order

Hon J.A. SCOTT: I am finding it difficult to keep up with the minister because of the speed at which he is reading the document. It is hard to understand him. I wonder if he should be speaking in a way that we can hear what he is saying.

The PRESIDENT: I am sure the minister has heard what Hon Jim Scott has said. A difficulty we face at the moment is the fans are making a fair amount of noise. I will ask that the fans be turned down so that we can all hear what is going on. The good news is that the minister is addressing the Chair and I can hear what he is saying. That puts Hon Jim Scott at some disadvantage.

Debate Resumed

Hon PETER FOSS: The iron ore loading facility at Kwinana Beach would utilise the existing Fremantle Port Authority bulk cargo jetty. It is currently the subject of an environmental review being undertaken by the EPA. It is not absolutely certain that iron ore will be shipped from Kwinana instead of Esperance. The Government agrees that the bottom line in Cockburn Sound is water quality. The Government has made significant commitments to improve water quality in Cockburn Sound. The first is to the remediation of two plinths in nutrient-rich ground water entering the northern harbour at Jervoise Bay. The second is to the formation of an authority to manage the environment at Cockburn Sound. The proposed extensions to the Shoalwater Islands Marine Park are due to be considered by the Marine Parks and Reserves Authority in the context of finalisation of the park management plan. This will include consideration of the water in Cockburn Sound. It was this House that included a major public consultative process in the front of the extension of those parks. That is something we did as a House believing that it should involve a slightly longer process and greater involvement of the public. Therefore, time will be taken for that. I am sure Hon Jim Scott supports that move.

The southern breakwater will have full public access throughout the year. The harbour access will be restricted only when large vessels are engaged in loading operations. It is estimated this will be for about 16 to 18 days a year. A conclusion of the Environmental Protection Authority Report Bulletin 907 issued in October 1998 was that the State Government should examine and implement improved and coordinated management and planning over the waters of Cockburn Sound. On 30 October 1998, the Minister for Commerce and Trade released a statement which strongly supported moves to establish a Cockburn Sound management authority under the Waters and Rivers Commission. The minister has repeated this commitment on a number of occasions and on 8 February 1999, it was restated in correspondence addressed to Mr J. Smedley, Commodore of Cockburn Power Boats Association. Cabinet has given consideration to a proposal brought forward by the Minister for the Environment to establish a Cockburn Sound management organisation. This proposal was withdrawn for further consideration. The Government is still giving consideration to the most appropriate organisation and administrative support arrangement for a Cockburn Sound management organisation prior to the submission being re-presented to Cabinet. However, I can make it clear that there is an intention to establish such an authority. The question is the quickest and best way to do it. Obviously, the quickest way is to establish a management body under the Waterways Conservation Act. A separate statutory organisation would take longer to put in place. The Ministry of the Premier and Cabinet and the Minister for the Environment strongly support an organisation whose full statutory backing allows for community and local government membership. The new authority will ensure a whole-of-government response to environmental issues in Cockburn Sound.

The nitrogen discharged by Western By-products is licensed by the Department of Environmental Protection and the permitted discharge is being progressively reduced to zero.

The discharge from CSBP is monitored through departmental licensed conditions.

The algal bloom which occurred in the northern harbour in the summer of 1998 was non-toxic. Research and investigations in EPA bulletin 507 has three key outcomes: Firstly, it exclusively provides guidance for the proponents of projects as to what environmental factors need to be assessed; for example, flushing, water quality, sea grass nutrients and contaminants. Secondly, it advocates an enhanced research program; and thirdly, it recommends a new management structure for the south.

The EPA report does not include any further development that sets out the process and the criteria for evaluation of the projects as they come forward. The proponents of the private port will be required by EPA guidelines for assessment and through a contract with the Government to fully research and analyse these environmental factors and design their projects accordingly.

The northern harbour contingency management plan was submitted to the Department of Environmental Protection in December 1998. The DEP requested some additional content to the original proposal and the results were not available until October 1998. The plan is now being discussed with the City of Cockburn. The Paul Joyce report is not in any way supported, sponsored or endorsed by the university.

Another important point is the money which will be spent on the Beeliar Regional Park. I acknowledge the efforts of Hon Simon O'Brien, who helped come up with the solution to ensure that a road did not go through that park. That was a very significant change to the proposal.

Hon Simon O'Brien: Twenty-two hectares went back into the park.

Hon PETER FOSS: Yes. More importantly, \$2m will be spent on the regional park. Many people do not appreciate that the natural bush in Australia does not stay natural if we leave it. One thing that became clear to me as Minister for the Environment was that when we came to Australia, we brought with us cats, foxes, rabbits and all sorts of weeds.

Hon J.A. Scott: What a joke!

Hon PETER FOSS: Most of our natural bush is affected by our having set foot on this land. Hon Jim Scott laughs because he thinks that we have one of those wonderful situations in which if we leave things alone, they will get better. One thing Hon Jim Scott must learn is that, unfortunately, when we came to this country, we irrevocably changed it. One of the hardest things we must do is run as fast as we can just to hold our position environmentally. It is particularly so in a high pressure place such as the metropolitan area. The mere passage of people over many of our regional parks puts enormous pressures on those areas. We must spend money just to keep out the weeds and the feral animals and generally try to restore it to the state it was in when we first came here. Hon Jim Scott has been scathing of the western shield program in Western Australia. It is one of the few places where there has been a fight back against the depredations of the fox. Hon Jim Scott refuses to accept the scientific evidence that they have almost disappeared in the eastern States and we must provide animals to those States which carry out similar sorts of protective measures. We have increased populations of native animals because of the hard work being done by the Department of Conservation and Land Management to cut down on the depredations of these introduced animals, weeds and fungi. The fact that \$2m will be spent on Beeliar Regional Park greatly gladdens Hon John Cowdell and other members of the South Metropolitan Region.

Hon J.A. Cowdell: That is good, but have you rejected the limestone mining applications for the park? That is important.

Hon PETER FOSS: I am not the Minister for Mines. The member should ask that question -

Hon J.A. Cowdell: I did ask that one.

Hon PETER FOSS: I did not receive that question.

Hon J.A. Cowdell: I thought it was relevant if the Government was spending \$2m on a park and still allowing limestone mines.

Hon PETER FOSS: The Minister for Mines indicated to me that he had been asked that question. I do not see it in my notes. I will provide the member with that answer.

Hon J.A. Cowdell: It was mentioned in the EPA report. I was concerned that there were mining applications over the park area.

Hon PETER FOSS: I have a facsimile which states-

... the Minister for Mines does intend to refuse in the public interest those prospecting licence applications situated within areas M91 and M92 ...

I am sure that makes Hon John Cowdell happy. There have been arguments from members in the House, and I accept that Hon John Cowdell had his matters of caution and has mentioned those concerns. He, like other members of his party, realise in the end that a decision must be made. We, as leaders, must make a decision which will be for the benefit of Western Australia. Hon John Cowdell has indicated that, for the benefit of Western Australia, this is the right decision. Hon Mark Nevill has also made that quite clear and Hon Tom Helm has left us in no doubt about his view. Hon Barbara Scott went through the same difficulties as Hon John Cowdell in arriving at a decision and she has come to the conclusion that this is the -

Hon J.A. Scott: On how she was going to sell out on what she really believes.

Hon PETER FOSS: I do not think that is worthy of Hon Jim Scott. Hon Barbara Scott is one of the most conscientious and introspective members of this House in examining her own conscience. She has proved that many times. It is typical of Hon Jim Scott to cast a slur on another member when he knows perfectly well that Hon Barbara Scott is one of the most conscientious members in this House. She is unworthy of that remark and Hon Jim Scott should apologise for it. Hon Simon O'Brien has worked diligently to see what he can do to improve the way in which this plan has progressed and he has been successful in doing so. I thank all members who have expressed their views against this motion and I urge the House to reject it.

HON BOB THOMAS (South West) [8.06 pm]: I do not intend to canvass a whole gamut of issues that have been canvassed in the past. One issue I would like to mention, which was raised by the Attorney General a few moments ago, is the regrowing of seagrass in Albany.

The PRESIDENT: I am sure Hon Bob Thomas will relate the regrowth of seagrass in Albany to the amendment before us, as he has raised the question of relevancy.

Hon BOB THOMAS: It is a good point, because it is very important that we ensure that any development in Cockburn Sound takes into account the effect that the development will have on seagrass. It is extremely important to remember that seagrass is one of the most difficult forms of vegetation to regrow. I know, from my experience in Albany, that it is almost impossible to regrow seagrass. There has been some slight regrowth of some of the seagrass in Princess Royal Harbour. This has been only where there have been rhizomes - that is the roots - which have been in place and where there has been other environmental measures put in place such as taking nutrients out of the environment and allowing more sunlight to reach those rhizomes. When that happens, there is some reshooting of the leaves of that seagrass. I do not think any new seagrass has been regrown in Albany. Some of it which has been degraded has regrown. I hope the Government takes that into account when it completes its environmental planning on this issue. I am concerned by the Attorney General's comments and his offhand remark that seagrass can be regrown. I am not sure whether he is fully aware of the circumstances behind what appears to have been regrowth of seagrass in the Albany area. Nevertheless, I support the Labor Party caucus decision to oppose this disallowance.

HON J.A. SCOTT (South Metropolitan) [8.10 pm]: I will go backwards in the way that I will address the speeches made by various members on this motion. I thank Hon Bob Thomas for his intervention in this debate, because he was totally accurate when he said that the regrowth of seagrass has never taken place anywhere, because what actually happened in the scientific experiments that were carried out by Cockburn Cement, and in Albany, is that rhizomes that had come from somewhere else had been replanted and had managed to continue to grow. That is not the formation of new colonies of seagrass.

Hon Bob Thomas: They have not planted new rhizomes. What has happened is that by cleaning up the water environment, more sunlight has been able to get down to the seagrass and it has grown new shoots.

Hon J.A. SCOTT: Cockburn Cement replanted rhizomes in a new position, but at very shallow depths, because seagrass cannot grow at a depth of below 15 metres because the nutrients and algal matter in the water cut out the sunlight. If a channel were dug to below 15 metres, there would be no chance whatsoever of growing seagrass at that depth in Cockburn Sound.

Hon Simon O'Brien: Cockburn Sound is not more than 15 metres deep, is it?

Hon J.A. SCOTT: No, but it is more than 15 metres deep where it has been dredged to allow for the passage of vessels.

Hon Simon O'Brien: That is only in the channel. The sound itself is shallow water.

Hon J.A. SCOTT: Yes. Where the sound has not been dredged, the seagrass is as it was, and there is no requirement to replant it. I thought that would go without saying.

The cost of transplanting that wide area with seagrass is massive, and that is one of the reasons that the experiment by Cockburn Cement and the Commonwealth Scientific and Industrial Research Organisation at the north end of Cockburn Sound - they say it is not Cockburn Sound, but it does not really matter; it is certainly the same water - came to a full stop.

I do not think I have ever heard the Attorney General make such a bad speech. He attacked the report put together by Paul Joyce on the basis that he is an undergraduate. He did not once tackle the issues that Paul Joyce raised. He once quoted the exact figure, because it came from the Ernst and Young report, of what work would flow from the North West Shelf and the mining industry to Jervis Bay would be worth, but he did not tackle Paul Joyce's data. That data shows that that figure is an absolute nonsense because the wrong multipliers were used, which inflated the estimate of the amount of work that would flow to that area. The Attorney General did not tackle one of the issues raised by Paul Joyce about the multipliers that had been used in a number of the reports that had been done on behalf of the Department of Commerce and Trade. It is very poor form to say that a person's report is wrong because he does not have all the degrees that the Attorney requires. I would like the Attorney to look at the details in the Joyce report and put some argument about whether the figures that he

has used are incorrect. Obviously they are correct, because the Attorney has not come up with one area where he believes Paul Joyce has got it wrong.

The Attorney said that Hon John Cowdell's speech was good because he asked a lot of questions but that they were answered by his Labor colleagues, particularly Hon Mark Nevill. The Attorney then diverted to chat about a British monarch. I am not sure what that has to do with this Bill, but the Attorney is prone to do those things, and I ignored that. He said also that he knew about tributyltin and there could be no such thing as an overload of tributyltin. Well, I will put some tributyltin in his tea one day and see whether he continues to think that is the case! The Attorney said also that he knows about the overload of nutrients, and spoke about Weston Bioproducts as being one of the companies that has been putting nutrients into Cockburn Sound. I point out to the Attorney that soon after he became the Minister for the Environment, I raised the issue of that company - which was then called N B Love Starches, and which was polluting not only into Cockburn Sound but all over the State. I said at that time that Cockburn Sound was being polluted by Weston Foods in two places: The Watsonia piggery, and Love Starches. At that time, I asked what would the Government do about it, and the answer was, "Nothing." The minister did nothing about that problem and allowed those people to continue to pump that material into the ground water. That is an absolute disgrace.

The Attorney said also that the redesign of the new harbour would somehow solve the problem of the nutrients. The Environmental Protection Authority has a rather different view, particularly after its study into the cumulative impact of the various developments in that area. That study found that while the new harbour would not be as bad as the harbour that had originally been proposed for that area, it still would not solve the problem of the build-up of nutrients inside the sea wall. Therefore, the Attorney is wrong about that also.

The Attorney then went on to talk about the seagrass, and once again he is wrong. No scientist would tell him that seagrass can confidently be grown in Cockburn Sound at the depth that will be required and with the nutrient levels that are currently in that area and that under this Government are likely to increase because of the added pressures that are proposed to be placed on Cockburn Sound. The Attorney endorsed entirely Hon Mark Nevill's comments and said that someone must get these things started. I presume he was talking about the Jervoise Bay project. It is rather unusual that a member of a Government which is so enamoured with getting rid of publicly funded utilities would not leave this project to private enterprise to get started. He went on to say that all the other speakers did very well, apart from me and that I had not got it right at all and had not said anything. He spoke about the way in which I quoted extensively from the report by Paul Joyce, at the same time that he was reading from a paper he was given that told him something about the subject. It was appalling hypocrisy if nothing else, but typical of the Attorney General.

He said the Government would satisfy one of the Commonwealth's requirements for environmental standards in Cockburn Sound. At that point I had trouble keeping up with him because of the speed with which he read from the document which I understand was supplied by the Minister for the Commerce and Trade. The Attorney General said that everybody agreed with Hon Tom Helm when he made a very enthusiastic speech about the great possibilities of the project which he described as building not just modules in Jervoise Bay, but also the barges and other structures on which the modules would be placed. That obviously would make a much more significant amount of money for the State than the small modules. The Attorney General said the Government was being extremely successful in gaining work from the North West Shelf projects. He is wrong again. That is not true. This State gained only a tiny percentage of the total infrastructure work on the Laminaria project. Most of that work was given to Norway, from where the Leader of the House has just returned. Norway has a great deal of expertise in building oil vessels of various types because of its long experience in the North Sea. I have read a number of articles complaining about the small amount of work gained by this State from the major infrastructure projects in the north west. Once again, the Attorney General was completely wrong.

The Attorney General then read very quickly from his document and mentioned alternative sites - too quickly for me to remember the names. I remember the Kwinana bulk ore jetty - I think he was talking about the BHP jetty - the port at Bunbury and a number of other places that would not be appropriate. When I asked which expert had made the decision that these places were not appropriate - the Attorney General had challenged the data I presented - he said it was the minister. I presume he meant the Minister for Commerce and Trade. I am sure his farming expertise and the odd disc he has put on the back of a plough has helped him considerably to understand these matters!

Hon M.J. Criddle: That is not fair; it is totally unreasonable.

Hon J.A. SCOTT: It is giving the Attorney General some payback for the way in which he treated the work of Paul Joyce and CeCilia Sadler, who did a significant amount of research for their reports. They produced the documents, not for me but for their own purposes. The Attorney General was wrong about that as well.

He then quoted the data from the Ernst and Young report, that I said had already been criticised and described as inaccurate by Paul Joyce, and said that the recent module built at North Fremantle by United Construction Pty Ltd would have been 20 per cent cheaper at Jervoise Bay. He did not provide any proof or backup. That is an interesting aspect of this expenditure of \$200m of taxpayers' money; there seems to be no substantial data to back up the facts, only conjecture by people such as the Attorney General.

The Attorney General also said that the environmental conditions at Jervoise Bay had been adequately addressed by the Minister for the Environment. That related to the questions asked by Hon John Coddell. I know that former members of the Environmental Protection Authority, many people involved in the conservation movement, such as Dr Jennings and Rachel Siewert, and a number of other people, believe that this is the worst single decision ever made on an environmental matter in this State. It is the most glaringly and obviously wrong decision made in this State by a Minister for the Environment.

Hon B.K. Donaldson: What an outrageous statement.

Hon J.A. SCOTT: It is absolutely true.

Several members interjected.

The PRESIDENT: Order members! I am trying to listen to Hon Jim Scott.

Hon J.A. SCOTT: The Attorney General also said that other facilities going into the Cockburn Sound area, which would have a vast effect on both the amenity and environment of Cockburn Sound, were being addressed by the EPA. He mentioned the proposed ore loading facility to service the mine at Koolyanobbing. The State Government has already expended some money for that company to load its iron ore at Esperance, and it is now considering another hand-out to help the company again because it made an error. At the time I pointed out that it was a mistake to put the project at Esperance, given its distance from the market and that it would require a lot of work on the rail system to upgrade it, when the previous Government had already spent money on the bulk cargo jetty at Kwinana. The Attorney General seemed to be satisfied that it would be addressed by the EPA, knowing full well that at the end of the day the EPA can make recommendations and say the project is environmentally unsound, but it makes very little difference to this Government.

The Attorney General also said that the breakwater at Jervoise Bay will have full public access, apart from on a few days of the year. I wonder whether the people who use the beaches will be able to stroll from a rocky breakwater into the water, with their children, and go for a swim. It is highly unlikely. If it is anything like the northern breakwater, where the emergency sewerage overflow pipe is located inside the breakwater and deposits faecal matter every now and again, I do not think many people will want to swim inside the breakwater. The Attorney General probably means that a couple of fishermen will be able to clamber out and get some access, and he knows full well that that is not the same thing.

The Attorney General also gave a very unsatisfactory explanation of his proposal for a Cockburn Sound trust. He did not give any specific indication of its make-up, and whether its powers would be the same as those of the Swan River Trust. He made an oblique reference that a body such as a Cockburn Sound trust would ensure a whole-of-government approach. The community does not want that; it wants community input. The whole-of-government approach has been a disaster for the public so far.

The Attorney said that algal blooms were non-toxic, which is the case. However, the presence of faecal matter confirmed it was not a healthy area in which to swim, and people were told not swim in that area because it would be a risk to their health. There was a problem with the water in that area of Jervoise Bay.

Hon M.J. Criddle: I was out on the sound today and it was magnificent.

Hon J.A. SCOTT: It will not be for long, minister.

The Attorney then stated that if we leave the bush alone it will not stay natural. I wonder how the bush managed to stay healthy for hundreds of thousands of years before we got here. Since we have been managing the bush it has gone backwards and we have salinity and dieback problems. The Attorney's statement was the greatest load of rot I have ever heard in my life.

The Attorney then gave us a discourse on the western shield program; he took up from Dr Shea's famous discourse. Every time Dr Shea appears in front of the estimates committee he gives us his discourse on the western shield program; it is an excuse not to answer questions. Most of the farmers here know that long before we had project Eden and western shield the department of agriculture was using 10,80 to poison feral animals. That was eons before CALM discovered it.

Hon W.N. Stretch: That is an ignorant remark, because CALM extended its use into the forest estate.

Hon J.A. SCOTT: So what! CALM's role has been completely blown out of all proportion as 10,80 was first used to get rid of rabbits, which were a big problem in the agriculture areas. Hon Bill Stretch knows that is the case.

Hon W.N. Stretch: It is not the case; it is a fabrication and total misrepresentation.

Hon J.A. SCOTT: It is not a fabrication. I have lived in a farming area and the department of agriculture set 10,80 baits from the back of Land Rovers long before CALM ever thought of it.

Hon W.N. Stretch: It did not do it in the bush.

Hon J.A. SCOTT: It did. The department set baits on the few bits of bush that farmers had not got around to knocking down. I have seen it done, so I know. Hon Bill Stretch is wrong.

The Attorney finished off by insinuating that only the Government's intervention had saved the environment. Well, well! That was the most pathetic defence of the Government's position yet. The Attorney did not deal with one of the issues that I raised about the flaky figures the Government used to back up this project. How dishonest. The Government is taking \$200m of taxpayers money and is not even looking at the facts. The Government is hopeless.

Hon W.N. Stretch: That is your interpretation.

Hon J.A. SCOTT: Yes, the Government is hopeless. Hon John Cowdell referred to the project as a productive enterprise that would come at a time when there were layoffs at United Construction Pty Ltd and other boat builders at Jervoise Bay. He said that the project had significant merit, but wanted a commitment from the Government that it would look at a study of alternative sites. The Attorney said that the minister in the other place told him that other sites were unsatisfactory. We do not know of any studies that have been conducted and none has been tabled. I would like to see them. The bland assurances from the Attorney are not enough for me.

Hon John Cowdell said that the Labor Party wants to see proof of the realistic expectation of income and jobs, and the same old Ernst and Young data was trotted out. I have already said that the Attorney cannot deal with the flaws in that document. All he did was attack the person, which is his usual approach. That goes a long way to achieving a positive result!

Hon John Cowdell also said that the Labor Party would like some data on competitiveness with Asia and assurances that other designs have been examined. I am not sure whether the Attorney answered that question. At times he read so quickly that I did not keep up. He was not facing in my direction - he was appropriately addressing the Chair - so it was difficult to understand him, but he probably did not understand the speech either.

The Labor Party also wants confirmation that there will be a good return on the State's investment. The same old Ernst and Young data was trotted out again. The emperor has no clothes. This is not an appropriate way to work out the advantages for the people of Western Australia.

Hon John Cowdell said that the environmental and social losses are significant and that the Environmental Protection Authority pointed out that three environmental factors were unmanageable. The Attorney, once again using bogus science, said that the seagrass can be regrown. As Hon Bob Thomas pointed out, that is not accurate.

The Attorney also failed to address how the Government would replace the unique limestone cliffs. The Government ignores that issue because it knows that it cannot deal with it. The weak proposals put forward by the Minister for the Environment are entirely unacceptable to anyone who has any understanding of the requirement to restore the environment. Frankly, it is impossible, but the Government glosses over that.

Hon John Cowdell also referred to unrestricted public access, and the Attorney responded that people can go onto the breakwater on most days. However, he knows full well that this is one of a number of industrial projects that the Government has in mind for Cockburn Sound. By the time the other projects are implemented there will be no access down to the water. How will people get there? In effect, people will be shut off from that area and there will be no beach to swim in or stand on. If one is a good rock climber it will probably be great fun.

Hon John Cowdell said that the Cockburn Sound area needed a statutory management authority along the lines of the Swan River Trust. We got some bland assurances from the Attorney about that without any detail, and I do not believe him. I believe that a body will be set up but will not have the powers of the Swan River Trust nor significant local membership unless it is chosen by a minister. Hon John Cowdell said that the bottom line was a requirement for water quality in Cockburn Sound. He wanted assurances that that would be effectively managed by the Government. However, the Environmental Protection Authority's reports make it clear that that is highly unlikely. We know that Cockburn Sound already has an overload of contaminants. Even though the Attorney hates that word, the EPA has said that we cannot afford to have any more industrial input into Cockburn Sound. I would call that an overload; I do not know what anyone else would call it. If one adds to a position where one cannot put any more in, that is an overload. However, the Attorney is pedantic about these things when he uses language in a certain way rather than the arguments he should be putting forward.

Hon John Cowdell also pointed out that the trade-off was not relevant to Cockburn Sound. I have already mentioned the clean-up of Weston Bioproducts. I wonder why the Government has not stepped in and asked Weston Bioproducts to pay for the clean-up. It caused the mess; why has it not been forced to clean it up? Why should taxpayers be forced to pay for the pollution deliberately caused by Weston Bioproducts? That company at one time had its plant attached to a proper disposal facility. It then deliberately chose, because it was too expensive, to eject its pollution into the ground water that is now entering Cockburn Sound. What kind of Government allows a company to do that and then says, "We will clean it up." It is a disgrace, especially as it has been drawn to the Government's attention in the past.

Hon John Cowdell finished off his speech saying that the Australian Labor Party requires the project to have detailed

monitoring and compliance mechanisms in place. I do not know whether the Attorney addressed that issue; however, from the shake of the head of Hon John Cowdell it seems that he did not. As he did not address any of the other issues raised, I am not at all surprised that he did not address that one. The only issue that he addressed related to one of my statements about toxicity. However, it was probably my fault in that I had not explained that it was not from the algae bloom but from faecal matter. Strictly speaking, it probably was not toxic but harmful to health.

I asked another question of the Attorney which he did not answer. Hon Norm Kelly asked the same question. Hon Norm Kelly asked the Attorney, of the 400 submissions that went into the Jervoise Bay project, how many were in favour of it? The Attorney did not answer that, but Hon Norm Kelly answered it in his speech. He said that of the 400 submissions, two supported the project. That is really getting a lot of public support, is it not? I can understand where the Government is coming from. I wonder which particular part of the public it is talking about. When Hon Norm Kelly said that, Hon Peter Foss made the comment that quite a few were form submissions and therefore there is a problem.

Hon W.N. Stretch interjected.

Hon J.A. SCOTT: Does the member think that is a problem?

Hon W.N. Stretch: It is with some submissions.

Hon J.A. SCOTT: I wonder why it is that the member opposite thinks it is a problem. When the Fremantle strategy went through, a fellow called Bob Pokrant went along Hampton Road with form submissions and got a whole lot of signatures. The Government put all those submissions into its documents as individual submissions supporting the eastern bypass because those people in Hampton Road believed it would take traffic off that road. They were misled by the previous minister on that point. There was not a single blush from the Government when it put those form submissions as separate submissions in its document, yet when the people opposing this proposal used form submissions, the form submissions were put in as one document. It is a bit unusual, is it not? Is this even-handedness Liberal-style?

Hon W.N. Stretch: We conducted a bit of an analysis of some of the submissions. When they were asked, some of the people did not know that they had signed a submission and others could not read or write because they were babies.

Hon J.A. SCOTT: I did not know that Hon Bill Stretch was on the committee looking at the submissions. I am most surprised. I thought that he had not been involved in that.

Hon W.N. Stretch: You would be surprised what I have been involved in.

Hon J.A. SCOTT: Hon Norm Kelly complained that the Fremantle Rockingham Industrial Area Regional Strategy submission was unnecessarily delayed. This was another question that the Attorney did not address. I asked why this project had been pushed ahead when social impact studies had not been done. What sort of Government do we have which takes no regard of social impact? It shows how much the Government thinks about the people who live in that area. It is interesting that the minister defending the delay in that report is notorious for the number of reports he sat on when he was Minister for the Environment. I can recall asking many, many questions about delayed reports that were a little embarrassing to the Government. Some of them came out almost a year late.

The PRESIDENT: Order! Hon Jim Scott is making his reply to the issues raised. I ask him to constrain his comments to those and not to give us a running commentary on other matters that he wishes to take up with the Attorney.

Hon J.A. SCOTT: I take the point, Mr President. Hon Norm Kelly pointed out that the Attorney had said that the report was always intended for December 1999 but that the Attorney had not answered Hon Norm Kelly's questions about the report in a manner which made any sense whatsoever, which was very frustrating according to Hon Norm Kelly. He also said it was very clear that the development does not conform to the EPA's objectives; that it cannot meet those objectives on a number of criteria; and that the minister's response in meeting the objectives was very weak. He cited the limestone cliffs, the flora and fauna and the water quality. I agree with him entirely because the response to the environmental problems of Cockburn Sound has been a disgrace. He said that the reserve replacement by high-value land was asked for in the EPA report, but that suggestion was ignored thus giving a free kick to the Department of Commerce and Trade. He also said that there were no guarantees on replacing seagrass, which we know is true; that the Department of Commerce and Trade exaggerated the potential of the project and had fairly fanciful figures - I cannot agree more; and that the cost of the project had been understated and needed to be factored into the cost to taxpayers. Once again that is true; the Government is not only exaggerating the work and the money coming back from the project, but also underestimating the cost of the project. The alternative job creation had been ignored; the Chamber of Commerce and Industry had played down the environmental damage; and with regard to the reserve on the other side of the boat building facility, the Australian Labor Party had misinformed the public about its position prior to that earlier amendment being voted on in this House. He suggested that the Minister for Planning could withdraw this amendment to allow scrutiny of the project; the minister could allow this House to properly examine the environmental, social and economic factors behind this project; and the minister could then move the amendment - especially after the social impact study, which is contained in the FRIARS report, was tabled in this place. He said the ALP should not agree to the amendment if assurances were not given about these matters, and that the

FRIARS delay was unconscionable especially when this project was being fast-tracked. I agree with all of those statements because they are accurate.

Hon Mark Nevill indicated that this project was originally a Labor Party project; that the Keating Government had promised \$60m towards the project; and that he was very pleased to see the project go ahead. I know Hon Mark Nevill is enthusiastic about any of these projects and he has his reasons, but I lost some sympathy for his position when he said, "The cliffs will be damaged, but there will be some left. At least they will be left until the private port and the Fremantle Port Authority's port proposed for the south of that area were built." Of course, more of the area will be destroyed by those projects, but we will have a little area of the cliffs for a little while, so that is okay! Hon Mark Nevill's opinion is that these problems can be fixed. I think he said that the environment can be managed by engineers and he is confident that the damage to the water, which was already in poor quality, could be repaired.

Hon Mark Nevill also said that Cockburn Cement was the worst offender, which is wrong. The worst offender in Cockburn Sound has been a combination of the causeway built for the Navy and CSBP, which pumped large amounts of gypsum into the middle of Cockburn Sound. This gypsum raised the nutrient level so much that 80 per cent of the seagrass was wiped out within about seven years. Nobody in Sir Charles Court's Government had the intestinal fortitude to tackle CSBP about that matter. We lost extremely valuable seagrasses and fish species and fish quantities in Cockburn Sound during that short period. If Hon Mark Nevill spoke to the EPA, he would find that Cockburn Cement has not been the worst offender. I do not agree with everything Cockburn Cement does; however, it was not the prime cause of damage to the sound. Cockburn Cement is currently having a very bad effect on the sound because so little seagrass remains in the area.

Also, Hon Mark Nevill said that Oakajee was not the appropriate site for the development. I do not know about that. I want to see the prospects of other places examined rather than simply hearing people making such bland statements. Hon Mark Nevill and others have said that engineering will solve the problems of seagrasses and the disappearance of limestone cliffs. Why can the engineers not overcome the problems with the siting of this development of water movement from tides and waves? If engineers can solve the environmental problems, they can fix up those difficulties as well.

Hon Mark Nevill also said that no pollution is caused by shipbuilders. That is true if one forgets about the multi-layered poisonous paints sprayed on vessels, and the seven coats of paint treatment applied to offshore modules. I know what they do offshore; I have done it. Those paints are quite poisonous and contain a significant amount of solvents and other ingredients which end up in the marine environment.

The PRESIDENT: Order! Hon Jim Scott raised issues when replying to the Attorney General of trybutyltin loading. Various members have spoken, some of whom have repeated points raised by others. It is not for the member to go through comments word by word, line by line to repeat the arguments put a few minutes ago. I have been listening closely. This is a diligent reply, and I am not trying to put the member off. However, the member is running over some issues for the second or third time.

Hon J.A. SCOTT: I am not talking about trybutyltin. This is a different process. This stuff is applied above the water line.

The PRESIDENT: I see.

Hon J.A. SCOTT: Hon Mark Nevill claimed that no toxic materials are used in the shipbuilding industry. He is wrong.

The PRESIDENT: I misunderstood what the member was saying.

Hon J.A. SCOTT: Hon Mark Nevill most misunderstands one point about this project: The shipbuilding project has already proved that the problem is not so much what is put into the water, but the seawalls containing the underground plumes of toxic and nutrient-enriched waters flowing into the sound. He misunderstood the principal problem of the toxic build-up in the sound. I am sure that engineers can solve some of these problems, but I have no confidence at all that engineers can solve all of them. Around this State there are many examples of areas in which engineers have failed to find solutions. Consider the salinity problem. It was supposed to be solved by engineers. However, all they did was to channel saline water downstream, which made it someone else's problem. The reality is that in most cases biological problems must be treated in a biological fashion, not in an engineering fashion.

Hon Mark Nevill repeated a statement that I have heard many times in the debate on this project outside this House; that is, that these sorts of projects should be built during a downturn. During my speech I pointed out that this downturn in the oil industry - not in the mining industry - is likely to last for at least 15 years. A great deal of data shows that that is likely to be the case. People cannot have \$500m to \$1b invested in a project for 15 years without its returning a profit.

He also said that it was difficult to undertake the project in the north west because skilled labour cannot be held in that area; it could be done at Geraldton, but it was not suitable because of its coastal location. One reason that skilled labour cannot be recruited in the north west is that we do not have this sort of project in that area. It is a catch-22 situation. Unless there is permanent ongoing work in that area, skilled labour will not be retained. If a project is to be subsidised, that should be done by putting money back into the regions from which all the mineral wealth is flowing.

Hon Mark Nevill expressed no concern about the loss of social amenity to the community. He seemed to think that the only important thing about the project was jobs. I very much disagree with him. Although I respect those people who have an enthusiasm for creating jobs, this must be balanced against the needs of the whole community, not just a small part of it.

Hon Barbara Scott recognised that a genuine concern existed in the community. I feel a little guilty for attacking her because in the past she has been a good listener to people in the community. However, she has changed her position on this issue. The people need her support now more than at any other time. Hon Barbara Scott raised an important issue which highlighted the difference between her position and that of the Labor Party. She asked how the Labor Party - I think she referred to Hon John Cowdell - can support this project, but not the others proposed for Jervoise Bay. That does not fit with her desire to maintain community access and the ecological standards of Cockburn Sound. Those two things do not go together. We cannot have all those projects on the edge of Cockburn Sound and maintain the access or the high ecological quality of the water, the beaches or the limestone ridges backing Cockburn Sound. It is an illogical position to hold.

The member also pointed out, as have a number of people outside this House, that jobs are very important in that area. It has an extremely high level of unemployment. That area is the most industrialised area in Western Australia; yet it has one of the highest unemployment levels. That should be telling us that big industry is not the best employer for the amount of capital to be expended, that we could do other things to provide more jobs for this \$200m than those associated with this project.

Hon Ken Travers: What?

Hon J.A. SCOTT: I do not want to get into that discourse now, but I will talk to the member privately later about what can be done. Hon Barbara Scott also said the project would provide many highly skill jobs and job training, and that is true. That is an important factor in projects such as this. We are talking about the balance we need in the project. I am asking that alternatives be examined for this project, such as different designs and locations. She also agreed with a Swan River Trust idea for Cockburn Sound and wanted no further loss of seagrasses. She also wanted a clean-up of the industry. I have no argument with those points; I agree with all of them. I also agree that the Garden Island causeway needs attention. I was not aware that the original design was not supposed to have been a solid one, but one which allowed the water to flow through. I can understand that it should have been, because it has been a major problem.

The member also said that to secure her support for the project, she requires a guarantee of clean waters. As I read the projects lined up for Cockburn Sound, there is not a chance of that if they go ahead; therefore, I assume she will oppose those projects when put forward by the Government - assuming that this House gets to have any say in the matter of the private port. She talked about how the intervention of ground-water ponds would improve the quality of the sound. I had already pointed out that the intervention of these ponds had been an abject failure because they took out only a small percentage of the nutrients flowing into the sound. Hon Barbara Scott said that in balancing the better interests of locals against the interests of the State, she had come down on the side of the interests of the State on this occasion. When I respond to the comments of Hon Tom Helm, I will address that question, because it is fundamental to this whole issue.

In his interesting contribution Hon Tom Helm said that a friend of his was prepared to put \$1b into the project. It seemed that his friend favoured Cockburn Sound because it was ideal for what he wanted to do. Hon Tom Helm said that such projects will not build the population of the north of the State, and he cited the recent example of the BHP plant in the north west, which he said has not managed to do much about building the population. I disagree with Hon Tom Helm in that here we are talking about a range of levels of fabrication from smaller jobs to much heavier jobs attached to the mining industry. Population levels in the north of the State have not grown because of the lack of services and amenities. Smaller fabricating services -

Hon M.J. Criddle: I told you the other day that the regional population is growing.

Hon J.A. SCOTT: Over the past year the population has grown, but over the decade it has fluctuated or decreased -

Hon M.J. Criddle: Look at any time you like; it has grown.

Hon J.A. SCOTT: I have newspaper clippings of ex-Premier Sir Charles Court saying how wonderful it was that populations in north west towns were decreasing because it showed that they were becoming more efficient. I can show the minister those newspaper clippings.

Hon M.J. Criddle: Just stick to the facts.

Hon J.A. SCOTT: It was not a long time ago, because he was commenting on more recent events, but he could have been mistaken; perhaps he got it wrong.

Also, Hon Tom Helm had knowledge that others did not have. He said that there was a commitment by the unions to tackle environmental concerns in the community and that it would be a greenfield site. I understand that to mean that there is an agreement that there will be no industrial problem. Is that what it means?

Hon Bob Thomas: It means starting with nothing - just a green paddock.

Hon J.A. SCOTT: I see. Is that all? Most projects tend to favour greenfield sites because they are cheaper to start; they do not need to clean up the industrial mess at the other end of Cockburn Sound. I oppose the use of greenfield sites. At one end of Cockburn Sound a large industrial area is coming to the end of its useful life. The Alcoa plant, which has been there for a long time and has been superseded by Pinjarra, Wagerup and Worsley, is now remote from where its ore is mined and its output is becoming less economic. A little further south there is the old bulk-loading jetty, which is backed by the IP14. A stack of industrial land is virtually unused because the Compact Steel project which was to have been such a big thing for the area has not gone ahead. Rather than use a greenfield site it would be more appropriate to clean up the area and use an already degraded part of the sound, but I guess that would cost another couple of million dollars - and we cannot go looking after the environment and spending money on it!

He also said that the good thing about the proposal of which he had been made aware was that it did not just involve building modules and that we would be getting into the big money building the actual barges and prime structures to which modules would be attached. He said that it would be a fantastic project and a wonderful thing for employment in this State. We would be able to train people here rather than fly them in and out of the State to carry out this sort of work. He also said - this could be true; I am not sure - that many of the floating petroleum storage vessels are very old and need renewing and that Jervoise Bay will fit the Bill because it has a huge hard standing area; it does not have the tidal and wave patterns of Geraldton. Once again I cannot understand why the other end of Cockburn Sound, which contains the industrial wasteland and which needs revamping, was not used rather than the greenfield site which will result in the destruction of valuable environmental areas.

He also said the infrastructure must be built now for the project to succeed. He completed his comments by saying that environmental damage will occur, but our children will have jobs.

That last statement of Hon Tom Helm is the crux of this debate. The fundamental question here and the fundamental disagreement is between those who believe that jobs are more important than the environment. The environment does not cost jobs. It is a terrible mistake to believe that; it is a fallacy. The environment provides most of the jobs that we have today. Without the environment we would have almost no jobs. Hon Tom Helm said that this is an exciting project and should be embraced because we are in the twentieth century.

We are at the end of the twentieth century and reaching a period in which people are realising more and more every day that we cannot afford to continue destroying the environment. Our whole planetary system is falling apart. Anyone who reads the paper can see that we are having major problems with pollution not only elsewhere in the world but also right here in Western Australia, in Perth and in Cockburn Sound. We know that the southern ocean is receiving too much radiation which is killing the krill and which will destroy the population of seals and whales. The northern tundra forest is dying. Jobs are not more important than the environment. People are realising that. I am sorry to say that the environment is more important than jobs. We can live on this planet without a job, but we cannot -

Hon B.K. Donaldson: Can we swing from the trees?

The PRESIDENT: Order! Hon Jim Scott indicated he was trying to wind up his remarks.

Hon J.A. SCOTT: However, we cannot live on this planet without air and water to drink or without the biological system that supports life. That system is breaking down rapidly. It is time the Government and the Labor Party realised how important this is. We do not have much time for parties that are rooted in the past to start realising this. We are in trouble on this planet. Projects like this which go in greenfield sites rather than reusing old industrial areas and which are undertaken at the expense of the environment rather than in tune with it are causing the problem. It is time to wake up.

Hon W.N. Stretch interjected.

Hon J.A. SCOTT: I know it is very difficult for some members on the back bench to understand this, but they have probably only 10 to 20 years to wake up, and by then it will be too late for Hon Bill Stretch's grandchildren, because at the end of the next century, life will be very difficult indeed. It is time that people in this place had the guts to realise that and started to have the imagination to create the sorts of jobs that will be created not by the Jervoise Bay project but in other fields, or in such a way that the engineering is more compatible with the environment and pays real regard to these concerns. It is of vital importance that members realise that if they do not do that, this generation of politicians will be seen in a very dark light indeed. They will be seen as the most ignorant group that ever walked on this planet. I believe that this disallowance should be supported.

Question put and a division called for.

[Interruption from the gallery.]

The PRESIDENT: Order! Would the security guard please escort that gentleman out of the public gallery and tell him that he is not welcome back into the gallery until he has seen me about his conduct in the gallery.

[Interruption from the gallery.]

The PRESIDENT: Order! Madam, I am asking you to please leave the public gallery, and as much as I have made the point that you are welcome to be here, you are not welcome to return until you have spoken to me about your conduct.

The division resulted as follows -

Ayes (5)

Hon Helen Hodgson
Hon J.A. Scott

Hon Christine Sharp

Hon Giz Watson

Hon Norm Kelly (*Teller*)

Noes (21)

Hon Kim Chance
Hon J.A. Cowdell
Hon M.J. Criddle
Hon Cheryl Davenport
Hon B.K. Donaldson
Hon Peter Foss

Hon John Halden
Hon Ray Halligan
Hon Tom Helm
Hon Barry House
Hon Murray Montgomery

Hon M.D. Nixon
Hon Simon O'Brien
Hon Ljiljana Ravlich
Hon Greg Smith
Hon Tom Stephens

Hon W.N. Stretch
Hon Bob Thomas
Hon Derrick Tomlinson
Hon Ken Travers
Hon Muriel Patterson (*Teller*)

Question thus negatived.

PORT AUTHORITIES BILL

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon NORM KELLY: The clause states that the provisions will come into operation on various days, and that is accepted given the number of authorities to which this legislation will apply. I would like an indication of how long after royal assent it is anticipated that the regulations will be formulated and the legislation proclaimed for the various ports.

Hon M.J. CRIDDLE: The indication is that it will be by about August.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Port authorities are not agents of the Crown -

Hon KIM CHANCE: I would appreciate clarification from the minister with respect to the residual responsibility of the Crown for the actions taken by port authorities. The clause itself is clear, in that the port authority is not an agent of the Crown and does not have the status, immunity and privileges of the Crown. No question arises from that in itself. The minister will remember that we explored some possibilities regarding flow-on litigation in respect of a port authority which becomes bankrupt and the State is pursued beyond the resources of the bankrupt board. The matters that we explored during the second reading stage included the minister's powers to make orders under the statement of corporate intent, which becomes the primary driver of the board's activities, and whether it could be argued by a litigant that it was the role of the minister or the Government that caused the decisions to be made which caused the damage to the litigant. The effect of this clause would be to prevent the litigant going beyond the signature of the board and pursuing the State or the minister.

Hon M.J. CRIDDLE: If the minister gave a direction under the statement of corporate intent the Crown would be responsible for that direction.

Hon KIM CHANCE: That is what I thought the minister said in the second reading speech. That being the case, what does clause 5 mean?

Hon M.J. CRIDDLE: It removes the authority from the protection of the Crown so it can sue and be sued.

Clause put and passed.

Clause 6: Port authority and officers not part of public sector -

Hon KIM CHANCE: While that may be an expression of the commercialisation outcome, if we still own the port, why are its employees not given the protection of the Public Sector Management Act?

Hon M.J. CRIDDLE: Port authorities are not covered by the Public Sector Management Act. Their employees will be dealt with in the same way as employees of Western Power and AlintaGas.

Clause put and passed.

Clause 7: Port authority to have a board of directors -

Hon NORM KELLY: I move -

Page 8, after line 4 - To insert the following new subclauses -

(2) The Minister must by writing determine a code of practice for nominations and appointments to a board of directors that -

(a) sets out general principles on which nominations and appointments of directors are to be made, including, but not limited to -

- (i) merit;
- (ii) independent scrutiny of appointments;
- (iii) probity; and
- (iv) openness and transparency, and

(b) sets out how these principles are to be applied to the selection of directors.

(3) After determining a code of practice under subsection (2), the Minister must publish the code in the *Gazette*.

(4) Not later than every third anniversary after a code of practice has been determined, the Minister must review the code.

(5) In reviewing a code of practice, the Minister must invite the public to comment on the code.

(6) A code of practice determined under subsection (2) and any amendment are regulations for the purposes of section 42 of the *Interpretation Act 1984*.

(7) In appointing members, the Minister must ensure that the balance of interests on the board is such that no one interest may dominate the board.

I will not go over what I said in my second reading contribution about board appointments. However, I will read two short quotes from the Commission on Government's report that add credence to what I am trying to achieve by moving this amendment. The first quote is from report No 4, page 200, which refers to public sector boards and committees. It states -

. . . it is crucial that the public feels confident those bodies are able to perform their duties free from undue government and political influence.

The Commission on Government's report No 3, at page 61, once again analyses the commercial activities of government. It states -

To ensure that commercial activities of government are managed in the public interest, it is vital that those who are in control comply with high standards in the discharge of their functions and that their actions are governed by a legislated code of conduct. All members of boards of management of commercial agencies should be required to comply with the same standards of probity and integrity as expected of other persons occupying positions of trust. The proposed Commercial Activities of Government Act should set out a statement of the minimum obligations that must be complied with by board members of state-owned bodies engaging in commercial activities.

We have two options: We can go for the very prescriptive model of moving to amend the legislation to prescribe exactly the type of people who will be acceptable, what qualifications they should have, how appointments to the board should be advertised and so on. The Australian Democrats believe it would be far better if this were a whole-of-government approach with a statute specifying how this should be done for board and authority appointments across the sector. In the absence of that, we should move amendments to Bills which include matters relating to boards and authorities, to include these requirements.

That is why my amendment stresses that it is up to the minister to determine how these authority appointments are to be made and to establish the guidelines for nominations for appointment. Those principles include merit, independent scrutiny of appointment, probity, openness and transparency. Such a code should be tabled in Parliament and be subject to disallowance.

Ideally this should be the subject of whole-of-government legislation. However, we must deal with these issues on a Bill-by-Bill basis within the minister's realm. The minister concerned must determine the best procedure for making authority appointments. This amendment will leave it to the minister to implement what he would probably be implementing anyway. We are asking that that implementation be done by statute and that it be able to be scrutinised and reviewed by Parliament to ensure its workability. I encourage members to support the amendment.

Hon M.J. CRIDDLE: I understand the points made by Hon Norm Kelly. However, I point out that the director's duties are covered by the Statutory Corporations (Liability of Directors) Act. Therefore, many of the points he made about the responsibilities of the director are covered in that Act. Hon Norm Kelly also has moved a number of amendments that would require the minister to publish in the *Government Gazette* a code of practice for the appointment of port authority boards. If one of the amendments were accepted, the code would cover such issues as the nomination and selection process, probity and independent scrutiny. The code would come within the ambit of section 42 of the Interpretation Act and the code and any amendments could be disallowed by the Parliament. The minister would also be required to take public comment and review the code every three years. The Government cannot support these amendments for a number of reasons: The end of the line responsibility for the efficient operation of port authority boards would rest with the minister who is answerable to the Parliament and ultimately to his electorate. It is essential that the minister maintain flexibility to appoint those who would best serve a particular board for a particular location. The amendments would cut across the concept of ministerial responsibility. Proposed subclause 2(a) purports to require the minister to set out general principles on which nominations are made. It is this Government's view that the ability to nominate should apply to a person who believes he has something to offer.

The proposed amendments go on to refer to the balance of the interests of the board. What does that mean? It is a nebulous expression which gives no real guidance to the minister yet provides a field day for potential dissidents. The role of board members is to serve the port authority by ensuring that they meet the responsibilities under the Bill and not represent special interest groups. I reiterate: It is about representing them. When people are appointed to the board, they represent that organisation and not the interest groups that may have nominated them for that position. In practice, the Government advertises for nominations for appointments to port authority boards, and generally consults with board members before appointments are made and any decision is ratified by Cabinet. The existing process serves the State well and has done so for a long time. There is no reason to introduce an overly bureaucratic process to fix something that is working well and will continue to work well.

Hon NORM KELLY: I will have to re-read the Statutory Corporations (Liability of Directors) Act because I do not believe it fully covers the extent of my proposed amendments.

In answer to the minister's point that he is ultimately responsible and therefore needs the flexibility in making those appointments, such a code tabled in Parliament outlining all of those issues, and possibly more, would allow the minister that flexibility but at the same time ensuring that there is an openness. I referred in my contribution to the second reading debate to political party appointments or former members of political parties being appointed. In many cases those appointments can be perfectly justified because of the merits of the person involved. However, we must also improve the perception of the integrity of Government. One way of doing that is by amendments such as these which will open up the process and lay it out for all to see prior to those appointments being made. It is preferable to have an open process to determine who will be the appointee rather than making an appointment and having to defend that particular appointment.

Hon M.J. Criddle: How do you explain the open appointment process?

Hon NORM KELLY: The way the process works now is as stated in clause 7(1) -

A port authority is to have a board of directors comprising 5 persons appointed in writing by the Minister.

That is the only stipulation for those board appointments. The minister may say that government policy on port authority appointments is an adequate process. That is more a policy matter that can be changed with a change of Government or a change of government policy. We are looking at having statutory guidelines for such appointments, as the Commission on Government recommended. This is the reason we are not looking at trying to prescribe in the legislation how the appointment procedures should take place. We are trying to throw it back to the minister to formulate those processes, which may already be the Government's policy on appointments, but we want to formulate them with statutory backing to ensure that, for convenience or whatever reason, the Government cannot subvert the normal practices for fair appointments to these authorities.

Hon KIM CHANCE: The Australian Labor Party will be supporting this amendment. We acknowledge the minister's position in this; indeed, I will give the minister another argument, if he likes, that he might have raised: Another part of accountability is that the minister sits in this place and his appointments to the board are accountable to the Parliament.

Hon M.J. Criddle: You mentioned that earlier on.

Hon KIM CHANCE: The reason I am prepared to carry the support of the Opposition on this amendment lies more in my

experience of what has already happened. That is not something that I will go into at any length in committee because I raised these issues in the second reading stage. The Opposition spokesperson on transport in the other place raised them with even more enthusiasm than I did.

As regards the second component of what could be the minister's defence, which is his accountability to the Parliament, this issue of the appointment of individual board members was raised with the minister's predecessor, Hon Eric Charlton, who said, "That is my decision" - and he stood by it. We differed. It would be a more effective process were there some kind of code which the minister is required to follow in the appointment of members of the boards of port authorities. The former minister stood in this place and told me - this would have been in the context of the Ports (Functions) Bill second reading debate - that it was his intention to ensure that the former practice of appointing employees and port users to the boards of port authorities was discontinued and that the Maritime Union of Australia, the farmers and other port users, who I thought were properly on those boards, would be phased out and replaced with people of a principally commercial background. That was not quite what we saw. Without going into detail, as I said I would not, in respect of the issues the member for Armadale raised in the other place, we saw the appointment of such people as ultra-right-wing, industrial-relations employers. One such person replaced a member of the Fremantle Port Authority who had a particular expertise in shipping. That was a bad trade. These points are quite properly raised and I have no objection to the minister making them, but we believe that the assurances given us on the two levels of accountability of standards failed with the appointment of some of those people.

Having said that, I think the Government has brought this amendment down on its own head. Hon Norm Kelly has brought this issue forward in respect of this Bill in retaliation - in the proper sense, not in the vindictive sense, but in response - to what he has seen occur. In other words, while the minister is correct in what he says, in practice the Opposition has not been convinced. It has delivered the levels of accountability that we are looking for. It is not something that the Labor Party will go to the barricades over. We have even had some private criticism of the nature of the amendment, especially part 7 which we think is over-prescriptive. Nonetheless, we intend to support the amendment in full.

Hon M.J. CRIDDLE: I think this is a belt, braces and everything else situation. We are reaching the stage at which we are almost totally bureaucratic. We are talking about determining a code of practice, and then every third anniversary we must determine that it must be a review, and then in reviewing the code we must invite public comment, and the code of practices is determined and so forth. It goes through a bureaucratic process which I do not think will gain much over and above the system that we already have. We presently have a good system. The minister oversees it all and he is responsible to Parliament and to all the other processes of getting there. In my recent time in Parliament, we must guarantee things almost to the point at which nothing can work and I hope we do not reach a situation of reviewing every system that is working well. The Government will oppose this amendment.

Hon NORM KELLY: In a sense, the minister contradicts his own argument in saying that a very good system is in place. We are asking that that very good system be legislated and brought into the statutes, not into the Bill, but by way of a code of regulation. By doing that, we are throwing it back to the Government to determine that process. The alternative is not belts and braces stuff at all because we are throwing it back to the Government to determine that code itself. The alternative is in the current Bill; simply an appointment in writing from the minister. I admit that my amendment could possibly be improved, but I think it is more a case of the principle of what the Australian Democrats are seeking to achieve, which is important. Between the extremes of what is in the Bill and my amendment, I believe we must go much further away from what is in the Bill and much closer to my amendment.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon Cheryl Davenport	Hon Ljiljana Ravlich	Hon Tom Stephens	Hon Bob Thomas (<i>Teller</i>)
Hon Tom Helm			

Noes (12)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Barry House	Hon B.M. Scott	Hon Derrick Tomlinson
Hon Peter Foss	Hon Murray Montgomery	Hon Greg Smith	Hon Muriel Patterson (<i>Teller</i>)

Pairs

Hon Nick Griffiths	Hon Max Evans
Hon Ed Dermer	Hon Norman Moore
Hon Mark Nevill	Hon Simon O'Brien
Hon John Halden	Hon Dexter Davies

Amendment thus passed.

Clause, as amended, put and passed.

Progress reported and leave given to sit again, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [9.58 pm]: I move -

That the House do now adjourn.

Workers Compensation - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [9.59 pm]: I bring to the attention of the House a situation faced by a gentleman who came to see me about one week ago at my electoral office in a state of distress. He was feeling totally frustrated with the workers compensation system, and having to deal with insurers. He was very much of the view that he was being given a major run-around. If any member has had anything to do with insurance companies, I am sure he or she can sympathise.

Hon B.K. Donaldson: We do not want the legislation back!

Hon LJILJANNA RAVLICH: Russell Butler was injured in April 1994. He is having treatment on his left knee and he awaits a knee replacement operation. As he is putting pressure on his right knee, he is suffering other injuries. This case involves three parties. It involves O'Donnell Griffin, or Tyco Western Australia, which is a multinational company, Drake International and Kirin Brewery Company. At the time of the accident, Mr Butler was working for O'Donnell Griffin at a site in Welshpool. It was a fairly straightforward course of events which led to his accident. He climbed about 18 feet up a ladder to inspect a job. He came down for morning tea. He went up the ladder again after morning tea, and while he was doing whatever he was doing on the building, an employee from Drake International, who was cleaning around that area, removed the ladder and did not secure it properly when they put it back. As a result, Mr Butler fell 18 feet and suffered substantial injury.

The real issue is that Mr Butler, like so many other people, is sick and tired of going to pre-trial conferences, having his case adjourned, and dealing with people who obviously have much more expertise in this area than he does. As a consequence, he feels that he is getting a major run-around. Having spoken to him at length about his case, I can verify that it certainly appears that that is the case.

At a pre-trial conference, which I think was his third, on 13 May 1998, no action was taken and no offers of settlement of his case were made. Mr Butler's lawyer reported to him that -

. . . no offers of settlement were made and we have reported to you that the Defendant indicated that they had evidence that your claim may be fraudulent, that you had been working as a cabinet maker for quite some period of time on a full time basis and being paid for the work.

As a result of that, obviously no progress was made at the pre-trial conference and the case was adjourned yet again.

Mr Butler undertook some investigations. He certainly had not been working for anybody. He thought that the claims against him were particularly unfair, given that he had not been in any employment, let alone paid employment.

Hon Kim Chance: The allegation was that he had been in employment while he was on workers compensation.

Hon LJILJANNA RAVLICH: That is exactly right. He conducted his investigations, and he wrote down what he had discovered. I will read Mr Butler's explanation about the course of events. He states -

Between 13-5 and the 18-5-98 the case handler for AMP (Mr Neil Hull) spoke to my Rehab provider (Violet Stojanovic). He told her that he has proof that I have been in full time paid employment. He said that I was working with my father in my father's cabinet making company. Violet informed him that my father has been dead for 2 or 3 years.

The allegation was that he had been working with his father, but his father had died three years previously. He continues -

At that she said that Neil Hull coughed and spluttered and then said he made a mistake and that it was my father-in-law that I was working for not my father (at the time my father-in-law had been dead for 10 years he died in London and my father died in New Zealand). . . .

On returning to pre-trial the other side wouldn't talk about me working. So we pushed them and they said that when they rang my doctor and asked him for my work number he gave them the wrong number.

I asked my doctor (Ivor De Souza) about it and he said that he never spoke to anyone about me. It's against practise

to give out information like that over the phone and without the patients consent. But he added if one of the girls did go to my file and look for a work number the only number there is for the company I was working for at the time of the accident. (O'Donnell Griffin now Tyco).

It seems very unfair to me that an insurance company such as AMP, with all its resources and expertise, can cause such unnecessary delays as it has done in this case by making allegations which are false, which cannot be substantiated and which are so far off the planet it is not funny. It highlights the frustration of so many people who are caught in the workers compensation system and who are at the mercy of the lawyers who represent them and those who represent the companies involved. It seems to me that all the pre-trial conferences and occasions on which this case has been adjourned indicate there is no preparedness by the parties involved to seek a quick resolution of the issue, and the insurer does not seem to want to cough up and pay the compensation. I do not believe Mr Butler or any other injured worker should have to waste time or money explaining the untruth put forward by the representative of AMP that Mr Butler was working for his father and his father-in-law, given that both these gentlemen have been deceased for a long time. That is way over the top. No human being should have to put up with that nonsense, particularly when a person is already undergoing massive stress. Mr Butler points out that maybe he should change his surname so he can be part of the Adams family because that is the only family whose members can work for and alongside their dead father and father-in-law. I do not watch "The Adams Family" on television, but I will take his word for it.

At the very least, AMP should accept that it has been very unfair in its handling of this case and it should move towards a speedy resolution with Mr Butler. For my money, I will make it my business to follow this case very carefully because I believe Mr Butler has been treated very unfairly by not only AMP but also the workers compensation system in general.

Statements Reported in The West Australian - Adjournment Debate

HON PETER FOSS (East Metropolitan - Attorney General) [10.07 pm]: In reply to a question in this House asking me about a statement I made, I pointed out that on Tuesday *The West Australian* reported me as having made the previous day - that is, Monday - a certain statement. I accused the reporter of being inexact in view of the fact that I had spoken to her on Friday. She then rang me and took great pains to explain that the error was not hers. I gave an undertaking that I would make sure that what had occurred was on the record of the House.

Hon Derrick Tomlinson: Who was it?

Hon PETER FOSS: The reporter was Anne Burns. She had spoken to me on Friday and had submitted a story for the Monday edition, which had not been used by the newspaper on that day, but it been decided to use it on Tuesday. As it had been submitted for the Monday edition and was to be used a day later, the subeditors gratuitously added to the story a reference to the fact that I had made the statement the day before, there having been no statement in the original story as to when I had made it. I am very pleased to correct that.

It indicates what I have always suspected of *The West Australian* - a very sloppy attitude of the editorial staff to the work of its journalists. I do not know how many times when I have complained to journalists about what had been said in a story, they have shown me the original copy and told me that it was really a matter of what had been done to the headline. I have spoken to former staff of *The West Australian*, former senior members of the journalistic profession, who have said that one reason they left that newspaper was they could not stand the way the editorial people interfered with their stories, without reference to them.

One senior journalist - I will not even give the gender of that journalist in case I give away that person's identity - said that the paper that journalist then went to would never make a change without telephoning the journalist and checking it out and making sure that it had not altered the meaning of the story, and that it also, believe it or not, published retractions and corrections even when somebody had not written in; in other words, if it became aware of an error, without even being asked to retract, it retracted. That is in stark contrast with *The West Australian*, because I actually wrote in -

Hon Kim Chance: Which newspaper was that - the *Labor Herald*?

Hon PETER FOSS: No. I will not even identify the newspaper because again that might identify the senior former journalist.

Hon Kim Chance: It is definitely not the *Labor Herald*.

Hon PETER FOSS: I did not even know there was a paper called the *Labor Herald*.

Hon Ljiljana Ravlich: You should read it.

Hon PETER FOSS: Have I ever been quoted in it?

Hon Kim Chance: Not that I remember.

Hon PETER FOSS: The thing about *The West Australian* is that when we write and ask it to correct something, it often

refuses. I can remember writing to it and saying that with regard to prosecution policy I would continue the habit of my predecessors and would not interfere in prosecutions that still had to come to the Attorney General and that I would take the advice of the law officers. The headline was that I would continue to make decisions. I said, "That is the reverse of what I said. We can argue about that, but why don't you at least publish my letter and what I actually said and then the Western Australian public can make up its own mind whether I am right or you are right?" It refused flatly to publish the letter.

There is a current matter in which I objected to a statement that the reason for using private security agents to check home detention is that it is cheaper. The paper wrote back and said that the reporter's note showed four things, one of which was that it was cheaper - I will give it that, but it was not even the first one. It would not even accept that perhaps by leaving out three of the four reasons there was a slightly different result from just putting in one. Again I assume that my letter will not be published.

There is such a thing called censorship. I abhor censorship. One of the things I have always objected to is censorship. One reason that as Minister for the Arts I have refused always to have censorship is that I have a great feeling against censorship. Being responsible for censorship and being Minister for the Arts are slightly inconsistent requirements. The most iniquitous censorship of all is that which happens when a monopoly newspaper decides not only what it will say that one said but also that it will not even publish for the public to make up its own mind whether one is right or wrong. One should at least be able to have a letter published which says, "I think you got me wrong; this is what I said." The public should be able to ask whether it is a fair report. Oh no, in Western Australia, if the editor decides that one will not be heard, one is not heard.

Hon J.A. Cowdell: You should write to the *Sunday Times*.

Hon PETER FOSS: That is interesting.

Hon Kim Chance: You should write to the *Labor Herald*.

Hon PETER FOSS: Please give me the address.

Hon Kim Chance: I will.

Hon PETER FOSS: My only concern is that it might not be read by many people.

Hon Kim Chance: It is read by 8 000 people in Western Australia alone.

Hon PETER FOSS: It is read by 8 000 people in Western Australia alone! I might write to the Community Newspaper Group, but that is owned by *The West Australian* as well. I do not think it is an important point. We can have our disagreements on how things should happen. It is very easy for people to be misreported - I do not have a great problem with that; it can happen - but it is important that, when a person says that it is not a correct representation of what he said, the public should at least know and the facts should be put on the record. I take great pride in the fact that I am happy to put on the record the fact that it was not the journalist who made the error as to putting in the date. I am quite happy to set the record straight; I am pleased to do so. I hope to see a similar attitude of putting things on the record and making it straight by *The West Australian* because I believe that that is very important in a free society. I happily put that on the record.

Pangea Resources, Nuclear Waste Facility - Adjournment Debate

HON GIZ WATSON (North Metropolitan) [10.14 pm]: I rise to talk on a matter that should be of grave concern to all Western Australians; that is, the proposal by a company called Pangea Resources Australia to site a high level nuclear waste repository in the north west of Western Australia. Members may have heard something about this matter in the media. I felt it was important to raise a few more issues in relation to this and to put it on the public record.

It is apparent that this international company that deals with high level nuclear waste has been quietly and persistently exploring and promoting the idea of a waste dump in Western Australia for at least two years. During its investigation of how this could happen in Australia, the Friends of the Earth in England were given a copy of a promotional video that is being used within the nuclear industry to promote this proposal. The video was conveyed to Australian conservationists and received some coverage in the media at the end of last year. We learnt from this video that Western Australia is the preferred site for a repository of international nuclear waste.

Hon M.J. Criddle: That is its preferred site?

Hon GIZ WATSON: Sure. I raise this matter tonight because I have also now obtained another document that confirms, as I have been saying for quite a while, that the only site it has been seriously considering is near Newman in the north west of Western Australia. This might ring a bell for members who will be aware that I have been referring to a certain road in that part of the State. The document we have obtained from Access Economics and which was prepared for Pangea spells out exactly that. It pinpoints the site it is considering and goes into much detail about the projected economic impact of the project.

The other aspect I think members should know is that Pangea has also submitted plans to the Federal Government on this matter. From answers to questions I have asked in this place it appears that the concept plan has not been passed on to the Western Australian Government. That is certainly what the answers I have received in this place indicate. It is of concern that, although the site is in Western Australia, the Federal Government has not even had the courtesy to pass that information on to the Western Australian Government.

What sort of proposal are we talking about? The Access Economics document clearly states that the project is likely to be located inland in Western Australia, at least 100 kilometres from the coast. It is expected to accept waste over a 40-year period and be permanently sealed. Its estimated income is \$200b over a 40-year period, which includes \$90b in payments to the Government by way of royalties, payroll and company tax. It envisages a dedicated port, a railway, and establishment of a shipyard.

Hon M.J. Criddle: How did you get a road out of this when now you are talking about a railway?

Hon GIZ WATSON: I will indicate how the road fits into this plan. It envisages a shipyard and foundry that will manufacture 70 specialised waste-carrying ships and at least 3 000 stainless steel transport casks.

Hon Barry House: It is a big industry.

Hon GIZ WATSON: Absolutely, and that is how it will try to sell it to us. The report states that the repository will receive vitrified high level waste, spent fuel assemblies, and contact and remote handled intermediate level waste from both Australian and international sources. The point I am making is that Western Australia will come under increasing pressure with this carrot that is being dangled about the billions of dollars that Western Australia can earn if it is willing to accept this highly toxic waste that absolutely no-one else wants in their backyard. We know from the video that this company has produced that it can buy whatever expert advice it chooses to sell this concept, not only in an economic sense but also in a moral sense. We will hear increasingly that Australia has an obligation to receive radioactive waste because it is involved in the nuclear cycle and both this State Government and the Federal Government support the mining of uranium. We know from the literature that this company is putting out internationally that that is the reason it is saying that Australia must meet its international obligations to help with the disposal of this waste.

The answers that I have received in this place still leave me with a lot of questions. I refer to the question that I asked about the meeting between Hon Hendy Cowan and a representative of Pangea Resources, Mr James Voss, in November 1997. The answer to my question was that absolutely nothing was left with the minister. I have been asked to believe that when this company representative met with Mr Hendy Cowan, he did not even leave a business card! I find it most extraordinary that a company which has spent money on developing a concept would visit the Minister for Commerce and Trade and not leave him with anything that would explain what the company was about. That is just one of the questions that remains unanswered in this matter.

I seek leave to table a document entitled "The Economic Impact of the Nuclear Waste Repository Project", prepared for Pangea Resources Australia Pty Ltd by Access Economics Pty Ltd and dated November 1998.

Leave granted. [See paper No 887.]

Hon GIZ WATSON: What needs to happen as a result of the information that is coming to light about a well advanced proposal for a waste repository in Western Australia is a public condemnation of that project, a commitment from this Government and all political parties in Western Australia that not only will they not accept this proposal, but also they will never accept a proposal that will allow high level nuclear waste to be deposited and to remain a hazard for Western Australia for thousands of years, and a rejection of this country's entire involvement with the nuclear fuel cycle. That means no uranium mines, because there is no way that we can separate the production of high level nuclear waste, which will remain a hazard for future populations for thousands of years, from the actual mining of uranium. The only safe place for uranium is in the ground.

Media Reporting - Adjournment Debate

HON KIM CHANCE (Agricultural) [10.25 pm]: I do not wish to delay the House for very long, but I absolutely refuse to be outdone by the Attorney General. He brought forward a story of his misrepresentation in the Press and, although I am grateful that it was done in the right spirit to clear the name of a talented journalist of high integrity, I will not be outdone by his story. I will relate to members what happened to me some years ago when I was a budding candidate for the Federal Parliament in 1980 or 1983.

If the Attorney General thinks that the media is a tough place for a conservative member of Parliament, he should have tried campaigning for the Labor Party in the wheatbelt in the early 1980s. I regarded the media as friendly if they did not try to shoot me! As a starry-eyed, bushy-tailed Labor candidate in a federal campaign, I issued my very first media statement as an aspiring member of Parliament. It must have been a beauty. A newspaper in the great southern must also have thought it was great - I point blank refuse to name the newspaper because it has since reformed its ways - because it ran it on page 3.

However, it had taken out my name and inserted the name of Monty House. That is the absolute truth. I thought he either had a lot of sway in that area or he was in a lot of trouble in that town.

I also want to note a correction which I normally would not have done, except the Attorney General wanted to clarify the record. Those who are close media monitors or subscribe to a media monitoring service may have noted that a radio station in Geraldton had carried a particular line, including my flat denial that I intended to challenge Geoff Gallop for the leadership of the state parliamentary Labor Party. I assure members that the statement was right. Notwithstanding the technicalities of my being in the wrong place, I flatly deny any attempt to challenge Geoff Gallop for the leadership. It was a mystery to me where the original story came from, but at least it has not been attributed to Monty House!

Workers Compensation - Adjournment Debate

Hon KIM CHANCE: I am grateful to Hon Ljiljanna Ravlich for raising the serious issue of a workers compensation insurance policy and the actions of a company to whom the policy belonged. I have run into a disturbing number of similar stories and I am pursuing them through the normal channels. I do not know whether government members of Parliament have similar cases raised with them although I believe they do because last year Bob Wiese, the member for Wagin, raised an issue similar to that which is occupying my mind now. With respect to the Labor Party's position, to the extent that we are seeing the degree to which insurance companies are either incompetent or are prepared to lie to scrimp and save and deny people their rights under their policies, having accepted the premium and denied liability, it is difficult for me in the context of the debate in this Parliament on workers compensation to feel any sympathy whatever for the companies, or to believe a single word they say. The issue raised by Hon Ljiljanna Ravlich is clearly wrong, but a company of integrity will now set out to put it right, I hope. That cannot be said in the case with which I am currently dealing. The facts have been presented to SGIO but in my view justice has been denied. Hon Ljiljanna Ravlich referred to the AMP and Bob Wiese was dealing with yet another company. When insurance companies are conducting themselves in this way, and one would expect insurance companies to rely heavily on their reputation and integrity, I am concerned about whether the truth is being told at all about workers compensation policy.

Question put and passed.

House adjourned at 10.30 pm

QUESTIONS ON NOTICE

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

MALE PRISONERS, SENTENCES

980. Hon MARK NEVILL to the Attorney General:

- (1) How many male prisoners have a head sentence length of -
- (a) under 8 days;
 - (b) 8 days to 1 month;
 - (c) 1 month to 3 months;
 - (d) 3 months to 6 months;
 - (e) 6 months to 12 months; and
 - (f) more than 12 months?
- (2) What is the percentage of male prisoners in the above categories (a) to (f)?

Hon PETER FOSS replied:

(1)-(2) As at 31/1/99, the male muster by head sentence length was as follows:

	Numbers (1)	Percentage (2)
(a) 1-7 days	0	0.00%
(b) 8-30 days	7	0.32%
(c) >1-3 months	38	1.76%
(d) >3-6 months	146	6.77%
(e) >6-12 months	228	10.58%
(f) >12 months	1737	80.57%
Total	2156	100.00%

FEMALE PRISONERS, SENTENCES

981. Hon MARK NEVILL to the Attorney General:

- (1) How many female prisoners have a head sentence length of -
- (a) under 8 days;
 - (b) 8 days to 1 month;
 - (c) 1 month to 3 months;
 - (d) 3 months to 6 months;
 - (e) 6 months to 12 months; and
 - (f) more than 12 months?
- (2) What is the percentage of female prisoners in the above categories (a) to (f)?

Hon PETER FOSS replied:

(1)-(2) As at 31/1/99, the female muster by head sentence length was as follows:

	Numbers (1)	Percentage (2)
(a) 1-7 days	0	0.00%
(b) 8-30 days	3	1.89%
(c) >1-3 months	10	6.29%
(d) >3-6 months	14	8.81%
(e) >6-12 months	17	10.69%
(f) >12 months	115	72.33%
Total	159	100.00%

MULLEWA DISTRICT HIGH SCHOOL, PLAYGROUND EQUIPMENT

1025. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

I refer to the playground equipment at Mullewa District High School and ask -

- (1) Is the Minister for Education aware that the Mullewa District High School is without any playground equipment as the school deemed its old equipment unsafe and removed it in October 1997?

- (2) What provision (if any) has the Department of Education made to replace this equipment?
- (3) Is it the usual practice for schools to have to contribute or raise funds on their own behalf for the replacement of such equipment?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Minor works funds are included in each year's school grant to undertake improvements such as the replacement of playground equipment.
- (3) It is usual for school funds, either from minor works or fundraising activities, to be used to replace such equipment.

CARNARVON CAMP SCHOOL

1039. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) Will the Minister for Education approve the reopening of the Carnarvon camp school in order to respond to local requests for the establishment of alternative, targeted education programs for children in the Carnarvon area?
- (2) If not, why not?
- (3) If yes, what level of funding and staffing will be attached to this alternative education program?
- (4) From what date will the program be operational?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) A detailed plan for the future of government school education in Carnarvon, including a proposal for using the Carnarvon Camp School site for alternative education programs, is currently being developed. The plan will include a significant injection of extra funding and staff. A third Deputy Principal will be appointed to the Carnarvon Senior High School from Term Two 1999. The additional administrative support for the school that this provides will contribute to good management of the alienated youth program.
- (4) A small scale interim program is expected to commence during Term Two 1999. The complete plan will be implemented following community consultation and the identification of appropriate resources.

QUESTIONS WITHOUT NOTICE

SOUTH WEST METROPOLITAN RAILWAY MASTER PLAN, GOODS AND SERVICES TAX

956. Hon TOM STEPHENS to the Minister for Transport:

The minister will be familiar with the master plan for the south west metropolitan railway which refers at page 57 to there being no provision in the estimates for a goods and services tax. I ask -

- (1) Has any analysis been undertaken or estimate made of the impact of the goods and services tax on the cost of the south west metropolitan railway?
- (2) If so, will the minister table the analysis?
- (3) If not, when will such an analysis be undertaken?

Hon M.J. CRIDDLE replied:

- (1)-(3) The member is asking for predictions as to whether a goods and services tax will be imposed. It is no good carrying out an analysis until we know what that GST will entail. As everybody knows, the legislation must go through the Federal Parliament, and the member is looking into the future. Until we get some indication from the Federal Parliament, I cannot possibly answer the question.

DENTAL TREATMENT, WAITING LIST NUMBERS AND TIMES

957. Hon TOM STEPHENS to the Leader of the House representing the Minister for Health:

Will the minister advise the House of the current waiting list numbers and times for dental treatment at (a) the Perth Dental Hospital; (b) dental clinics; and (c) the country patients dental subsidy scheme?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(a)	Perth Dental Hospital	1 951	12 months
	Total	1 951	
(b)	Fremantle	1 111	7 months
	North Perth	538	13 months
	Liddell (Victoria Park)	451	8 months
	Swan	217	7 months
	Sir Charles Gairdner	196	5 months
	Rockingham	613	16 months
	Warwick	1 079	13 months
	Mt Henry	51	7 months
	Albany	139	9 months
	Bunbury	419	7 months
	Vasse	56	7 months
	Geraldton	146	6 months
	Boulder	92	6 months
	Total	5 108	
(c)	Country patients dental subsidy scheme	486	4 months
	Total	486	

WESTERN AUSTRALIAN TOURISM COMMISSION CONTRACTS

958. Hon KIM CHANCE to the Leader of the House representing the Minister for Services:

In January 1997 the Chairman of the State Supply Commission wrote to the Western Australian Tourism Commission indicating that the SSC would carry out a review of three WATC contracts; namely, the Global Dance Foundation, Elle Racing and Marketforce contracts. For each of these contracts -

- (1) Why did the chairman feel the need for a review?
- (2) Was a review carried out?
- (3) If yes to (2), will the minister table a copy of the review?
- (4) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I am advised -

- (1) The State Supply Commission instigated a review of the Global Dance Foundation and Elle Racing contracts to monitor compliance with SSC policies and guidelines.
- (2) Yes, compliance reviews were commenced for Global Dance and Elle Racing only.
- (3) No.
- (4) The reviews will not be finalised until the conclusion of all litigation and all legal issues.

CASUARINA PRISON, LOCK-DOWN

959. Hon GIZ WATSON to the Minister for Justice:

In respect of the lock-down situation at Casuarina Prison -

- (1) Is unit 1 to be used permanently as a punishment unit?
- (2) Is unit 1 to be physically isolated from all other units?
- (3) If yes, how many prisoners will be held in unit 1 and under what regime?
- (4) Are prisoners in units 2, 3, 4, 5 and 6 currently being restricted to the cell and landing area of their units?
- (5) Is the education section still closed down?
- (6) If yes, how many prisoners are affected?

- (7) Is access to industries restricted?
- (8) If yes, how many prisoners are affected?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Unit 1 is used as a management unit. All the cells in unit 1 are designated as capable of being used as punishment cells.
- (2) This is currently under consideration.
- (3) Currently, no prisoners undergoing punishment are being held in unit 1. It is not possible to estimate how many prisoners undergoing punishment may be held in unit 1 in the future.
- (4) Yes.
- (5) Yes, although a limited number of programs are being coordinated through the living units by education staff.
- (6) Approximately 70 full-time and part-time students.
- (7) Yes.
- (8) Approximately 150.

REGIONAL FOREST AGREEMENT, STRUCTURAL ADJUSTMENT FUNDS

960. Hon NORM KELLY to the Leader of the House representing the Minister for the Environment:

- (1) How much state funding has been earmarked for structural adjustment funds to secure forest conservation outcomes under the Regional Forest Agreement?
- (2) When will these funds be made available?
- (3) On what basis will these funds be distributed?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) At this stage the State and Federal Governments have each committed \$10m to a structural adjustment fund.
- (2)-(3) Yet to be determined.

SORRENTO QUAY, EXPANSION

961. Hon RAY HALLIGAN to the Attorney General representing the Minister for Planning:

Will the minister provide the House with details of any existing approvals that would allow the expansion of Sorrento Quay?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The following are the existing approvals from the Western Australian Planning Commission that would allow the extension of Sorrento Quay, Hillarys Boat Harbour -

- (1) Three additional shops, approximately 300 square metres, abutting the Volcanoes restaurant, within the Strezlecki Pty Ltd lease area. The approval expires on 8 June 2000.
- (2) An approximately 150 square metres of alterations and additions to the buildings within the Skycorp Pty Ltd lease area. The approval expires on 8 June 2000.
- (3) Approximately 900 square metre extension to the building within the Victoria Company Pty Ltd lease area, which includes extensions of the retail floor space on the ground floor and second storey office additions. The approval expires on 16 April 2000.

PRISONERS ON HOME DETENTION

962. Hon HELEN HODGSON to the Minister for Justice:

I refer to question without notice 54, asked on 11 March 1999, and ask -

- (1) In relation to prisoners on home detention, are compliance monitoring visits to prisoners' homes conducted between the hours of 8.00 am and 5.00 pm on weekdays, and -

- (a) if so, by whom; and
- (b) if not, why not?
- (2) On what basis was the decision made to use private firms for home detention monitoring outside normal business hours only, and not during weekdays?
- (3) With regard to the use of private firms as an occasional escort service for selected offenders from courts and holding centres, under what law is the ministry permitted to use private firms for these purposes?
- (4) What powers do employees of private firms have -
 - (a) where prisoners are found to be in breach of the terms of their home detention;
 - (b) to control prisoners in transit; and
 - (c) under what law are these powers granted?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
 - (a) Staff of the Ministry of Justice.
 - (b) Not applicable.
- (2) Private security companies have an extensive infrastructure across the metropolitan area and can respond rapidly and at a marginal cost per visit after hours. Salaried officers on standby would not be able to provide a rapid response and would be employed at considerable extra cost because of the need to provide vehicles, equipment and further backup for staff security.
- (3) Section 98 of the Sentence Administration Bill allows the chief executive officer to engage persons under the Public Sector Management Act which in turn provides for the use of private contractors for purposes required under the Sentence Administration Bill.
- (4) (a) No powers have been conferred. Security firm employees are required to notify if an individual fails to comply with curfew obligations or is found to have damaged his or her electronic monitoring equipment
- (b) No powers are conferred. Offenders who abscond will be reported to the community corrections branch for further action.
- (c) Not applicable.

TOWN PLANNING SCHEME NO 11, AMENDMENT NO 9, MARGARET RIVER

963. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Planning:

In relation to the Western Australian Planning Commission's approval of amendment No 9 of town planning scheme No 11 of the area bounded by Tunbridge and Mann Streets in Margaret River -

- (1) Why does the approval grant the provision of septic tanks rather than reticulated sewerage which was recommended by the Water and Rivers Commission, the Water Corporation and the Shire of Augusta-Margaret River?
- (2) Will the minister please table the information that the Western Australian Planning Commission used in order to make the determination that reticulated sewerage would not be necessary given that the location in question contains a tributary of Margaret River?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Firstly, I will correct the preamble to the question. Final approval of amendments to town planning schemes rests with the Minister for Planning not with the Western Australian Planning Commission, although the WAPC does provide advice to the minister on such matters and conveys the minister's decision to the relevant local government.

- (1) The "approval" does not grant the provision of septic tanks. The decision provides for modification of density coding of the land which would have the effect of providing for a residential lot size of a minimum of 2 000 square metres. However, the decision clarifies that the decision on the method of effluent disposal will be made at the time of subdivision, which is a separate process. Among the modifications to amendment No 9 required by the minister was for the scheme text to include the following special provisions -

- (ii) At the time of subdivision, Council shall recommend to the Western Australian Planning Commission that a geotechnical report indicating that the lots are capable of supporting on-site effluent disposal be provided.
 - (iii) At the time of subdivision Council shall recommend to the Western Australian Planning Commission that connection to reticulated sewerage be required for those lots not capable of supporting on-site effluent disposal.
- (2) In light of the response to (1) above, it would be premature to table information on effluent disposal available to the WAPC because it has not made a determination in relation to reticulated sewerage and would receive further information before doing so. A decision on effluent disposal will be taken when a subdivision application is made, taking into account the abovementioned provisions.

JERVOISE BAY PROJECT, MARKETING CAMPAIGN

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

- (1) What is the cost of the marketing campaign for the Jervoise Bay project?
- (2) Where have the funds come from?
- (3) Are these funds part of the allocated funding for the development?
- (4) What proportion of total advertising expenditure has been spent to promote and inform local residents about the development?
- (5) Will the minister table a detailed list of the marketing campaign's costs and expenditure?
- (6) If not, why not?

Hon N.F. MOORE replied:

I do not have a copy of the question or the answer, so I suggest the member place it on notice.

ELLE MACPHERSON ADVERTISEMENTS

965. Hon KEN TRAVERS to the Minister for Tourism:

Were the negotiations which led to a second series of Elle commercials the result of Elle's complaints that she had not received any benefit from the first set of commercials?

Hon N.F. MOORE replied:

For the benefit of the member let us get this absolutely straight. The Western Australian Tourism Commission entered into a commercial arrangement with Elle Racing Pty Ltd. Part of the arrangement was for Elle Macpherson to make commercials for Western Australia, which she did. The arrangement to pay Elle Macpherson for the first set of commercials was an arrangement between Elle Macpherson and Elle Racing. We paid Elle Racing, which had a contract with Elle Macpherson. Whether or not Elle Macpherson got any money from the first set of commercials is irrelevant to the Western Australian Tourism Commission, because it did not have a deal with her. It had a contract with Elle Racing. That set of commercials was made. I do not know whether Elle Macpherson was happy with what she got out of it. I do know she was pleased with the way in which the commercials were made and their success. Like most of us she was not happy about some of the ridiculous publicity that surrounded that series of commercials. However, that is another story.

Hon Bob Thomas: The Premier used them during an election campaign.

Hon N.F. MOORE: What absolute rubbish! The election had not been announced then. The member should get his facts straight. When the first set of commercials was made it became clear to me and to the Tourism Commission that we should contemplate making further commercials, because we did not make a commercial for the metropolitan area, the south west - other than for the great southern - or the goldfields. Informal negotiations and discussions were entered into between the Tourism Commission and Elle's management company to investigate the possibility of making further ads. At the beginning of that period of negotiation there was some confusion about who would initiate a proposition. They believed we would make a formal submission to them and we believed it was the other way around. As a result of that confusion Elle's lawyers wrote a typical lawyer's letter - with all due respect to lawyers in the House - making some outrageous demands. As union members would know, in any negotiation the first position is an ambit claim. Hon Tom Helm would know all about that. The first letter was an ambit claim, which we said was not acceptable; however, we were happy to negotiate an agreement to make some more ads. The negotiations continued; we reached an agreement and the ads were subsequently made. To the best of my knowledge, apart from the Opposition, everybody thinks they are good. They are being shown now in London and have received an exceptional response. The bottom line is that the negotiations between the Tourism Commission and

Elle Macpherson have been on the basis of seeking to reach an agreement ultimately which would benefit both parties. As far as I am aware Elle Macpherson and her management company are happy with what has been achieved with both sets of commercials. I can assure the member that the Western Australian Tourism Commission and the minister are also happy with the contracts entered into, agreed to and put into practice.

ELLE MACPHERSON ADVERTISEMENTS

966. Hon KEN TRAVERS to the Minister for Tourism:

In relation to the first series of Elle advertisements -

- (1) Can the minister confirm that Elle Macpherson's lawyers warned the Western Australian Tourism Commission, prior to Elle making herself available for the series of commercials, that negotiations between Elle and Elle Racing were in jeopardy?
- (2) Was there an agreement between Elle and the WATC to place the remainder of the moneys due to Elle Racing - approximately \$540 000 - in escrow until the Elle Racing situation could be sorted out and to then assist them to direct the disbursement of such funds to Elle?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) I confirm that subsequent to the contracts for Elle Macpherson's services to the Western Australian Tourism Commission being executed in November 1996, Elle Macpherson's lawyers advised in December 1997 that prior to her making the commercials in February 1997 difficulties between Elle and Elle Racing were developing. The difficulties were not with the Tourism Commission.
- (2) No formal agreement was entered into. However, the prospect of placing money in escrow was discussed.

ELLE MACPHERSON ADVERTISEMENTS

967. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Did Grant Donaldson, Crown Solicitor acting for the Western Australian Tourism Commission, receive a letter from Elle Macpherson's solicitors on 17 November 1997 containing a proposal which included making additional advertisements?
- (2) Was this the first time any formal proposal had been exchanged between the WATC and Elle Macpherson which would involve her doing extra commercials?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Yes. As previously stated, numerous informal discussions had been held prior to the proposal being presented regarding the future involvement of Elle Macpherson in a second series of television commercials.

ELLE MACPHERSON, ADDITIONAL ADVERTISEMENTS

968. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Can the minister confirm his answer to question on notice 354 of 10 November 1998 that discussions were first held with Elle Macpherson's manager on 12 May 1998 for the production of additional advertisements?
- (2) Can the minister confirm that he sent a memo to the Premier two months earlier, on 17 March 1998, in which he informed the Premier that the Western Australian Tourism Commission had had numerous discussions with her in regard to providing a city-based commercial?

Hon N.F. MOORE replied:

I have just told the member the answers to these questions. This is just appalling nonsense. I will give the answer as it is on notice, but why does the member not listen and try to understand what actually happened?

Hon Ken Travers: I wonder whether you misled this House or the Premier.

Hon N.F. MOORE: The member has never listened in his life. That is what comes of having nothing between his ears.

The PRESIDENT: Order!

Hon N.F. MOORE: The answers are -

- (1) The first formal meeting with respect to the second series of television commercials was held on 12 May 1998 in Los Angeles.
- (2) Yes. Prior to the first formal meeting held in Los Angeles, the issue had been discussed in an informal manner on a number of occasions. These include, but are not limited to, discussions held during Ms Macpherson's first visit to Western Australia in a meeting with her manager in Sydney following the filming of the first series of television commercials, and in New York in August 1997, hence the memo to the Premier.

Reference to one of the earlier discussions was flagged in the response to question on notice 354 which states -

It should be noted that Ms Macpherson's future commitment to Western Australia was also flagged in discussions held 15 and 18 August 1997 in New York.

ELLE MACPHERSON ADVERTISEMENTS, INSTRUCTION

969. Hon KEN TRAVERS to the Minister for Tourism:

Did the minister instruct the chief executive officer of the Western Australian Tourism Commission, Shane Crockett, as early as 16 December 1997 to prepare a package of advertisements featuring Elle Macpherson; that is, six months before the commission had given its approval to progress the concept of additional advertisements?

Hon N.F. MOORE replied:

Did I instruct Shane Crockett to make them? I do not remember that, Mr President. However, I will find out. How am I alleged to have instructed him?

Hon Ken Travers: By way of a letter that he sent to you confirming a meeting that you had with him.

Hon N.F. MOORE: If such a letter and instruction exists, obviously it did. However, the member might show me a copy. Mr President, I do not carry around with me letters that I allegedly wrote in December 1997.

Hon Ken Travers: Did you instruct Shane Crockett before the WATC?

The PRESIDENT: Order! I am hearing Hon Ken Travers and the Minister for Tourism together. Would the member finish asking one question and then ask another.

Hon N.F. MOORE: Obviously I do not recall all the details of these issues. If the member wants to provide me with a copy of the letter that I am alleged to have written, I will give him an answer.

ELLE MACPHERSON ADVERTISEMENTS, INSTRUCTION

970. Hon KEN TRAVERS to the Minister for Tourism:

I will make the question clear to the minister. Did the minister instruct Shane Crockett to prepare a package of advertisements prior to the WATC making a decision to have a second set of commercials?

Hon N.F. MOORE replied:

As I said, I do not recall. If the member can provide some evidence that I have, or give me a chance to find out whether that is in fact the case, I will give him an answer.

WESTERN AUSTRALIAN TOURISM COMMISSION, KUNUNURRA MEETING

971. Hon KEN TRAVERS to the Minister for Tourism:

In relation to the board meeting of the Western Australian Tourism Commission on 23 September 1998 held in Kununurra at which the initial Elle Macpherson advertisements were discussed, I ask -

- (1) Was the minister in attendance when Grant Donaldson from the Crown Solicitor's Office voiced his suspicions about tax avoidance?
- (2) If yes, what course of action did he advise the board to take to ensure that the avoidance would not occur and that any tax liability should be met?
- (3) Has the WATC paid the moneys owing to Elle Macpherson for the second set of commercials?

Hon N.F. MOORE replied:

Is the member asking about a meeting in Kununurra?

Hon Ken Travers: Yes, that you attended.

Hon Tom Stephens: Were you in attendance?

Hon N.F. MOORE: I do not recall attending a meeting of the Tourism Commission in Kununurra.

Hon Ken Travers: Do you remember -

The PRESIDENT: Order! This is where I and some members will get ourselves into trouble because it could be said that the question is being changed by the interjections. I will deal with the question that the member put. I accept the interjection; the member obviously has a scheme about which he is asking the minister, but he should not change the question, otherwise the minister will be answering the first instead of the second question.

Hon N.F. MOORE: If the member is trying to embarrass me because my memory is not too flash, he is doing a good job. If that is what he is seeking to do, that is fine; however, if he actually wants answers to questions which require a very good memory, he might give me some notice of them. I do not know the answers to all the questions that the member has just asked. However, I do not ever recall Grant Donaldson talking about the question of taxation, but I know it has been raised as an issue.

Hon Ken Travers: Would it concern you?

Hon N.F. MOORE: I also know that the Australian Taxation Office approached the Western Australian Tourism Commission and asked whether the fee had been paid and had she paid her tax, or something to that effect. Her relationship with the Taxation Office has nothing to do with me or the Tourism Commission, just as the member's relationship with the Taxation Office has nothing to do with the Legislative Council. However, as far as I know, her fee has not been paid at the request of her lawyers until they sort it out with the Taxation Office - if that is what the member is on about. If he thinks it is appropriate that employers or people who contract with other people should be in charge of their taxation arrangements, he should perhaps say that.

Hon Ken Travers: When the Crown Solicitor raised it -

Hon N.F. MOORE: He is not the Crown Solicitor.

The PRESIDENT: Order! One of the problems I have is that the fans are on. I am glad that they are on but the interjections are not necessarily coming across as clearly as they normally might if the fans were off. I am not asking members to yell any louder, just to take that matter into account.

MINISTER FOR TOURISM, CONFLICT OF INTEREST

972. Hon KEN TRAVERS to the Minister for Tourism:

I refer to recent media reports concerning the minister's conflict of interest and ask -

- (1) Has the minister sought legal advice on the conflict of interest?
- (2) From whom has he sought the legal advice?
- (3) Who is paying for the legal advice?
- (4) Has he now received the legal advice and what are its findings?
- (5) Will he table a copy of the advice?

Hon N.F. MOORE replied:

- (1)-(5) The member should have prefaced his question by referring to "an alleged conflict of interest". Just because the member for Bassendean - or wherever he comes from - decides to delve into my private life and claim something, does not make it correct. The member for Eyre recently made a comment publicly that it is about time members stopped asking these questions when somebody asked him about a conflict of interest, but that is another question.

Hon Mark Nevill: He said that he was not the minister responsible for the matter.

Hon N.F. MOORE: I know; however, he also made a general comment that members of Parliament attacking one another on these issues do themselves a disservice. Members know that, I know that and most people with half a brain also know that.

When this crazy story appeared in the *Sunday Times* I sought legal advice. In fact, I sought advice from the Clerk of this House. He did not charge and I did not pay him. I do not know whether I have to but he has not sent me a bill yet, Mr President. In fact, he initiated the advice. He rang me and said that being the person responsible in a sense for the conduct of members of Parliament as to their pecuniary interests, he believed that I had no conflict of interest at all. I have outlined

all of my interests in a declaration of interests, just as the member has, presumably. In that declaration is a reference to my being a director of a travel agency. I add that I have no direct involvement whatsoever on a day-to-day basis in that travel agency. The Clerk's view was that I did not have a conflict of interest. I went further than that and contacted Mr Robert Cock, QC of the Crown Law Department, seeking from him a written statement of his opinion. Regrettably, the day that I rang him he became the Director of Public Prosecutions and I guess he had a few things on his mind because I have yet to receive his opinion. I will not have a problem tabling it when I do receive it even though that is not the normal practice. I will not have a problem showing it to the member, if that is of any help.

I do not believe there is a conflict of interest at all and I resent the imputation that I may in some way be seeking to benefit personally by having advertisements shown in Western Australia to encourage Western Australians to stay at home. It is an outrageous proposition.

ELLE MACPHERSON ADVERTISEMENTS, TARGET AREA

973. Hon KEN TRAVERS to the Minister for Tourism:

When was it decided to run the advertisements locally in Western Australia and not in Singapore or the United Kingdom?

Hon N.F. MOORE replied:

As far as I know, the advertisements are being shown in the United Kingdom - in fact, they are being shown now. I do not know whether they are being shown in Singapore at the moment. I do not know when the decision was made; it was made by the Tourism Commission itself. Hon Ken Travers must understand, if he has a minute to listen, that the Tourism Commission is a statutory authority. It makes its own decisions independently of the minister. It decides when the advertisements will be shown. The commissioners do not ask me every time whether they can do it. Hon Ken Travers understands nothing about government. That is his problem. The commissioners decided where they would show the advertisements.

Hon Ken Travers: Go back to your first decision, when you told them to make the advertisements.

Hon N.F. MOORE: That is what Hon Ken Travers is alleging; I do not necessarily agree with it, but that is what happened. The tourism commissioners made decisions about where and when the advertisements would be shown. They decided to show them in Western Australia and I applaud that; it is a good idea. The idea is to say to Western Australians, "You have a great State and some great tourist attractions to visit. Look at them before you go to Bali and spend your money overseas." That is why they are doing it. If Hon Ken Travers does not think that it is a good idea, he should say so.

PROBATION BREACHES

974. Hon MARK NEVILL to the Minister for Justice:

I refer to recent reports of a number of serious breaches of probation -

- (1) What action has the minister taken to ensure that probation conditions are complied with rigorously?
- (2) Is there in place a strict return to court for offenders who breach community sentences?

Hon PETER FOSS replied:

One reason we have a high prison muster at the moment is that following one particularly well-publicised breach, the Ministry of Justice instituted a far stricter regime of breaching. People might think that as soon as there is a breach of parole, the person has instantly breached and is sent back to jail. That is not the case, but it is possible to have a different regime from one which is very tolerant - that is, one that is very strict. Currently in Western Australia there is a very strict regime. In particular, there is a strict regime for offenders who are assessed as high risk. In other words, we would take a slightly different attitude to a person who has been placed in jail for driving without a licence on numerous occasions and who might not have observed a reporting requirement than we would take to a rapist who failed to meet some requirements.

A number of people have breached, as they say, because there is a much stricter regime applying than previously was the case. Those people will have their parole terminated by the manager. They will usually then be arrested by the police and returned to custody because a warrant will have been issued by the Ministry of Justice. The police will execute the warrant, and then it is up to the Parole Board whether the person remains in jail or is released back to parole. Western Australia has a high breach rate not because our people misbehave more, but because we have a stricter regime of returning people to jail if they do not observe the terms of their parole.
