



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1999

LEGISLATIVE COUNCIL

Tuesday, 11 May 1999

# Legislative Council

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

## **BILLS - ASSENT**

Message from the Lieutenant Governor and Administrator received and read notifying assent to the following Bills -

1. Titles Validation Amendment Bill.
2. Acts Amendment (Criminal Procedure) Bill.

## **URANIUM MINING INDUSTRY**

### *Petition*

Hon Giz Watson presented a petition, by delivery to the Clerk, from 85 persons opposed to the establishment of a uranium mining industry in Western Australia.

[See paper No 1028.]

## **NUCLEAR WASTE DUMP**

### *Petition*

Hon Giz Watson presented a petition, by delivery to the Clerk, from 159 people opposed to the establishment of a high-level nuclear waste dump in Western Australia.

[See paper No 1029.]

## **REGIONAL FOREST AGREEMENT**

### *Urgency Motion*

**THE PRESIDENT** (Hon George Cash): I have received the following letter addressed to me and dated 11 May 1999 -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the House at its rising adjourn until 9 am on 25 December 1999 for the purpose of expressing opposition to the Regional Forest Agreement signed by the Government last week for its failure to protect old growth forest and to provide any adequate restructure program that will assist timber industry employees.

Yours sincerely

Hon Tom Stephens MLC  
Leader of the Opposition in the Legislative Council

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

[At least four members rose in their places.]

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.33 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

Last weekend, members of the Australian Labor Party took some historic steps for the people of Western Australia to protect the conservation values that are increasingly at the forefront of the aspirations of the Western Australian community.

Hon N.F. Moore: It jettisoned its traditional supporters; it tossed them out the window.

The PRESIDENT: Order! The Leader of the Opposition has not even got through his first paragraph without members interjecting. I want to hear the Leader of the Opposition in silence. It is a limited-time debate, and I ask members to observe the standing orders.

Hon TOM STEPHENS: In the process of taking that historic step the Labor Party committed itself unashamedly and passionately to the process of calling upon Governments at both the national and state levels to ensure that the workforce in the timber industry of the south west is provided with tailor-made programs to assist in the necessary restructuring that would implement policy directions now demanded by an overwhelming majority of Western Australians. It is totally appropriate that today in this House there should be a couple of attempts to highlight this issue before the people of Western Australia. The urgency motion is an attempt to ensure that the Government of the day appreciates the demand of the overwhelming majority of Western Australians.

In the process of scrutinising the recently-signed Regional Forest Agreement, and in the work that has come out of its research, the Opposition has identified that only 232 800 hectares of old-growth forest will rest in formal reserves and 12 700 hectares in informal reserves, leaving a total of 347 000 hectares of old-growth forest in the south west. It is important for people to appreciate that this will produce consequences which are unacceptable to the people of Western Australia.

In this debate I hope that the government members who respond will indicate whether they have recognised that as a result of the RFA more than 400 hectares of old-growth karri forest which was previously protected in informal and formal reserves under the forest management plan will now effectively be handed back to timber companies for logging and chipping. If the Government proposes to engage in this debate today I hope it either agrees or disagrees with that analysis. If it agrees, is it proud of that result? If it disagrees, will it show where the analysis falls down? It is important that the minister representing the Minister for the Environment in this place explain why less old-growth karri forest will be protected under the RFA than was protected before it was signed. Under the forest management plan, 46 450 hectares of old-growth forest were protected in formal and informal reserves. However, under the recently-signed RFA only 46 046 ha are protected in formal and informal reserves.

It is also appropriate to refer to the \$17.5m the Government claims was allocated for tourism under the RFA and to call upon the Government to confirm that \$9.5m of this funding was made available by the Water Corporation last month for the purchase of land adjacent to Wellington Dam, and that \$2m for the sealing of the mine road was provided in April last year by Main Roads WA under the Transform WA program. This is a Government which constantly puts itself forward as being open, honest and accountable in its presentation of information to the people of Western Australia. Through the announcement of these processes, it has involved itself in a fiddle, in putting forward figures that misconstrue the reality - that is, double and triple-counting figures - in its efforts to defend its policy direction. It is important for the minister to explain to the House the correct situation relating to the \$17.5m about which the Government has made claims. Can the minister confirm that of the remaining \$6m, the State Government has allocated only \$1m to new tourism projects under the RFA?

The following are important parts of any process that the Labor Party would want to accept and endorse: Recognition, firstly, that, with the acceptance of the importance of those areas of high conservation value, something is being protected, not only of conservation value but also of economic value, in a straight cash sense, to the wider community; and secondly, of the opportunity to build a tourism industry that requires government expenditure, not merely its playing with the figures, pretending to do something that it is not, not arguing the case for \$17.5m being spent, when nothing is further from the truth.

When building on the economic base these conservation areas make available to the people of Western Australia, we can obtain broad community support for this important conservation protection strategy in the south west that would have been embarked on had a decent Government been in office. In the recent attempts to resolve this matter, no-one has seen displayed by the Treasury bench in either this State or the Federal Parliament, a decent Government prepared to balance the conservation values, which are held dear by the broad cross-section of the community in Western Australia, with the economic imperatives of the State. The Government must respond to these concerns.

Over 100 000 hectares, nearly one-third, of the remaining old-growth forest are now to be made available for logging and woodchipping. The figures from the Department of Conservation and Land Management show that the 347 000 hectares remaining represent less than 10 per cent of the pre-1750 forest, and the agreement will reserve only two-thirds of what is left. This means only approximately 6 per cent of pre-1750 old-growth forest is protected for a whole generation of Western Australians who are not yet born but who will be adults when this agreement expires. It is important that Governments of all political persuasions take the opportunity of appreciating what we are dealing with here: A legacy that should be left to our descendants in the Western Australian community, one that instead is to be ripped up in the short term and damaged in the name of some sort of sustainability for this industry. The industry clearly cannot be sustained in the long term because of the rapacious approach being adopted by this Government in conceding to the demands of some sections of the forest industry and not taking into account the -

Hon N.F. Moore interjected.

Hon TOM STEPHENS: Rather than the Leader of the House interjecting on me during this debate, he should be hanging his head in shame in the face of people from his -

Hon N.F. Moore: I am happy to support people who want jobs. You used to do that once.

Hon TOM STEPHENS: He was once part of a proud party.

The PRESIDENT: Order! The Leader of the Opposition should not bother to speak to the Leader of the House. He should speak through me. In that way, we will not get as many interjections.

Hon TOM STEPHENS: The leader of the Liberal Party in this place was once part of a party that could hold its head high because it represented reasonable traditions. In this Chamber he has the opportunity of being embarrassed by some of the foundation members of his party who can see what he has contributed to the forestry processes of Western Australia by his unashamedly falling in with the worst excesses of this stripping of the forests of this State. He will be held to account for his interjections.

Hon N.F. Moore: You have it wrong, and not for the first time.

Hon TOM STEPHENS: He will reap the rewards of the excesses -

The PRESIDENT: Order! I can hear Hon Greg Smith interjecting on some members opposite, although I cannot hear what he is saying. The Hansard reporter certainly cannot hear his words. Let us listen to the Leader of the Opposition.

Hon TOM STEPHENS: The situation for old-growth karri forest is even worse: Even fewer informal reserves are protected than were protected under the old forest management plan. Members of the community must question why the Government allowed the RFA to fail to reserve any additional old-growth karri forest. The answer will not be simple. Timber companies

are now using more karri for woodchipping than at any time in the past, including an increase of more than 27 000 cubic metres to 187 799 cubic metres in 1997-998. In this debate, the Government has tried to hoodwink the Western Australian public, but that cannot be done as easily as the Government believes it can. The Government seems to adopt the view that members of the public in this State are gullible and can be hoodwinked by its public relations strategies. So far it has been unsuccessful. I hope government members, even at this late stage, can see the political imperatives behind pulling back from the strategies they have endorsed.

More swamps, rocky outcrops and woodlands are being reserved in the RFA, but less unique, majestic and world famous old-growth karri forest that people cannot help but marvel at in even a short visit to the south west. Western Australians have become increasingly exposed to that when they visit the south west, and more and more have become converts to the cause of finding some way of protecting that forest in perpetuity, in a sustainable way, while at the same time allowing appropriate levels of forestry activity and forestry harvesting. The Government has taken out more than 50 000 hectares of forest reserves proposed in the previous forest management plan because they were deemed to have certain biodiversity and conservation values which warranted their preservation. Obviously the Government has now decided that the logging potential is more valuable than the conservation value.

At the same time as embracing conservation values, as members of the wider community have done, the Government must also move to take on board the demands of industry assistance in a real way, and provide the opportunity for new value-adding and downstream manufacturing industries. Instead, the Government has gone down a track which will, without doubt, cause the loss of jobs and hardship to individuals. It must provide tailor-made programs to assist those who lose their jobs. What will happen during the time lag when these industries establish themselves? What will happen if the Asian economic downturn reduces the viability of new industry in the short term? Under this Government, effectively nothing will happen, other than its participating in a "Forest Inc" process, of linking itself to limited industry assistance that does not target anything more than the corporate interests and does not focus on the needs of the work force involved in that industry, or that which has been done by the Labor Government in New South Wales to tailor-make the programs.

Hon N.F. Moore: Give us an example of a tailor-made job.

Hon TOM STEPHENS: It specifically ensures that the programs will look after the workforce in New South Wales. That would be one hallmark of change by the Government in this State.

As well as embracing conservation strategies, there would be programs aimed at looking after the interests of the work force that would be involved in the restructuring in this State. As a result, the inevitable consequences of the Government's actions are about to be wreaked upon their heads.

It is important that this debate should be taking place so quickly after the introduction of the state budget, one which shows the sort of Government we have. The Government has put its alleged environmental concerns on the record by cutting \$8.7m from the Agriculture vote; a vote that has as an important part of its strategy - one would have hoped - sufficient funds to attack the salinity problems that this State faces. Those possible attacks are inevitably reduced now by the loss of substantial funding to Agriculture Western Australia and other relevant agencies. That is the consequence of that diminished vote in the budget. In the budget, the Government has slashed the funding to the Environmental Protection Authority by about \$5m, or 21 per cent. I hope we will have an opportunity today to ensure that once we deal with this urgency motion, we can get on with the Bill that deals with these issues.

The PRESIDENT: Before I call the Minister for Finance, the Leader of the Opposition had 40 seconds left when he decided to turn his attention to the recently announced state budget. Because he did not necessarily pre-empt the substance of the budget, I let him go. In due course, members will be able to talk about the budget by way of a motion on the Notice Paper to note the tabled budget papers.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [3.51 pm]: Members have had to put up with a very emotional speech. Last week Hon Tom Stephens moved an urgency motion on the handling of the Regional Forest Agreement when he discovered that the RFA had been signed. He gave the same speech last week. To repeat it this week, he could simply have taken it out of *Hansard* and put it up before us. The Australian Labor Party's forest policy, adopted at the party's state conference on Saturday, would, if adopted by the Government, have a devastating effect on the whole economy of the south west and on the environment. An analysis of the impact of the ALP's policy indicates that 3 400 jobs would be put at risk: 1 000 private jobs, 500 public sector jobs and 1 900 indirect jobs. That is a lot of jobs in the south west; a lot of jobs lost in many small country towns. Because the ALP was short of talent at the time, in December 1992 Hon Tom Stephens was made a Cabinet minister in the last Government.

Hon Ljiljana Ravlich: What is your excuse?

The PRESIDENT: Order!

Hon MAX EVANS: He was a minister for a few months. He was a minister when his Cabinet agreed at that time that it would increase the throughput of jarrah to about 520 000 cubic metres; that is what the ALP was doing when it was in government. The process of the RFA was set up by the Federal Labor Government and the State Labor Government of the time. The process was put through and it has worked up until now.

Hon Greg Smith: How much was it?

Hon MAX EVANS: It was 520 000 cubic metres. In addition, over \$100m in income will be lost to the south west. The important part is that the ALP has a responsibility to submit its policy for independent scrutiny, something which Dr Gallop refused to do last week in the other place. All the experts who have gone through the present scheme must look at the ALP's

policy to see how workable it is. There cannot be a lot of rhetoric. There is an audience.

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers should calm down.

Hon MAX EVANS: It is a policy that is important to the future of the State - to employment and to the environment. If members of the Labor Party have any responsibility and decency - which I doubt at times - they will allow their policy to undergo independent scrutiny and not do a bit of grandstanding on what they want to do. As their leader says, "This is the first day leading up to the next election." Their policy is about short-term gain, rather than sound forest management and a sustainable timber industry. It will be interesting to see whether Hon Bob Thomas speaks to this motion because I doubt whether he can convince a large part of his electorate that they will be better off as a result of what Hon Tom Stephens was talking about and the new policy of the Australian Labor Party.

The RFA, which was signed last week, is a comprehensive plan based on proper forest management of all the State's forests. It was the result of careful and considered analysis of all the options, based on the best available information. It meets the objectives of sustainability and certainty, and the creation of comprehensive, adequate and representative reserves. Many people are involved in this issue; not only political people, but also industries, conservationists, federal government representatives and scientists. They are all having their input.

It reserved more than two-thirds of Western Australia's old-growth forest and focused on a future based on value adding and the management of the State's forests according to the principles of ecologically sustainable forest management. That is important for the future. We cannot just cut off these matters. In the case of karri, 80 per cent of the State's original forest still stood, with over 30 per cent being old growth and 50 per cent being regrowth, representing some magnificent majestic karri forest. The RFA represents a fair and balanced outcome, one reached by weighing up the arguments in the debate. While recognising the community's desire to save the old-growth forests, the need to protect workers and communities was also considered a very important factor. It is all very well to be anywhere else in the State and make decisions on the future of other people, but we must take these issues into consideration - which the Labor Party is not doing. As a result, the agreement signed last week provides for a reduction in the level of cut of our native timber; for example, the jarrah cut has been reduced by 45 per cent since the Government came to office. I have already told members how much the Labor Party wanted to increase it in December 1992. That was its last issue before going into an election. It probably did that to woo the voters it will now lose. It tried to convince the workers in the south west that there would be more to do, and it wanted their votes. We saw it happen in the election; but the Labor Party did not get the votes.

Hon Kim Chance: That is idle speculation and you know it!

Hon MAX EVANS: No, it is a statement of fact. Why would the Labor Party do it just before an election if it did not want to get some votes from the south west? The member cannot tell me that! The ALP promises to promote value adding and to maintain services to communities. All of this is of little use when there is no incentive for industry to invest. That is what we must worry about: Will people invest any further in industry? If they will not, the industry and its jobs will slide down. The forest debate is not a black and white argument. Care must be taken to achieve balance. Hon Tom Stephens talked about the 400 hectares protected forest. I have the latest figures: An increase of 2 600 hectares have now been protected.

Hon Tom Stephens: Of old-growth forests.

Hon MAX EVANS: Hon Tom Stephens was talking about old-growth karri forests.

Hon Tom Stephens: That is nonsense, minister.

Hon MAX EVANS: Hawke block, parts of Giblett, Dombakup, Northcliffe and karri tingle forest towards Walpole have been included.

Hon Tom Stephens: Rocks and swamps.

The PRESIDENT: Order, members! I am trying to listen to the Minister for Finance. The Leader of the Opposition has had his turn. At the end of the debate, he will get a chance to wind up if there is time.

Hon MAX EVANS: I remind members what the RFA has delivered, which is most important: An additional 150 885 ha to the formal reserve system, bringing the total area in conservation reserves throughout the south west to 1 047 200 hectares, an increase of 12 per cent on a very high base; and 12 new national parks and 25 additions to existing national parks - a big change. We have already added a lot more to national parks since we came to government than did the Labor Government in all its years of just talking. It did not make the hard decisions that we have made. Of the 347 000 hectares of old growth in the south west forest region, 232 800 hectares are now protected in formal reserves, an increase of 45 700 hectares. This means that 67 per cent of all old growth is protected in the CAR reserve system. This increases to 71 per cent if all road, river and stream reserves are included. In ecosystems where old growth is rare and depleted, 100 per cent has been reserved on public land where possible. In line with the view that the timber industry needs to do more with less, the Government agreed under the RFA to reduce the annual contracted level of jarrah sawlog cut from the present 482 000 cubic metres to 286 000 cubic metres from 2004. As agreed with industry, the average annual jarrah sawlog cut to 2003 will be 324 000 cubic metres per annum. The annual level of karri sawlog cut will be reduced from 203 000 cubic metres at present to 178 000 from 2004. Average annual harvesting to 2003 will be 186 000 cubic metres.

This comprehensive \$59m industry development plan includes assistance for both the timber and tourism industries. The \$41.5m timber package includes low cost loans to install value-adding equipment and new technology, to expand local

manufacturing and to provide assistance with marketing, as well as money for redundancy packages and business exit, contract and buyback support. Its aim is to achieve more value adding of timber products which will benefit the furniture and many other industries. The \$17.5m to which Hon Tom Stephens referred will benefit the tourism industry through being spent on three new forest eco-lodges, camping chalets, a scenic drive through Pemberton - \$2m will be spent on the road - and the recreation tourism facility at Wellington Dam.

Hon Bob Thomas interjected.

Hon MAX EVANS: Yes; the amount of \$9.5m will be spent on land around the Wellington Dam, which includes much forest, and which will become a top class tourist precinct and which will be very good for the State. Hon Bob Thomas and everyone else knows that. The Government is proud of its achievement with the Regional Forest Agreement. It is not a black and white issue; it has been a difficult issue to address. It is important to the sustainability of the timber industry and to the long-term benefit of old growth and new growth forests in Western Australia.

**HON CHRISTINE SHARP** (South West) [4.00 pm]: Whenever we debate forests in this place I take the opportunity of adding to members' understanding of what it all really means. These matters are enormously complex. We can throw figures at one another across the floor and seek to prove each other wrong, but that will not add one iota to our clarity of understanding of the real issues. I will attempt to do that in a brief format this afternoon in my contribution to the urgency motion debate on the failure of the Regional Forest Agreement to protect old-growth forests and to deal adequately with the issue of timber industry jobs.

We have been woodchipping karri forests since 1973. That is a long time and it means that little karri forest outside of reserves has already been woodchipped. It also means that between 50 000 or 60 000 hectares of regrowth forest has resulted from that clear-felling since 1973.

At this point two types of karri forest remain: The outstanding blocks of karri forest which have been identified by the Australian Heritage Commission and which have been entered on the interim list of the national estate. They include the blocks of which we all now know the names, such as Sharpe, Giblett, Hawke, etc. They are known as the icon blocks and are the largest areas of karri remaining which could be available for woodchipping and which the industry seeks to use as its resource. The other area of karri that remains is what is called low quality karri; that is, mainly marri forest but which includes the odd karri tree. It produces almost entirely woodchipping material and very low levels of karri sawlogs.

The issue of what constitutes a sawlog versus what constitutes a woodchipping log is a vexed matter. It is with great interest that when examining a karri clear-felled coupe the Standing Committee on Ecologically Sustainable Development was shown three piles of logs - those for woodchipping, those for sawmilling and a strange group in the middle called "possibly sawlogs". It is important that people understand that the amount of timber woodchipped depends on the demands of the various mills. At present, because many of those icon blocks were protected prior to the RFA, they are still standing. However, now their fate is that they be clear-felled as quickly as possible because the industry is not really interested in that lower quality country. It wants to get into the tall karri country that the community so values.

The irony about all this is that of course there is only a limited amount of that tall karri country. At the end of the day - in three years' or two years' time; depending on how fast we take it - it will be gone anyway. At that time, which is in the near future, the industry must confront its sustainability and regrowth if it is to have any pretensions whatsoever of being a sustainable industry. How ironic then that at this time the Pemberton saw mill, the main karri saw mill, is undergoing a major refit. Mr Robert Mills, the mill manager who undertook the main refit for value adding at the Jardee mill for jarrah, has moved to Pemberton to bring the mill into the new era of value adding.

Members should understand that value adding offers a golden opportunity because it requires a lower quality of timber; therefore, the Pemberton refit is offering a golden opportunity for the industry to make that step under the RFA now and to reserve all the remaining areas of karri forest which so many people dearly love and dearly believe deserve to remain standing for their heritage and their inspirational and conservation value rather than being logged and much of it being woodchipped.

However, what have we done? We have put off the day when industry must face the reality that it has run out of old growth karri. Only 1 515 hectares of main karri-type old growth will be put into additional reserves - only one-tenth of Giblett block. Karri block, which is part of the greater Beedelup National Park proposal, under an informal agreement between the former Water Authority and the former forest department was to be left unlogged as a benchmark block to determine what is the impact on water resources of clear-felling. An informal undertaking was given that karri block would never be logged so that one catchment was kept pristine within the southern forests after karri wood chipping. That gentlemen's agreement has been broken, despite the fact that karri block could have been part of the greater Beedelup National Park. The refit at the Pemberton mill was the opportunity for a win, win situation. However, the Government has stayed with maximising the profits to woodchipping in the short term.

I would like to tell the same story about the jarrah forest, especially that in which I live called jarrah north west which is probably the most productive jarrah forest and which as a result has been extensively logged throughout the history of Western Australia since white settlement. Of nearly 700 000 hectares of jarrah north west only 7 430 hectares are reserved under the RFA. Close to where I live is a small area called Preston which was a proposed conservation area that has one square mile of virgin - not just old growth - north west jarrah. What has the RFA decided? It has decided to take away its conservation status, so great is the industry's requirement to get at every single jarrah sawlog it can to survive the resource crisis.

When the ESD committee members were at Pulpwood Operations during a visit to the south west we asked how many people

were employed there at present. Would members like to hazard a guess how many people were employed there as at July 1998? That mill employed 49 people in an industry that is taking half of the logs. My colleagues on the other side of the House have done some interesting analysis of the overall take of the logs; it is half of the logs that are taken. We must bear in mind that so great has been the first-grade karri cut and so little of the second and third-grade jarrah is taken that of all the logs cut in Western Australian forests only 40 per cent of logs do not leave the part of the forest in which they are growing. About 40 per cent of all logs are dead and just left there to rot; about 60 per cent goes to woodchipping. When people talk about jobs, I do not take them seriously because I know that there is a whole new era ahead of us as a possibility, and we could have used the Regional Forest Agreement as that possibility for a new era. There are nearly one million hectares of regrowth timber for us to do the right thing for a smart, new, environmentally friendly industry and we have turned down the opportunity to begin that new era. At the same time we are losing all our old-growth forests and the heritage that we love so dearly.

**HON DEXTER DAVIES** (Agricultural) [4.10 pm]: I bring to the attention of the members of the House and the Leader of the Opposition that although they have done a bit of work in recent times, which is fine, the main game has occurred over the past 14 months. The National Party took the trouble two years ago to put 14 months' research into this subject and released its policy so that it could participate in the game. I do not think that the main coach would be too impressed with the Labor Party turning up with its policy after the debate - that was very well managed! Labor Party members and spokespersons rang me, as president of the National Party, more than 12 months ago, saying, "Please, could we have a copy of your policy because we haven't done any?" Well played, the Labor Party! Now at its conference, the Labor Party has developed its policy for the next election, not for the issue and nothing to do with the forest debate.

Hon Tom Stephens interjected.

Hon Ljiljana Ravlich interjected.

Hon DEXTER DAVIES: To participate in the debate -

The PRESIDENT: Order! Would Hon Dexter Davies resume his seat. I ask the Leader of the Opposition and Hon Ljiljana Ravlich not to interject. Other members seem to be able to listen without interjecting. Those members may be playing to the gallery and all sorts of things; however, the rules say that members do not interject.

Hon DEXTER DAVIES: Thank you, Mr President. The policy was developed so that the National Party could participate in the debate; the research was conducted before the debate. All of the things that the Labor Party complained about were addressed during the RFA process and as a result of that we influenced the debate in respect of the direction in which it should go.

Several members interjected.

The PRESIDENT: If Hon Dexter Davies looks at me and speaks to me, I will not interject.

Hon DEXTER DAVIES: Thank you, Mr President. The cut in the jarrah forest is now heading towards a sustainable yield; not from 590 000 hectares down to 524 000 or 490 000 and all those figures. Even before this agreement was signed the Labor Party was happy with 300 000. However, the National Party came up with the figure of 281 000 after a great deal of research to be able to satisfy those on all sides of the debate. It is not something in respect of which one can achieve an answer one way or the other; it is difficult when many people are involved. It took 14 months to develop the policy. We released it and sent a copy to the Labor Party and were happy for everybody to have it to participate in the research so that they could look at the figures.

I am proud to say that Hon Christine Sharp has said to me that she would have been proud to be able to write a forest policy equivalent to what we turned out in those circumstances, to put it up front and allow everybody to have a go at it. Where was the interest? Who set the benchmark for the debate and carried it in the direction in which it went? Who influenced and will continue to influence where it will go? Where was it going before that? The Labor Party did not even know where it was. As somebody said in a recent radio interview to the leader of the Labor Party, it was hard for the National Party to compare its policy with that of the Labor Party because the Labor Party did not have one. We will have an opportunity to continue to influence the direction the forest debate follows in respect of forest management and the ability to split the Department of Conservation and Land Management so that the public will have confidence in the management of the forests.

Hon Norm Kelly interjected.

Hon Simon O'Brien: That is a contradiction in terms.

Hon DEXTER DAVIES: I will refrain from going into that because the Australian Democrats' policy has not yet seen paper either. There have been some nice little one-liners along with the three-quarters of a page on the Labor Party's policy. If Hon Norm Kelly spent some time focusing on the positive aspects instead of being negative, he would probably contribute towards the debate.

Hon Norm Kelly interjected.

The PRESIDENT: Order! Hon Norm Kelly will get an opportunity in a minute.

Hon DEXTER DAVIES: That leads me to a comment that Hon Norm Kelly made recently on the amount of money being attributed to the silviculture practice in the forest as if it was wrong. That was an enormous influence, once again from the National Party, which was clearly pointed out in its policy and it was of enormous importance towards the management of the forests. There are any number of things that can still be done to move the debate in a direction where it is acceptable to the vast majority of Western Australians. The management of the forests from now on is most important and a great deal

of work must be done to get it right. There is an absolute commitment from the minister, at the instigation of the National Party in the other place, to have an independent review of the sustainable cut. The Government is on record as saying that will take place as well as a four-year management review of the policy. It is good emotional stuff and nice theatre for people misleadingly to say that the RFA is cast in stone for 20 years, but it is not what the RFA says and not what will happen.

There will be a four-year review of the present sustainable cut and the legislation that has been put in place will allow for restructures on the way through that review. In managing the forests, we will have the opportunity to look at the royalties charged for the wood. If that takes the right course, the decision on the sustainable cut can be a commercial business decision because in the process of changing the structure and the management of CALM there will be an opportunity to organise and manage the forests in a way which will give people confidence in the way forests are managed. Hon Christine Sharp knows very well that that is where the RFA is going.

I re-emphasise that the RFA has been a very difficult process; not everybody could be pleased. Some people would have liked some things and others would have liked other things; that is life. All I say is that I am proud of what I, the National Party and the coalition have done in guiding the debate in the direction it is going. There is more work to be done; however, for the Labor Party to turn up after the main debate, having not done any preparatory work, not participated in the actual debate and not had the courage to put forward its policy until after the event does not contribute to the management of Western Australian forests.

**HON NORM KELLY** (East Metropolitan) [4.19 pm]: Firstly, because I refrained from interjecting when Hon Dexter Davies was speaking, I will respond to some of his comments. He referred to the \$3m, of which I spoke last week, which is being put towards the thinning of forests in the regrowth stands. I said last week that that is money well spent but it should not necessarily be tied up in the Regional Forest Agreement package; it should be automatically available as a result of good royalty returns from the logging of forests in the first place. We should ensure that the royalties received from the logging of the State's resources will cover the management of the forests for the 100 or so years of their rotation. That was my point. I was not arguing about it being money well spent. There is a great deal of pumping up in this RFA package, and this money is being used to pump up the RFA figures.

I congratulate the National Party of Australia (WA) for some of the work it has done in developing its forest policy. It has committed some of the research resources which were made available to members of Parliament last year to examining the forest issues. That was money well spent. However, at the same time as that research was being carried out, the Standing Committee on Ecologically Sustainable Development was also undertaking its own research and talking to people in the industry about how the process could be considered, looking at the flaws in it and how they could be corrected.

When the ESD committee tabled that report last year, it contained over 20 recommendations on how the RFA process should be changed to ensure a greater level of agreement in the wider community. That report was agreed to by all five members of the committee. I remind members that those five members represent the Australian Democrats, the Greens (WA), the Australian Labor Party, the National Party and the Liberal Party. Even the Liberal Party member was happy to agree to the recommendations, which included releasing a draft RFA for public comment prior to signing. The recommendations also included setting up a round-table forum so that there would be a much wider representation than that which occurred in the stakeholders' committee of the RFA to try to iron out the differences prior to the signing of the RFA. All five members of the committee were well aware that if the RFA continued down the road of being signed off in the way that the Government then intended, and has now done, the arguments, the conflicts and the confrontation would continue until the public had a legitimate say in the whole process concerning what should be done with the State's natural resources.

In the papers that have been provided with the RFA, we are looking at what is basically a propaganda package, because it is very one-sided. They set out the number of new national parks which are to be created. Based on the history of the creation of national parks in this State, it is clear they will be handkerchief-size national parks, which may look good on paper and can be called national parks. We are told that we should not worry if they are only 100 hectares or whatever in size; they can still be called national parks, and it sounds good. That has nothing to do with national parks in terms of having any national recognition; it is just a feel-good statement from the Government.

To be fair and objective, the papers that were released should also comment on and detail all of the areas that had been set aside to become conservation and nature reserves which are now being opened up for logging. Because we have this biased reporting, we hear only one side of the story. That situation has been further compounded by the extensive advertising that has been occurring on the radio and in the State's newspapers at a cost, we were informed in response to one of my questions last week, of over \$300 000. I do not argue that there is a need to advertise what is contained in the RFA. However, the newspaper advertising consists mainly of photographs rather than of detail, which once again presents a one-sided argument, and there is insufficient detail for anyone to gain a real understanding of what the RFA means to Western Australians.

The Australian Democrats welcome an increase in the forest industry structural adjustment package. In answer to previous questions, the minister stated \$20m would go into that package, which would be funded equally by the State and Federal Governments. That amount has now increased to \$38.5m. However, when I recently asked the minister, through a question in this place, how much money would be provided, she stated the figure of \$20m and said any changes would be detailed in the RFA and accompanying package. However, there is still no detail in the agreement as to where that \$38.5m will go. I am not sure whether that figure has been plucked out of the air, because the Government is unable to provide any detail of where this figure came from. I am sure it came up with a figure of \$3m for regrowth thinnings because it can easily calculate that. However, the figure of \$38.5m is obviously just another feel-good figure, because there is no commitment as to how or where that money will be spent. It could be used simply for industry bailout. There is no guarantee that it will be used to assist workers, even though there is a labour adjustment -



Hon Bob Thomas interjected.

Hon NORM KELLY: No, this is a labour adjustment program which is meant to be directed to the workers in the industry to provide assistance when they are retrenched.

Hon Bob Thomas: That is the forest industry structural adjustment program.

Hon NORM KELLY: That is all part of the FISAP money. I believe workers are meant to be able to directly access that money in cases of retrenchment. However, if we have competing demands, such as industry submitting claims for a larger amount of money than the Government is willing to provide, money that may be earmarked for workers may not be available to them and it will go to industry. We do not know how much will go to industry and how much has been earmarked to assist Bunnings Forest Products Pty Ltd to bail out of part of its business. We will have to wait to see whether the Government will be able to adequately reimburse Bunnings for the massive donations it has made to the coalition parties in recent years, which I believe add up to almost half a million dollars. I am sure that when Bunnings made those donations it was looking for a good return on that investment. Through the use of these FISAP moneys, we will see whether that investment flows back to it.

**HON GREG SMITH** (Mining and Pastoral) [4.28 pm]: In the limited time available, my comments will be brief. When this Regional Forest Agreement was first signed and released, neither the industry nor the environmental movement was happy. I said to someone, "Look, nobody is happy, so it probably means we have got it about right." That is the only way to describe it. This is one of those debates in which it will never be possible to please everybody. The striking aspect of this new-found policy of the Australian Labor Party is that it involves access to resources. Just as with its native title policy it denied the mining industry access to resources, it is now seeking to do exactly the same to the timber industry. I do not know where the ALP thinks it will get the money to run this State when timber and mining industry workers are out of work and no-one can access resources in this State to produce wealth.

All that the ALP seems to stand for these days is Aborigines, the environment and the unemployed as it has abandoned the union movement. I probably know more about the Australian Workers Union than is known by many ALP members sitting in here. The ALP was formed by workers in Queensland.

*Point of Order*

Hon BOB THOMAS: I ask, Mr President, whether the member is addressing the issue.

The PRESIDENT: I listened closely to Hon Greg Smith's introductory remarks, which seem to be consistent with the motion. Nevertheless, if he goes off on a tangent and starts talking about the AWU and his remarks are not relevant to the debate, I will certainly bring the member to order.

*Debate Resumed*

Motion lapsed, pursuant to standing orders.

**CHILD WELFARE AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

*Second Reading*

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [4.31 pm]: I move -

That the Bill be now read a second time.

This Bill regulates the operations of the child protection services register, which is evidence of this Government's commitment to protect children by improving coordination and cooperation between government agencies. The publication in New South Wales in August last year of the recommendations on paedophilia of the Wood Royal Commission into the New South Wales Police Service refocused national attention on the issue. The State Government took the opportunity to make an assessment of where we are at and what further improvements are still required. Work has been done to address a number of issues.

The recommendations of the Wood royal commission report on the paedophile inquiry do not automatically relate to Western Australia, with policies and practices in New South Wales being different from those of the relevant Western Australian agencies, and some of the recommendations require a national response. Nevertheless, a series of recommendations are applicable to Western Australia in that we provide similar services. The State Government has moved over the past year towards meeting the spirit and intent of those recommendations and this Bill is part of that response.

One of the main points coming out of the recommendations of the Wood royal commission report on paedophilia was the absolute necessity for good cooperation and coordination between government agencies. The royal commission concluded for example that it was necessary to establish a children's commission with appropriate powers and the capacity to oversee and coordinate the delivery of services for the protection of children from abuse, including sexual, physical and emotional abuse and neglect. In that context we strongly acknowledge the importance of improved coordination and cooperation across government agencies. The child protection service register is the formal mechanism to achieve that coordination.

In recent years, a number of initiatives to improve coordination of service delivery to children who have been abused have been introduced, such as the establishment of reciprocal child protection procedures between relevant government agencies in 1996. Other recent developments include -

The establishment of the WA Child Protection Council in April 1998 to promote coordination between relevant government and non-government agencies and to advise government on how to further improve that coordination.

The fostering of inter-agency understanding and cooperation in the area of child abuse investigation, through a district manager of Family and Children's Services working for a period in the police child abuse unit. This arrangement is being reciprocated with a member of the police child abuse unit working in various areas of Family and Children's Services.

A review of safety screening procedures being implemented by Family and Children's Services with appropriate options being considered to apply to services funded by the department. Other relevant government agencies such as the Ministry of Justice, the Education Department and the Health Department are also developing or improving procedures.

The Ministry of Justice's endorsement of recommendations relating to the expedited hearing of cases involving child witnesses, changes in court processes to benefit child witnesses, the need for specialised training of judicial officers and lawyers and the concept of the provision of expert evidence in cases of child sexual abuse to the court, particularly for trials by jury.

The Education Department's commitment to provide appropriate support and training for all staff in schools on issues related to child sexual abuse, with professional development to ensure that correct procedures are followed in responding to any allegations of child sexual abuse.

The Education Department's commitment to implement the recommendations of the national strategy in schooling to prevent paedophilia and other forms of child abuse.

The development of a proposal for joint interviewing and investigations teams between the police and Family and Children's Services. The Minister for Family and Children's Services expects a report back to the Minister for Police and herself within the next six months with recommendations for a pilot project.

This Bill is therefore one part of a package of initiatives developed and progressed over the last year in response to the Wood royal commission recommendations on paedophilia.

The State Government is also participating in a national working party on the cross-jurisdictional exchange of information about persons believed responsible for abusing children.

Concerns for issues regarding children have led to various calls for the creation of either an office for children or a children's commission. The proposed roles of the office for children or children's commission vary depending on the source of advice received. Some see it as a mechanism to ensure necessary coordination of service delivery to children who have been abused, while others see it as a policy coordination unit within government. The intent of those seeking the establishment of an office for children as a policy coordination unit is that it would provide a clearer focus on the interests of children across the whole of government. The interests of children in general, of course, cannot and should not be considered in isolation from the interests of their families. Consequently, a decision has been made for the creation within Family and Children's Services of a family and children's policy office as a dedicated policy coordination unit responsible for the development and coordination of a whole-of-government family and children's policy, in a similar way as it is done, for example, by the Office of Seniors Interests on behalf of seniors. Advice is currently being prepared by the Director General of Family and Children's Services on options for the establishment of such a family and children's policy office. However, the formal mechanism to be used for the coordination of service delivery to children who have been abused is the child protection services register, provided for in this Bill.

In July 1996, the Western Australian Government became the first Government in Australia to establish, on a pilot basis, a register on which all government agencies record the names of children who have been maltreated, as well as the services provided to the child. The register introduces a formal process for the sharing of information between relevant government agencies, including the Police Service, Family and Children's Services, the Health Department, relevant hospitals, the Ministry of Justice, the Education Department and the Disability Services Commission. This register enhances coordination and cooperation, ensures accountability for services and improves the outcomes of child protection services across government. The register will assist government agencies by providing a number of alerts such as where there is multiple agency involvement including previous registrations of child assault or maltreatment; where services have not been delivered or completed; and the identity of a person previously convicted of maltreatment.

The register is designed to meet government reporting requirements on child maltreatment; inform the minister responsible for administering the Child Welfare Act on government agency responses to child maltreatment; coordinate the involvement of multiple government agencies; inform contributing agencies of previous child maltreatment incidents and confirm the names of individuals who have been convicted of criminal offences against children; require reporting agencies to adhere to the reciprocal child protection procedures; and ensure, where a lead or coordinating agency is not apparent, that one agency assumes this responsibility. The child protection services register pre-empts and satisfies a number of recommendations from the Wood royal commission's paedophile inquiry. It will also provide accurate and reliable information regarding the incidence of child maltreatment in Western Australia. The provision of services and supports to children who experience child maltreatment and their families is the responsibility of all relevant government departments. This requires collaboration between agencies if the most effective outcome for a child is to be achieved. Unfortunately, this coordination has not always been evident. A child or family may receive similar services from more than one agency or, regrettably, receive no services at all.

The child protection services register is a significant strategy for coordinating the services provided to children and their families. The register and its manager will have the appropriate powers and capacity to oversee and coordinate service delivery to children who have been maltreated, including sexual, physical and emotional abuse as well as neglect. In this context, the register and the manager will fulfil the coordinating function identified in calls for a children's commission. Therefore, the Government does not intend to establish a children's commission, but rather believes the initiatives being implemented in a real way fulfil the requirement of improved coordination of services for the protection of children.

**Background:** Since the child protection services register commenced operation on a pilot basis in July 1996, extensive consultation has taken place with participating government agencies and other bodies which have an interest in child maltreatment. The consultation process has led to a number of changes to the register which are reflected in this Bill. Other than ensuring coordination of service delivery to children who have been abused, an important goal of the register is to provide an across-government picture of child maltreatment, including services provided and outcomes, to both the responsible Minister and contributing agencies.

The register has been in operation for almost two years. Since it commenced, more than 1 900 children have been recorded. Of these children, 80 per cent are aged 12 years and under; one-third had suffered physical maltreatment; one-third had been sexually abused; and the remainder had experienced either neglect or emotional abuse. Family and Children's Services provided over 90 per cent of the notifications. Police and hospitals provided the remainder. Police tended to notify about children who had been sexually assaulted and hospitals tended to report neglect and physical maltreatment.

Legislative regulation for the services reporting to the register will increase the number of registrations of children by other departments. It will also provide departments which have legal restrictions on the release of information with the ability to provide the register with information. It will also assure departments that their records will be treated confidentially.

**Independence of the register:** One of the important considerations in the establishment of the register was emphasising its independence from government departments. Even though the register is physically located within Family and Children's Services, the manager of the register is appointed by the minister. The manager is responsible for compiling and maintaining the register; enhancing cooperation and coordination between agencies; providing advice to the minister; and ensuring that reporting agencies comply with the legislation. The most important function of the register is to record information about maltreatment of children, the children's names, details contained in reports, and descriptions of services provided to these children. The register records the names of children where maltreatment has been substantiated or there is a significant risk of maltreatment. It does not record the names of children for whom allegations of maltreatment have been made but have not yet been substantiated.

**Mandatory recording:** The requirement to report the maltreatment of children is not to be confused with mandatory reporting. Mandatory reporting requires, by law, that nominated persons must notify the appropriate authority of any allegation of child maltreatment prior to substantiation. Although most parts of the western world have introduced mandatory reporting, research has shown it does not achieve its aim; that is, the protection of children. As the level of reporting increases, the percentage of substantiated reports does not. Frequent intrusive investigations and reinvestigations are made, particularly of disadvantaged families. High numbers of investigations tend to hide serious cases of maltreatment, thus placing vulnerable children at greater risk. Also, the resources necessary to investigate minor allegations are better used in family support and treatment services. The Taskforce on Families of 1994 did not recommend the introduction of mandatory reporting in Western Australia, and concluded that it was more effective to provide support to parents who are struggling with the difficult task of parenting than make unwarranted intrusions into their family life.

**Names of convicted persons on the register:** Information concerning the conviction of a person for an offence against a registered child is also recorded. The decision to record the names of convicted persons only on the register was the result of long consideration. The views expressed covered the full range, including the preference to record the names of suspected persons through to those with conviction records.

The Bill makes special provisions for persons who are aged under 18 years at the time of the offence. The manager of the register may exclude a name from the register, either of his own initiative or at the request of the person, after taking into account the person's age and the nature and seriousness of the offence. An offence as a result of a schoolyard assault or consensual sex between children under the legal age, for example, may be reasons for the removal of the name of a person who was aged under 18 years at the time of the offence.

**Only government agencies can report to the register:** It is recognised that government agencies have greater accountability concerning the flow of information than community-based organisations. These controls are embedded in public sector legislation. Further, government agencies are required to undertake the primary investigation and assessment of maltreatment to protect children and to manage services provided, even where those services are delivered by non-government agencies. Most non-government agencies have arrangements in place to report matters of child maltreatment to either the Police Service or Family and Children's Services, which in turn would record the name of the child on the register if an allegation of abuse were substantiated.

**Lead agency:** A function of the register is to ensure that where a number of agencies are involved, one agency has prime responsibility. This is to ensure there is no replication of the sad circumstances which surrounded the death of Daniel Valerio in Victoria some years ago. In that case, while many agencies were involved, no agency had lead responsibility and, as such, there was no comprehensive picture of the risks within the family.

**Reports to the register:** Under this Bill, approved persons in reporting agencies must make reports to the register. The reports include the name, gender, date of birth and address of the child; the details of the maltreatment, excluding

information that could identify the person believed responsible; and details of counselling, support or other services provided to the child and the child's family. To date a number of the prescribed agencies have not provided information to the register. Agencies have been reluctant to divulge sensitive and confidential information without the protection of the appropriate legislation. This Bill formalises the obligation to provide information and will lead to increased compliance by government agencies. This in turn will enhance the services provided to our children.

Notifications of information recorded on the register: A parent, guardian or other person responsible for the day to day care of a child will be notified that their child's name is recorded on the register, unless to do so would disadvantage the child. Children aged 12 years or over will be notified, unless the manager determines that notification is not in the best interests of the child. While this notification is a responsibility of the manager, in most instances this process will be undertaken by the registering agency.

Names of children will remain on the register until they reach 18 years of age. Keeping the record for the duration of childhood also enables the tracking of services, particularly where further maltreatment occurs.

Convicted persons whose names are recorded on the register will also be notified. His or her name will remain on the register for 60 years unless the conviction is set aside or quashed on appeal. The names of persons found guilty of an offence will be placed on the register, despite the conviction being considered spent under the Spent Convictions Act 1988. In addition, juveniles subject to section 55 of the Young Offenders Act 1994 will be included where found guilty of an offence against a child.

Access to information on the register: The information held on the register is strictly confidential. Information cannot be divulged unless as prescribed in this Bill. A breach of confidentiality could result in a penalty of \$5 000 or imprisonment for 12 months. To stress the security of the information, discussions were held with the Information Commissioner. On advice from the Information Commissioner, this Bill seeks an amendment to schedule 1, clause 14 of the Freedom of Information Act 1992 whereby the information held on the register is exempt under the FOI Act.

A parent, guardian or other person with day to day care of a child, and children aged 12 years and above, may access personal information held on the register, unless the release of the information would not be in the best interests of the child. There is an appeal process to a judge for persons who have not been provided with requested information.

The manager may notify an approved person of information held on the register in respect of a child about whom that approved person has made a report. Other approved persons will be provided with information when the manager believes that person has a sufficient interest to benefit the welfare of the child. When the manager receives an inquiry from an approved person as to whether the name of a person suspected of child maltreatment has been previously recorded on the register, the manager can provide the appropriate information if he is satisfied that this course of action is in the best interests of the child concerned.

In conclusion, this Bill will ensure that children who have been maltreated receive the services they require by ensuring better coordination and cooperation between government agencies involved. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

## **HIGH CONSERVATION VALUE FOREST PROTECTION BILL 1999**

### *Order of the Day - Motion*

**HON CHRISTINE SHARP** (South West) [4.51 pm]: Pursuant to Standing Order No 128, I move -

That Order of the Day No 36, the High Conservation Value Forest Protection Bill 1999 on today's Notice Paper, be made Order of the Day No 4 for Wednesday, 12 May 1999.

The PRESIDENT: Standing Order No 128 states -

Any Member may move without notice that any notice of motion standing in his name, or any order of the day of which he is in charge on the paper for that day, shall be a notice of motion or order of the day for some subsequent day. No amendment or debate shall be allowed on any such motion; but the Council may proceed to division thereon as in other cases.

### *Point of Order*

Hon N.F. MOORE: Mr President, I have been looking at Standing Order Nos 127, 128 and 129 and I seek your advice. I am not in any way suggesting that the member cannot move this motion because it is clearly stated in Standing Order No 128 that she can. However, bearing in mind that we occasionally debate the question of who sets the Notice Paper and who is in charge of it, Standing Order No 127 states -

Ministers may arrange the sequence of the orders of the day on the Notice Paper as they think fit. The mover of any order of the day may move after notice that such order of the day shall be changed to another position on the Notice Paper.

I read that second sentence not to apply to ministers because ministers under Standing Order No 129 can move to rearrange the Orders of the Day at any time they wish, and notice of that is not required. Can you clarify for me why Standing Order No 127 states that it is necessary for the mover of any Order of the Day to change that Order of the Day to another position on the Notice Paper and must give notice, whereas under Standing Order No 128, the member can do so without notice?

For the sake of my understanding of standing orders, it would be helpful if you were to give me some clarification of those two standing orders.

*Ruling by President*

The PRESIDENT: It has been the custom and usage of the House for ministers, when setting the Notice Paper or conducting the business of the House, to rely on Standing Order No 129 which states -

Any motion connected with the conduct of the business of the Council may be moved by a Minister at any time without notice.

I will not go into great detail why that is the case because members who have been here for some time will recognise that the ministers of the Crown are the representatives of the Government in this House. As such, the Government is entitled to determine what business it wishes to debate at any time. However, standing orders are also in place that allow other members of the House to have an influence on the position of motions and Orders of the Day on the Notice Paper. Standing Order No 128 is a standing order that gives effect to that situation. If the Leader of the House were to ask me whether any conflict existed between Standing Order Nos 127, 128 and 129, I would suggest to him that in terms of the management of this House, Standing Order No 127 does not apply, and it has not been the custom and usage of the House to use Standing Order No 127 in general terms in the management of the House. Members will be aware, as I, and indeed members have raised the matter on occasions, that some standing orders conflict with others. In that regard, I have indicated that I am presently in the process of reviewing certain standing orders. In time, I hope to be able to hand on those standing orders to the Standing Orders Committee for its consideration and I think greater clarity will be achieved in the proposals. However, I rule that the motion moved by Hon Christine Sharp is in order with respect to Standing Order No 128.

*Debate Resumed*

The PRESIDENT: Before I put the question, I advise that I will have the issue raised by the Leader of the House considered by the Standing Orders Committee when the proposed new standing orders are considered.

Question put and a division taken with the following result -

Ayes (13)

Hon Kim Chance  
Hon J.A. Cowdell  
Hon Cheryl Davenport  
Hon John Halden

Hon Helen Hodgson  
Hon Norm Kelly  
Hon Mark Nevill

Hon Ljiljana Ravlich  
Hon J.A. Scott  
Hon Christine Sharp

Hon Tom Stephens  
Hon Giz Watson  
Hon Bob Thomas (*Teller*)

Noes (12)

Hon M.J. Criddle  
Hon Dexter Davies  
Hon B.K. Donaldson

Hon Max Evans  
Hon Ray Halligan  
Hon N.F. Moore

Hon M.D. Nixon  
Hon Simon O'Brien  
Hon B.M. Scott

Hon W.N. Stretch  
Hon Derrick Tomlinson  
Hon Muriel Patterson (*Teller*)

Pairs

Hon N.D. Griffiths  
Hon Tom Helm  
Hon Ken Travers  
Hon E.R.J. Dermer

Hon Barry House  
Hon Murray Montgomery  
Hon Peter Foss  
Hon Greg Smith

Question thus passed.

**[Questions without notice taken.]**

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 4)**

*Second Reading*

Resumed from 6 May.

**HON LJILJANNA RAVLICH** (East Metropolitan) [5.33 pm]: Last Thursday when debate on this Bill commenced, I gave an undertaking to ascertain whether or not the subject matter that I was bringing to the attention of the House could be raised under the Appropriation (Consolidated Fund) Bill (No 4). I have since sought advice and have been able to access attachment No 1, which I was not aware existed. That attachment clearly indicates that the allocated sum of money under that line item for the Office of Energy is for overspending due to the installation of additional aerial bundled conductors in the hills suburbs. Therefore, I understand that I cannot discuss the matter that I intended to discuss and bring to the attention of this Chamber.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [5.34 pm]: I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

**ENERGY COORDINATION AMENDMENT BILL 1997***Committee*

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

**Clause 1: Short title -**

Hon MARK NEVILL: This Bill was originally introduced into this Chamber in June 1997, some two years ago. The Bill in its amended form is vastly improved. It is proposed to include some 14 pages of amendments and schedules which are on the Supplementary Notice Paper. When the second reading debate occurred about two years ago, I made some comments which it is appropriate to read into the debate at this stage. On 27 August 1997 I said -

The Opposition supports the general thrust of the Energy Coordination Amendment Bill. It does so with little enthusiasm. The Bill is deficient in many respects and unduly intrusive in other respects. I ask the question of this House: Are all the regulations in this Bill necessary? I believe the answer to that is a clear no. This legislation builds upon an unsatisfactory principal Act which was passed in 1994.

Hon George Cash was in the Chair at that time. I continued -

Mr President, you had the carriage of that Bill as the Minister handling energy matters in this House. When the issue of an independent regulator was raised during that debate you said that as the industry became more complicated that would be required. This Bill has not moved in that direction at all. I believe that you, Mr President, as the Minister for Mines handling energy matters in this House, had a better understanding of this issue in 1994 - partly because you had been to California and considered its regulation system - than the current Minister has in 1997. I foreshadow that at the end of the second reading debate the Opposition will move to refer this Bill to the Standing Committee on Legislation. That committee is well placed to review this Bill as it currently has no legislation before it to consider.

I will speak in some detail about the clauses of this Bill for two reasons: Firstly, so that government members can be convinced of the merit of the course of action of referring the Bill to the Legislation Committee and, secondly, for the benefit of government members to alert them to the deficiencies in this Bill. I do not believe that a Bill in this form should have got through the coalition's party room, let alone reached the Parliament. We did not deal with this Bill before the mid year break and I expected it to be withdrawn and redrafted. To my amazement it is still here in its present form. That is quite a surprise to me.

This Bill passed through the other place relatively unscathed. The process that we will go through before the Bill is adopted by this House will show the useful role that the House of Review can fulfil.

I am pleased to have played a role in achieving the substantial amendments to this Bill but I also want to acknowledge the valuable work of the Standing Committee on Legislation. This Bill reflects the excellent work of the Legislative Council's committee system and the very competent group of advisory research officers that it has had at its service over the past few years. The amendments are complex, as you will appreciate, Mr Chairman, from looking at the Supplementary Notice Paper. I believe some explanation is needed, so I will comment on the more important amendments during debate on the individual clauses. I want to make a few general comments first.

I still think that gas legislation in this State is a mess. We must get it into a more coherent framework. We have the Gas Pipelines Access (Western Australia) Act, which is administered by the Minister for Mines; we have a gas access regime, which is part of a national regime, and we have the Gas Standards Act. I believe all of those Acts should be fairly uniform across Australia. We have the Petroleum Act. We also have agreement Acts for the Dampier to Bunbury natural gas pipeline and the goldfields gas pipeline. I do not believe we would need those sorts of agreement Acts if we had a coherent framework of legislation to cover the gas and petroleum industry in the State. We have got into a lot of trouble by having special agreement Acts. If the primary legislation needs amending, we must do that rather than go down that other track. Our problem is that the administration of these Acts is not with one minister. The Petroleum Act, which also covers gas and oil of course, and the Gas Pipelines Act are administered by the Minister for Mines. The other Acts are administered by the Minister for Energy. The whole area should be pulled into a coherent framework.

On top of those we have the Gas Corporation Act, for AlintaGas, and the Energy Coordination Act, which overprint the whole gas scene again. It will be fairly clear to many members of this Chamber that the Energy Coordination Act will, within the next two or three years, come under an independent regulator which will cover gas, electricity, water, third party rail access and all the issues covered under that general principle of national competition. I do not see the Energy Coordination Act staying in its present form for a significant length of time. I notice that the budget papers this year have as one of the items for the Office of Energy a review of energy legislation, so perhaps the Government is contemplating pulling together what I consider to be a bit of a mess. I am sure that we could examine plenty of regimes in other countries but we will end up with a state regulator for distribution pipelines - that is, for the reticulation networks that we have in our cities and major towns - and trading licences. That regulator with expertise in third party access can deal with the other areas of power and water, as is done very impressively by the Independent Pricing and Regulatory Tribunal of New South Wales, which is probably the best model and which has been going for a number of years. I hope we do not continue down this ad hoc path.

I also remind the Chamber that the 1997 Bill proposed to turn the Office of Energy into the state regulator. Six months after the Bill came into the Chamber, the Government announced it would go down the Council of Australian Governments' path and adopt the national gas regime, so we have a national access regime. Unfortunately we did not adopt a national regulator for the big transmission pipelines, which are the large diameter pipelines over large distances. Within six months of this Bill

coming into the Chamber, all third party access regimes have been pulled out, all the pipeline access and all the transmission pipeline section has been pulled out and a substantial number of other amendments have been dealt with. As I have said, we were critical of the proposal in the original Bill to turn the Office of Energy, which was the adviser to the minister, into a full-blown regulator. The problem with the legislation was that industry had not been consulted. There had been what one could call less than rudimentary consultation with AlintaGas and the other players which should have been heavily involved in drawing up the framework of this Bill. Its previous form hindered competition. It had a number of general deficiencies. It was contrary to the National Third Party Access Code for Natural Gas Pipeline Systems which had been out for some time when the Bill was introduced. The distinct intent of the Bill was to avoid the national regime. The Bill did not encourage the development of active secondary and spot markets and the sorts of vibrant competition one sees in countries such as the United States and Canada, and which will develop in Australia given the proper framework. I do not believe the Government needs to be involved in regulating the gas industry unless it is necessary.

I noticed in the national press the other day an inquiry by the National Competition Council into the coverage of four gas laterals in the goldfields. They include the small pipelines that come off the goldfields gas pipeline to the Mt Keith power station, which is about 10 kilometres long, a line to the Leinster power station, a line to Normandy-TransAlta power station in Kalgoorlie, and another one which comes off the nickel smelter south of Kalgoorlie to Kambalda. The new owner of the goldfields gas pipeline has asked that those four pipelines be moved from coverage under the Natural Gas Pipelines Access Agreement because there is only one user on those pipelines. However, they have been included in the natural gas pipeline schedule, so the owner must submit all regimes of third party access and pricing even though there is only one user. I suggested to the Government during the passage of the Gas Pipelines Access (Western Australia) Bill that there was no need to include those pipelines in the Bill. That advice was not taken. Now the owner and operator of those pipelines has asked that those pipelines be removed from coverage. It is a simple process to access the Mt Keith pipeline. One approaches the company and asks. Most companies know what a reasonable price is. If they cannot come to an agreement with the company on access to a lateral line they go to the National Competition Council and ask for it to be covered under the regime.

No regulation should be in place until it is needed. That is how this Bill should operate. Even in its present form the Bill over regulates the gas industry. Gas is no different from any other commodity whether it be sheep, wool, or fruit. Licences are not needed in private arrangements between parties to use more gas or sell off some gas which they have contracted to buy but which they do not use in a period. There is no real need for the Government to be involved in any of those areas. The more regulation there is the less competition will develop. Regulation is needed to ensure that there are no unfair practices and monopolies. If there is a monopoly the regulations should provide benefits to both parties, so that it is not all one-sided and one group is comprised of price takers and the other sets prices without any competition or concern for what is a reasonable rate of return for that investment.

Hon HELEN HODGSON: It is good to see that we are again debating this legislation that is apparently an integral part of the Government's program. I had to go over the file again to work out exactly what had been going on. I found some notes that I had prepared when I thought we might debate the committee report in October 1997. Hon Mark Nevill has already referred to the history of the Bill. Once the second reading debate was finalised on 27 August 1997 the matter was referred to the Legislation Committee. The committee did a sterling job on a complex piece of technical legislation and reported back to this place on 15 October 1997. Since then we have been waiting to see what would happen with the Bill.

I am a little surprised that the Bill is back before us with a 14-page Supplementary Notice Paper. Given the comments made by the committee and during the second reading debate it would have been preferable to start afresh. That approach would have facilitated the processes of this place, and we would have been able to get back to the Bill earlier. Be that as it may, we have reached the committee stage of this Bill and have amendments before us.

I will be looking for some of the issues the committee raised when we debate the amendments. The committee's report recommended significant amendments to the Bill. It found that many of the provisions in the Bill were inadequate and needed redrafting, specifically proposed sections 11H, 11D, 11K, 11N, 11R(3), 11ZK, 11ZL, 11ZM, and 11ZQ. The committee felt proposed section 11N(4), 11X(2) needed to be deleted, and proposed section 11ZG needed clarification on the rights of the existing licensee to continue operating. Other matters of community interest and procedural matters were raised in respect of proposed sections 11ZK, 11ZL and 11ZM.

In the second reading debate I addressed the use of regulations in this type of legislation. The committee picked that up and looked at the use of the Henry VIII clause in this Bill and expressed its concerns and made recommendations in the way that should be dealt with. There was concern by some committee members as to whether the legislation complied with the national access regime, which we dealt with in more detail in the gas pipeline legislation last year. Effectively, the good work of the committee highlighted the deficiencies in the Bill as it was originally presented and showed it was seriously flawed. Therefore, I am pleased to see that the Government has taken the committee report seriously enough to undertake some of the necessary redrafting.

The analysis I have done over the past couple of weeks indicates that most concerns raised by committee have been picked up by the amendments and I will be interested to hear the comments of various members in this place as we go through the debate clause by clause to ensure that they address the issues the committee raised and to make sure that they rectify the problems that were found by committee in its report on the legislation.

*Sitting suspended from 6.00 to 7.30 pm*

Hon N.F. MOORE: As was explained to the House by Hon Mark Nevill and Hon Helen Hodgson, this Bill has been around for a long time and it has been to the Standing Committee on Legislation. In April 1998, the Government responded to the

committee's report. Since then a significant amount of consultation has occurred with the industry and a number of other government departments and, of course, the recommendations of the committee's report have been seriously contemplated and considered. As a result, a long list of amendments to the Bill are on the Supplementary Notice Paper, which we believe will bring the Bill up to the required standards of the committee and which take into account the changes made to the Gas Pipelines Access (Western Australia) Bill, which was passed recently.

As a result of the committee's recommendations, which we believe have been dealt with in the amendments, other legislation passed in the meantime under the gas pipeline's access legislation, and in consultation with the Western Australian Chamber of Commerce and Industry and the Department of Minerals and Energy and AlintaGas, the Bill now represents the aspirations of the Legislative Council and the committee.

The main amendments include the deletion of the coverage of transmission systems; trading licences to be limited to small-use customers; the power of the Government to exempt persons from holding a licence to be made more definitive by the inclusion of objective criteria; and transitional provisions relating to a need for existing market operators to obtain a licence to apply from the date on which the supply areas are constituted. As I said, the Bill has been made consistent with the gas pipelines access Act; the public interest test has been made more definitive; licence conditions are to be substantially the same for similar licence types within a supply area; licence terms have been amended to 21 years for a distribution licence and 10 years for a trading licence; the ability of the Coordinator of Energy to reduce licence fees has been deleted; the holder of a distribution licence who has had his licence cancelled will not be permitted to remove any part of the distribution system without prior approval from the minister; and the licensing appeal mechanism has been changed from the Minister for Energy to the Gas Review Board, which mechanism was established under the gas pipelines access legislation.

The Government has responded to the concerns of the Opposition and of the Legislative Council Legislation Committee. I commend the members of that committee - particularly Hon Mark Nevill - for their contributions, which have improved this Bill. It demonstrates that when members take a serious interest in these matters, the Legislative Council can make a positive difference. I will not reflect on any other decisions that the Council has made over time that I would not regard as positive! However, on this occasion the Government is happy to go along with the amendments suggested by the committee that are in the Supplementary Notice Paper. I look forward to their meeting the needs of members in this legislation.

Hon B.K. DONALDSON: It is appropriate that as a member of the Standing Committee on Legislation I add something to the debate. This Bill was a very challenging referral because much of it was new to the committee. Hon Mark Nevill referred in this Chamber to many clauses that he felt were inconsistent. He also pointed out that the national access legislation for gas was still in the drafting stage and we believed it would be inconsistent to allow that legislation to go through at that time. It was a peculiar situation because the second reading speech had been made and the policy of the Bill had been established. We were in the invidious position of not being able to debate the policy of the Bill. As one of the committee members often says, at least we could leave some sign posts. One of those sign posts was that the Bill was promulgated a little early. Nineteen recommendations were made in our report that highlighted some of the inconsistencies and flaws within the legislation.

The committee was most encouraged because often committees put in much effort to little avail. The advisory research officer, Michael Coleman, took it upon himself to thoroughly investigate that. We also welcome the cooperation of the Office of Energy and of other people throughout the industry who were prepared to come forward and put their points of view. A good working relationship developed among committee members. We were fairly full bottle on the legislation at that time; however, the long time in between has made it necessary for us to revive issues.

It appears to me that most of the recommendations for changes to the legislation in our report were taken on board. We were encouraged by receiving a letter of commendation for the work that was done by the committee. I compliment all the committee members for their effort.

Hon Mark Nevill interjected.

Hon Derrick Tomlinson: I did.

Hon B.K. DONALDSON: It should have been copied to Hon Mark Nevill. The report indicated the effort Hon Mark Nevill made during the committee investigation. We appreciate his knowledge in this field and the working relationship that developed. Although it has been a long time since the changes were recommended, they appear to have been adopted. We can feel reasonably pleased that constructive rather than destructive arguments were made. That is an important outcome of the role of committees.

**Clause put and passed.**

**Clauses 2 to 4 put and passed.**

**Clause 5: Section 3 amended -**

Hon N.F. MOORE: I move -

Page 3, lines 6 to 8 - To delete the following words -

from the flange, joint or other point at which the system connects to a transmission system

This amendment seeks to delete reference to transmission systems from the Bill and deal with them under existing legislation. Therefore these words are no longer required.

**Amendment put and passed.**



Hon N.F. MOORE: I move -

Page 3, lines 15 to 25 - To delete the lines.

This amendment is moved for the same reason as the previous amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move-

Page 3, lines 26 and 27 - To delete the words "licence granted for the purposes of section 11I" and substitute the words "distribution licence or trading licence".

This amendment is moved as the licence classifications have been made more definitive, as indicated earlier.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 4, after line 3 - To insert the following words -

**"small use customer"** means a customer whose consumption of gas is less than 1 terajoule per year;

This amendment recognises that a trading licence is to supply gas to small use customers therefore a new definition of a "small use customer" is required.

**Amendment put and passed.**

Hon HELEN HODGSON: I have a question regarding the next line and I hope it can be easily answered. I had the advantage a couple of weeks ago of a briefing from the minister's advisers and at that stage it was indicated that there may be a change to the definition of "licensee" in respect of its cost reference in other sections and that section 11S may in fact now be section 11Q. That does not appear on the formal Supplementary Notice Paper. Is that change necessary? If it is, is it the Clerk's amendment and should we be dealing with it at this time?

Hon N.F. Moore: I am a little confused as I was not at the meeting mentioned by the member and I do not understand to what she is referring.

Hon HELEN HODGSON: On page 4, line 3 the definition of "licensee" refers specifically to section 11S. In the amendments on the Supplementary Notice Paper sections 11S and 11Q are altered in some way. I need to know whether that should be 11Q or it should remain as 11S.

The CHAIRMAN: That is the Clerk's amendment.

Hon N.F. MOORE: I move -

Page 4, lines 4 and 5 - To delete the words "means transportation or sale;" and substitute the following words -  
means -

- (a) the transportation of gas through a distribution system; or
- (b) the sale to small use customers of gas transported through a distribution system;

This amendment is designed to clarify the two types of licence, trading and distribution.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 4, lines 8 to 15 - To delete the lines and substitute the following lines -

**"trading licence"** means a licence having the classification referred to in section 11D(1)(b).

This amendment is moved to delete "transmission", as indicated earlier, and substitute "trading licence" to clarify the particular licence type which defines a trading licence.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 6 put and passed.**

**Clause 7: Part 2A inserted -**

Hon N.F. MOORE: I move-

Page 6, lines 10 to 12 - To delete the lines.

This amendment, again, is moved to delete the reference to transmission systems in the Bill.

Hon MARK NEVILL: It is difficult to speak to each of these amendments because in some cases different areas of the Bill are being amended in order to address issues in one recommendation. The amendment to section 11D deals with

recommendation 3 in the report where there is confusion on the definitions in the Energy Corporations (Powers) Act 1979. The licensing requirements now apply no matter from where the gas originates. As the minister said, this amendment will establish two classes of licences, distribution and trading. It is one of the main sections that addresses recommendation 3 in the report.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 6, line 20 - To insert after the word "sell" the words "to small use customers".

This amendment again relates to the removal of the reference to transmission systems in the Bill. We seek to insert after the word "sell" the words "to small use customers" because we recognise that a trading licence will be required to sell gas only to small use customers and to clarify in the Bill that policy change.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 6, line 21 - To delete the words "transmission or".

This amendment removes any reference to transmission because, as indicated earlier, it is no longer required.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 7, lines 14 to 22 - To delete the lines.

This amendment deletes reference to "LPG" and "distribution", which are unnecessary.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 8, lines 1 to 8 - To delete the lines.

This amendment deletes the reference to the Petroleum Pipelines Act, which is no longer applicable in this case.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 8, lines 10 to 14 - To delete the lines and substitute the following lines -

- 11G.** (1) A person must not in a supply area or part of a supply area -
- (a) construct, alter or operate a distribution system; or
  - (b) transport gas through a distribution system,
- except under the authority of a distribution licence granted by the Coordinator that applies to that area or that part of that area.

Penalty: \$100 000 and a daily penalty of \$5 000.

- (2) A person must not in a supply area or part of a supply area sell to small use customers gas transported through a distribution system except under the authority of a trading licence granted by the Coordinator that applies to that area or that part of that area.

Penalty: \$100 000 and a daily penalty of \$5 000.

The requirement for a licence has been made more definitive by the words that have been added.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 8, after line 17 - To insert the following new subsections -

- (2) The Governor must not make an order under subsection (1) unless he or she is satisfied that it would not be contrary to the public interest to do so.
- (3) The Governor, in determining whether the making of the order would not be contrary to the public interest, may take into account one or more of the following matters -
  - (a) environmental considerations;
  - (b) social welfare and equity considerations, including community service obligations;
  - (c) economic and regional development, including employment and investment growth;

- (d) the interests of gas customers generally or of a class of gas customers;
- (e) the interests of any licensee, or applicant for a licence, in respect of the supply area or part of a supply area to which the order, if made, would apply;
- (f) the importance of competition in gas industry markets;
- (g) any other matter that he or she considers relevant.

This amendment relates to the acceptance of the requirement that the Governor's ability to exempt an existing operator from holding a licence must now take into account objective criteria. The amendment lists the criteria that must be taken into account by the Governor.

Hon HELEN HODGSON: This matter attracted my attention at the second reading stage. It relates to the issue of under what circumstances is it appropriate to allow these sorts of decisions to be made by order in this case, or by delegated legislation. The committee addressed in some detail the Henry VIII-type clause, under which decisions are made through delegated legislation, and the committee recommended that some objective criteria be established. I am pleased that this matter has been dealt with and that we will now have some criteria to ensure that the people who deal with this legislation have some idea of the matters that are considered relevant. While I am pleased that this order will still be disallowable, we will be less prone to move disallowance in this place if we can see that the decision-making authority has paid proper regard to what people consider relevant in these matters. I am pleased to support this amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 8, lines 24 and 25 - To delete "section 7 of the *Energy Coordination Amendment Act 1997* ("**the commencement**")" and substitute "an order under section 11A".

Proposed section 11K is amended to be more definitive by linking the transitional provisions to the creation of supply areas.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, line 1 - To delete the word "the" and substitute the word "that".

This amendment corrects a typographical error.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, line 5 - To insert after the word "commencement" the words "of the relevant order".

Under this amendment the transitional provisions will commence from the time a supply area is constituted by way of order under proposed section 11A.

Hon MARK NEVILL: It is difficult to work out where to speak on some of these clauses. I notice from a document provided by the Office of Energy that it will divide the State into several supply areas which correspond to the boundaries of the different regional development commissions. What is the great attraction of those boundaries? They do not seem to relate to areas of distribution.

Hon N.F. MOORE: I cannot give a detailed answer other than that it seemed to be a good idea at the time. These regions are well recognised within Western Australia for all sorts of purposes, whether they be administrative regions for government activity, or regions in the sense of having regional games. People understand what they are, and if we were to create another heap of different regions it would add complications to the system.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, line 9 - To insert after the word "commencement" the words "of the relevant order".

This amendment will make the words more definitive by referring to commencement in terms of the relevant order rather than at no specific point in time.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, lines 13 and 14 - To delete "appeal against the refusal" and substitute "an application for review of the decision".

The provision has been amended to refer to a review rather than an appeal.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, lines 15 and 16 - To delete "appeal being brought or an appeal is brought" and substitute "application being made or an application is made".

Again we are talking about a review rather than an appeal.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, line 19 - To delete "appeal" and substitute "application".

The reason for this amendment is the same as for the previous amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 9, lines 24 to 27 - To delete the lines.

As indicated earlier, the Coordinator of Energy's ability to waive or reduce licence fees has been deleted. This was a recommendation of the committee which is being implemented.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 10, lines 1 to 3 - To delete the lines.

This is a consequential amendment to the previous amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 10, after line 4 - To insert the following -

**Restriction on operation of this Division and Division 8**

**11J.** This Division and Division 8 have effect subject to sections 90 and 92 of the *Gas Pipelines Access (Western Australia) Act 1998*.

**Coordinator to consider public interest**

- 11K.** (1) The Coordinator must not exercise a power conferred by this Division unless he or she is satisfied that it would not be contrary to the public interest to do so.
- (2) The Coordinator, in determining whether the exercise of the power would not be contrary to the public interest, may take into account one or more of the matters referred to in section 11H(3).

Proposed section 11J will make the Bill consistent with the Gas Pipelines Access (Western Australia) Act. Proposed section 11K outlines that the Coordinator of Energy will be required to take into account objective criteria when considering a licence application.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 10, line 13 - To insert after the word "applicant" the words "in the gas industry in the State".

This amendment makes the provision more definitive.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 10, lines 14 to 17 - To delete the lines and substitute the following -

- (b) in the case of an application for a trading licence -
- (i) the methods or principles that the applicant proposes to apply in determining its prices or charges; and
- (ii) the terms and conditions of any proposed standard customer contract between the applicant and any purchaser of gas from the applicant;

An applicant will be required to provide the Coordinator of Energy with proposed pricing details and standard contract details when seeking a trading licence. This amendment outlines what will be required.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 10, line 19 -To insert after the word "gas;" the word "and" .

This corrects a typographical error.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 10, lines 20 to 26 - To delete the lines.

These lines refer to the third-party access issue, which is no longer addressed under this Bill; therefore, this reference is no longer necessary.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 11, line 5 - To delete the words "to supply gas; and" and substitute "for the transportation of gas."

This suggestion by parliamentary counsel is a better drafting. The Government regards "the transportation of gas" to be a better explanation of the activity referred to in the measure.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 11, lines 6 to 9 - To delete the lines.

This matter is now addressed under schedule 1.

Hon MARK NEVILL: Will proposed subsection 11L(3) start with "the applicant"?

Hon N.F. MOORE: Yes.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 11, lines 14 to 30 - To delete the lines.

The matter is now addressed under proposed section 11S.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 12, lines 11 to 14 - To delete the lines and substitute the following-

- (4) Subject to subsection (3), the terms and conditions of a licence must be substantially similar to the terms and conditions of any other licence with the same classification under section 11D(1) that applies in the same supply area or part of a supply area.

This amendment will provide for non-discriminatory licence conditions within a supply area.

Hon MARK NEVILL: This amendment is like others covered previously and those we will cover in future: The Coordinator of Energy had the power to discriminate between public and private providers by giving benefits to, or placing some impediments before, one or the other. This amendment clarifies the coordinator's powers. As the minister said in the second reading debate, it makes his actions fairly neutral regarding government and private providers.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 12, lines 16 and 17 - To delete the words "with regulations made under section 15 of the *Gas Standards Act 1972*" and substitute the following -

with -

- (a) the Gas Pipelines Access (Western Australia) Law; or  
 (b) regulations made under section 15 of the *Gas Standards Act 1972*.

This amendment will make the Bill's provisions consistent with the Gas Pipelines Access (Western Australia) Act, which was recently passed by this House.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 13, lines 3 and 4 - To delete the words "exceed 10 years from the day of grant or renewal of the licence." and substitute the following-

exceed -

- (a) in the case of a distribution licence, 21 years from the date of its grant or renewal; or
- (b) in the case of a trading licence, 10 years from the date of its grant or renewal.

This amends the term of the distribution licence to make it consistent with the Petroleum Pipelines Act.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 13, line 18 - To delete "a".

This corrects a typographical error.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 13, line 19 - To delete "fee" and substitute "fees".

This amendment makes the sentence grammatically correct.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 13, lines 21 to 26 - To delete the lines.

This amendment removes the ability of the Coordinator of Energy to reduce fees.

Hon MARK NEVILL: Perhaps the minister should also have said that the Office of Energy is proposing a new annual fee structure, although that is not in the Bill, which will set out distribution and trading licence fees related to the number of customers within a licence area, as a substitute for the previous provision.

Hon N.F. MOORE: Yes, it is intended to provide for licence fees in the regulations.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 14, lines 1 to 3 - To delete the lines.

This is consequential on the previous amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 14, after line 17 - To insert the following new section -

**Decisions as to grant, renewal or transfer**

- 11S.** (1) Subject to section 11K, the Coordinator must grant, renew or approve the transfer of a licence if he or she is satisfied that the applicant -
- (a) has, and is likely to retain; or
  - (b) will acquire within a reasonable time after the grant, renewal or transfer, and is then likely to retain,
- the financial and technical resources to undertake the activities authorized, or to be authorized, by the licence.
- (2) The Coordinator must take all reasonable steps to make a decision in respect of an application for -
- (a) the grant or renewal of a licence; or
  - (b) approval to transfer a licence,
- within 90 days after the application is made.

This amendment is included so that the ability of the Coordinator of Energy to make a decision on a grant, renewal or transfer of a licence is definitive. The Government seeks to do that through the proposed new section.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 14, after line 23 - To insert the following paragraph -

- (a) the date of the grant, renewal or transfer;

Again, this amendment is moved because the notice provisions have been made more definitive.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 15, after line 4 - To insert the following new subsection -

- (3) The Coordinator must ensure that written notice of a decision to refuse to grant, renew, or approve the transfer of, a licence, together with a statement of the reasons for the decision, is given to the applicant within 14 days after the decision is made.

This is also related to the notice provisions being made more definitive. It ensures that notices of decisions are made available within 14 days.

Hon MARK NEVILL: This amendment also requires the Coordinator of Energy to give written reasons for a decision to refuse to renew or approve a grant of licence. That is important, because the coordinator should be required to provide reasons for his decisions to people who are prepared to invest large amounts of money and to do a great deal of work. I had drafted an amendment to include that provision, but later discovered that the Government intended to amend the provision so I am pleased it is included.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 15, after line 18 - To insert the following new subsection -

- (2) Without limiting subsection (1) or sections 90 and 92 of the *Gas Pipelines Access (Western Australia) Act 1998*, a licence has effect subject to the Gas Pipelines Access (Western Australia) Law.

This amendment will provide consistency between this Bill and the Gas Pipelines Access (Western Australia) Act of 1998.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 15, line 22 - To delete the words "If the licence specifies a" and substitute "A licence must specify the".

This, again, is a drafting change recommended by parliamentary counsel.

Hon HELEN HODGSON: That amendment probably deserves some expansion because this is a significant change. It does not provide that the licence may specify a procedure, which is how the previous provision could have been interpreted, but that the licence must specify. In the second reading debate, I raised the number of cases in which discretions were applied, which I thought were inappropriate. I am pleased that in this instance the requirements have been tightened so that people know where they stand.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 15, line 23 - To insert after the word "determination," the following words -

including the manner in which an amendment is to be notified to the licensee, and

The notice provisions in the Bill have been made more definitive, as I have previously indicated, and this is part of that proposition.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 16, line 2 - To delete "under subsection (4) or".

Again, this is a drafting change to reflect the changes to the notice provisions that have already been discussed.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 16, lines 6 and 7 - To delete the lines.

This amendment means that the process to amend a licence must be specified in the licence.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 16, lines 16 to 26 and page 17, lines 1 to 7 - To delete the lines.

Again, this came from the committee. It was considered that this provision was not completely neutral and, therefore, it has been determined to delete that part.

Hon MARK NEVILL: This was one of many provisions in the Bill that gave special protection to AlintaGas under the Gas Corporation Act. It is another example of that special treatment being completely eliminated from the Bill. There is a general duty of licensees to supply gas but that did not apply to AlintaGas. That was unacceptable and it has been corrected.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 17, line 20 - To delete the words "to the provisions of" and substitute "to —".

Following this amendment, we will deal with some proposed subsections. In that sense, it is a drafting change.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 17, lines 21 to 24 - To delete the lines and substitute the following lines -

- (a) the provisions of section 48 of the *Energy Corporations (Powers) Act 1979* that apply to a licensee by operation of section 11ZO; and
  - (b) any contractual rights that the licensee may have to interrupt, suspend or restrict the supply of gas,
- and does not limit those provisions or rights.

These are additional emergency powers which have been granted to the holder of a licence.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 18, line 23 - To delete the words ", where applicable,".

Again, this is a drafting change which makes it clearer.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 18, lines 24 and 25 - To delete the words "in relation to the supply of gas." and substitute the following words -

to the extent that those standards apply to the supply of gas by the licensee.

This amendment provides for clarification of the gas supply standards that apply to the holder of a licence.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 21, lines 4 and 5 - To delete the words "has failed to comply with the condition imposed by section 11X or is otherwise" and substitute the word "is".

My advice that this is a typographical correction, but it does not seem that way to me.

Hon Mark Nevill: It applies to a proposed section that is not supposed to be there.

Hon N.F. MOORE: Notwithstanding that my notes tells me that this is required to cover a typographical error, we want to go ahead with this amendment for all the reasons outlined by Hon Mark Nevill, by way of interjection.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 21, lines 19 and 20 - To delete the words ", other than that imposed by section 11X".

This amendment is in recognition of the fact that proposed section 11X was deleted earlier.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 22, after line 17 - To insert the following new subsection -

- (5) If —
  - (a) a distribution licence is cancelled under this section; and
  - (b) regulations of the kind referred to in subsection (4) (a) are made,

Division 9 applies, with all necessary changes, for the purpose of enabling gas to be supplied after the cancellation, as if references in that Division to a licensee were references to the person in whom the assets, rights and interests of the former licensee are vested under the regulations.



This proposed new subclause provides for the continuation of powers to a nominated party in the event that a licence is cancelled.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 22, lines 19 to 22 - To delete the lines and substitute the following lines -

- 11ZF.** (1) Following the cancellation of a distribution licence under section 11ZE, the former licensee —
- (a) is to ensure that any distribution system constructed or operated by the former licensee under the licence is left in a safe condition; and
  - (b) is not to remove any part of such a system except with the approval of the Minister.

The reason for these new lines is to provide for the holders of a distribution licence to leave their works in good repair in the event their licence is cancelled. This may have been a suggestion of Hon Mark Nevill and the committee.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 22, line 28 - To insert before the word "premises" the words "land or".

The reason for this amendment is to provide that authorised persons may enter lands as well.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 23, line 13 - To delete the words "section 11ZC" and substitute the words "sections 11ZB, 11ZD and 11ZF".

This amendment relates to the matters in which the Minister for Energy is to be informed being extended.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 23, after line 15 - To insert the following new subsection -

- (1) In this section —
- "Board"** means the Western Australian Gas Review Board established by the *Gas Pipelines Access (Western Australia) Act 1998*.

This amendment refers to the definition of the word "board". It provides an independent review mechanism to look at the decisions of the Coordinator of Energy. The board will mean the Western Australian Gas Review Board, established under the Gas Pipelines Access (Western Australia) Act 1998.

Hon MARK NEVILL: This amendment addresses the dreadful situation where if a person wanted to appeal against the decision of the coordinator, the appeal would be to the minister whom he advises. This is a far better method of review; whereas the minister said the Gas Review Board established under the gas pipelines access Bill will be used for that purpose.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 23, line 16 - To delete the words "who is aggrieved" and substitute the words "adversely affected".

This is a drafting change associated with the review mechanism. It makes it clearer.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 24, line 2 - To delete the words "appeal to the Minister against" and substitute the words "apply to the Board for a review of".

Again, this is a drafting change which is associated with the previous matter to which I have just referred.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 24, line 3 - To delete the figure "30" and substitute the figure "14".

This amendment also relates to matters to which I have just referred in the previous two.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 24, lines 5 to 20 - To delete the lines and substitute the following lines -

- (3) The Board must make its determination on the review within 90 days after receiving the application for review.
- (4) The Board may extend, or further extend, the period referred to in subsection (3) by a period of 30 days if it considers that the matter cannot be dealt with properly without the extension either because of its complexity or because of other special circumstances.
- (5) If the Board extends the period, it must, before the end of the period, notify the applicant of the extension and the reasons for it.
- (6) An application under this section does not operate to stay the decision unless the Board otherwise determines.
- (7) On the application of a party to proceedings under this section, the Board may conduct the proceedings in the absence of the public.
- (8) The Board may require the Coordinator to give information and other assistance, and to make reports, as specified by the Board.
- (9) In proceedings under this section, the Board may make an order affirming, or setting aside or varying immediately or as from a specified future date, the decision under review and, for the purposes of the review, may exercise the same powers with respect to the subject matter of the decision as may be exercised with respect to that subject matter by the Coordinator.
- (10) The Board may make such orders (if any) as to costs in respect of a proceeding as it thinks fit.
- (11) The Board may refuse to review a decision if it considers that the application for review is trivial or vexatious.
- (12) A determination by the Board on the review of a decision has the same effect as if it were made by the Coordinator.
- (13) A reference in Part 6, Division 2 of the *Gas Pipelines Access (Western Australia) Act 1998* to proceedings before the Board includes a reference to proceedings under this section.

Again, this is a drafting change which is related to the review mechanism that we have put in.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 24, line 23 - To insert after the word "may" the following words ", subject to section 11ZE (5)".

The reason for the amendment is that land access powers have been extended to a nominated person.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 25, lines 1 to 7 - To delete the lines.

This amendment is because certain land access provisions have been deleted.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 25, lines 13 and 14 - To delete the lines.

Again, certain land access rights have been made more definitive.

Hon MARK NEVILL: This is another case where the rights of the Gas Corporation were greater than those that applied to other licensees and it tidies up a similar theme in several other amendments.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 26, lines 4 and 5 - To delete the words "the Land Acquisition Act" and substitute "Part 9 of the *Land Administration Act 1997*".

The amendment recognises current legislation.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 26, lines 17 and 18 - To delete the words "land in the Land Acquisition Act includes an interest in land or" and substitute "an interest in land in Part 9 of the *Land Administration Act 1997* includes an".

The amendment has the same effect as the previous amendment; that is, to recognise the new Land Administration Act.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 26, line 20 - To delete the words "the Land Acquisition Act" and substitute "Part 9 of the *Land Administration Act 1997*".

The same reasons apply as applied to the previous amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 26, line 24 - To delete the words "The Land Acquisition Act" and substitute "Part 9 of the *Land Administration Act 1997*".

Again, the same reasons apply.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 27, lines 3 and 4 - To delete the words "the Land Acquisition Act" and substitute "Parts 9 and 10 of the *Land Administration Act 1997*".

Page 27, line 8 - To delete the words "Land Acquisition Act" and substitute "*Land Administration Act 1997*".

Again, the same reasons apply.

**Amendments put and passed.**

Hon N.F. MOORE: I move -

Page 27, lines 23 to 27 - To delete the lines and substitute the following lines -

Part 1 of Schedule 2 includes —

- (a) the holder of a distribution licence;
- (b) any transferee of a distribution licence under section 11R; and
- (c) any person in whom the assets, rights and interests of a former holder of a distribution licence are vested under regulations referred to in section 11ZE (4).

The amendment is because we believe the land powers are to be extended to a party that has been transferred a licence.

Hon MARK NEVILL: Schedule 2 is split into two parts. It is still not clear what the actual powers are. There is reference only to the Energy Corporations (Powers) Act 1979. Is it intended to redraft that Act? When the Gas Corporation, Electricity Corporation, Energy Coordination and Energy Corporations (Powers) Bills were considered, it was obvious that that Act was not redrafted. It is a real mess. Is there a plan to tidy up that mess in the near future?

Hon N.F. MOORE: Like all good ideas, the matter is being considered, but there has been much legislation in respect of energy matters. It is tidying up the process.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 28, lines 1 to 3 - To delete the lines and substitute the following lines -

- (2) A reference to a corporation in a provision of the *Energy Corporations (Powers) Act 1979* referred to in Part 2 of Schedule 2 includes —
  - (a) the holder of a trading licence;
  - (b) any transferee of a trading licence under section 11R; and
  - (c) any person in whom the assets, rights and interests of a former holder of a trading licence are vested under regulations referred to in section 11ZE (4).

This has been moved for the same purpose as the previous amendment.

Hon MARK NEVILL: This is the Henry VIII clause, which is one of the matters that I picked up in the Bill. The matter is addressed comprehensively by the amendment. I was amazed at the number of lawyers who did not know what a Henry VIII clause was when I discussed it with them.

Hon Derrick Tomlinson: Neither did Anne Boleyn.

Hon MARK NEVILL: I thought that it would be a fairly standard part of doing a law degree, but obviously it is not.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 28, line 4 - To delete the words "referred to in subsection (1)".

This is a drafting change.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 28, line 5 - To insert after the word "made" the words "under section 26".

Again, it is a drafting change.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 28, lines 6 to 9 - To delete the lines and substitute the following lines -

- (a) restrict the operation of, or add a further requirement to, a prescribed provision in relation to a licensee or class of licensees;

The amendment essentially limits the making of regulations. There is a constraint attached to the new words to be added.

Hon HELEN HODGSON: The redrafting ensures that we will not have regulations made that could be ultra vires and we will make sure that we cannot delegate legislation beyond the regulations. The issue is one at law of delegated legislation and sub-delegation - that is, how far down power can be sent. The earlier Bill stated that the regulations could be made administratively instead of being subject to the authority of the head regulations. It is essential that this has been corrected. It, and the few subsequent amendments which will refer to prescribed provisions, ensures that we have prescribed provisions in the Bill which set the limits to which regulations can be made. As a matter of administrative law practice, that is an important provision and I am pleased to see it has been corrected.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 28, line 11 - To insert after the words "any thing" the following words -  
authorized by a prescribed provision

Page 28, line 14 - To insert after the words "any thing" the following words -  
authorized by a prescribed provision

Page 28, line 16 - To insert after the words "any thing" the following words -  
authorized by a prescribed provision

These are form amendments to the Bill.

**Amendments put and passed.**

Hon N.F. MOORE: I move -

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

- (4) In subsection (3) -  
"licensee" includes a person referred to in subsection (1) (c) or (2) (c);  
"prescribed provision" means a provision of the *Energy Corporations (Powers) Act 1979* referred to in Part 1 or 2 of Schedule 2.

This is a new provision to clarify what is meant by a prescribed provision. It is defined in the new subclause.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 28, lines 17 to 26 and page 29, lines 1 to 6 - To delete the lines.

Parliamentary disallowance for regulations has been made consistent with the committee's recommendations.

Hon MARK NEVILL: Not only has the proposed section been deleted because it is no longer needed, but also it was an entirely novel way of drafting a parliamentary disallowance. I have never seen such a form in my 16 years in Parliament. It is good to see it disappear from the Bill.

Hon HELEN HODGSON: The only comment I will make - it was a matter that was addressed earlier by Hon Mark Nevill - relates to the interrelationship among the different pieces of legislation governing energy, power and gas in this State. In

this case, we obviously have a schedule which lists the provisions of the Energy Corporations (Powers) Act which are applicable. As a matter of principle, it is tidier to have it all in the one piece of legislation so people do not have to refer continually from one piece of legislation to another to find out what is going on. I accept, however, that in this case there is a very interwoven, interlocked system and I do not intend to change it. As a matter of drafting, I bring it to the minister's attention that there are probably cleaner ways of doing this.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 8: Schedules 1 and 2 added -**

Hon N.F. MOORE: I move -

Page 29, line 17 - To insert after the word "type" the following words -

, other than agreements relating to the provision of access to gas distribution capacity that are covered by the Gas Pipelines Access (Western Australia) Law

This amendment recognises that the gas pipelines access legislation has been enacted since it was drafted.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 29, lines 21 to 24 - To delete the lines.

This relates to third party pipeline access which is no longer addressed under this Bill.

Hon MARK NEVILL: I will also add to the minister's comments. What was in the Bill was contrary to the draft national access code.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 29, line 30 - To insert after the word "business" the words "in the gas industry in the State".

We have decided to impose licence conditions which are more narrow than was the case previously.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 30, line 1 - To insert before the word "specifying" the words "if the licence is a trading licence,".

This amendment is made for the same reasons as the previous amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 30, line 5 - To delete the words "amendment or".

This is a drafting amendment.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 30, line 22 - To insert before the word "specifying" the words "if the licence is a trading licence,".

This amendment has been made because imposition of licence conditions have been made more narrow as I indicated in previous amendments.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 30, after line 31 - To insert the following lines -

(l) if the licence is a trading licence, specifying standards of customer service to be applied in supplying gas under the authority of the licence;

This provision has been inserted to provide for small gas consumer protection under these arrangements.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 32, after line 4 - To insert the following -

Part 1 - Provisions applicable in relation to distribution licences

This also relates to land access powers being made more definitive.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 32, after line 14 - To insert the following -

Part 2 - Provisions applicable in relation to trading licences

s. 4 (1)	s. 43	s. 67
(definition of	s. 46 (7), (8),	s. 67A
"service	(11) & (16)	s. 74
apparatus")	s. 48	s. 79
s. 4 (2)	s. 66	s. 84 (2) & (3)

This amendment has been made for the same reasons as the previous amendment.

Hon MARK NEVILL: I will underline some comments I made earlier. Having these references to other provisions in the Energy Corporations (Powers) Act means that we must cross reference those Bills. I hope, as Hon Helen Hodgson said, that we can pull all this legislation together one day so that it is in some sort of orderly form for all gas users within the State. It is fairly cryptic in this form.

Hon N.F. MOORE: I promise to relay the member's message to the appropriate minister and Parliamentary Counsel.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 9: Consequential amendments -**

Hon N.F. MOORE: I move -

Page 33, after line 21 - To insert the following -

- (3) The *Gas Pipelines Access (Western Australia) Act 1998\** is amended in section 8(1) -
- (a) by deleting "or" after paragraph (a);
  - (b) by deleting the full stop at the end of paragraph (b) and substitute the following -  
" ; or "; and
  - (c) by inserting after paragraph (b) the following paragraph -  
(c) a system for which a licence is in force under Part 2A of the *Energy Coordination Act 1994*.

[\* *Act No. 65 of 1998.*]

This amendment is a consequential amendment to the Gas Pipelines Access (Western Australia) Act to reflect the existence of the gas trading and distribution licences provided for under the Bill.

Hon MARK NEVILL: I intended moving an amendment to this clause. I ask the minister whether section 55(b) is needed at all. Section 55 of the Energy Corporations (Powers) Act commences with "Notwithstanding any other Act" and gives power to the Coordinator of Energy to establish any new gas undertaking. That seems to cut right across the powers that we have given in the Energy Coordination Act to grant licences for distribution pipelines. Could the minister advise whether we need amend section 55 instead of getting rid of it entirely?

Hon N.F. MOORE: When this legislation has been passed, it is the intention of the Office of Energy to review the appropriateness of section 55(b). Rather than making a decision now, we propose to see what comes out of this sausage machine and then review it.

Hon MARK NEVILL: In that case would the minister assure the Chamber that he will not use that section when he can use the powers under the Energy Coordination Act to achieve the same purpose? Is there any way of advising members if that section is to be used?

Hon N.F. MOORE: Obviously I cannot give a commitment on behalf of another minister without talking to him about it. However, if it is helpful to the member, I can advise the House of the Minister for Energy's view when I ascertain it.

**Amendment put and passed.**

Hon N.F. MOORE: I move -

Page 33, after line 32 - To insert the following -

- (5) The *Petroleum Pipelines Act 1969\** is amended in section 4(1) in the definition of "pipeline" by inserting after paragraph (d) the following paragraph -

- (da) a pipeline that is part of a distribution system as defined in the *Energy Coordination Act 1994*;

[\* Reprinted as at 19 February 1992.  
For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 177.]

This amendment is a consequential amendment to the Petroleum Pipelines Act.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**New clause 7 -**

Hon N.F. MOORE: I move -

Page 4, after line 26 - To insert the following new clause -

**Section 10 amended**

7. Section 10 of the principal Act is amended by inserting after subsection (1) the following subsection -
- " (1a) The Minister must not under subsection (1) direct the Coordinator with respect to the performance of the Coordinator's functions under Part 2A in respect of a particular person or a particular application. "

This new clause 7 will affect the ability of the Minister for Energy to direct the Coordinator of Energy. It is in fact limited to the minister's capacity for direction.

**New clause put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

**PERTH PARKING MANAGEMENT BILL**

**PERTH PARKING MANAGEMENT (TAXING) BILL**

**PERTH PARKING MANAGEMENT (CONSEQUENTIAL PROVISIONS) BILL**

*Cognate Debate*

On motion by Hon M.J. Criddle (Minister for Transport), resolved -

That leave be granted for the Bills to be debated cognately.

*Second Reading*

Resumed from 21 April.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [8.56 pm]: The Labor Opposition has taken the opportunity of studying these Bills closely, taking detailed briefings from the officers made available by the minister to all members of the House. In the debate that occurred in the other place - to which of course I shall not refer - an opportunity emerged whereby the Opposition's interest in this Bill was heightened because the Government was prepared to accept some suggested amendments and to include those in the Bill now before this place.

For a number of years Perth City Council has not had a reputation in this State of being a wild enthusiast for the best parking policies that could have been better implemented by a local authority with responsibility for the central business district in the Perth metropolitan area. An inevitable interplay occurs between the parking policies that impact upon the CBD and the transport policies of the State Government. The parking policies can too easily become attacks upon good transport policies when State Governments try to implement such policies. This Bill provides the opportunity for effectively increasing the powers of the Minister for Transport and the State Government in the method of issuing licences in future to private tenancies and proprietors of buildings to be operated for the provision of parking facilities. That is an important step because it ensures that the state Minister for Transport, who has the overall responsibility for providing and responding to the public transport needs of the metropolitan area and areas beyond, is in a position to supervise the issuing of those licences.

As a result of the amendments that were passed in the other place, which are now enshrined in this Bill, we see that the minister has accepted the need to make sure that the process of issuing licences is not made too easy or too random and that there are ways of issuing those licences which ensure strict accountability to the people of Western Australia for their impact upon the transport policies of the State, as well as upon the parking policies of the central business district. Clearly, when one considers the greater CBD area of Perth, which extends from West Perth down through the city itself - the area that we now know as that which is serviced by the central area transit bus system - it is appropriate that that area, and the parking policies that apply to it, be supervised and be subject to the scrutiny and appropriate approvals of the minister and the delegated officers of the Department of Transport. I am pleased that as a result of the opportunity that emerges through this legislation to integrate those policies, the funds that are raised by virtue of revenue from parking

in this area will be returned to improve the public transport amenity of the CBD in the first instance. It is for those reasons that this Bill has the support of the Labor Opposition.

I am delighted that my colleague, Alannah MacTiernan, the shadow Minister for Transport, has been, on behalf of the Labor Party, a real terrier in support of the best transport policies for this State and for the metropolitan area. In her approach to public transport issues, she has been determined to make sure that this Minister for Transport, his predecessor and this Government take appropriate steps in response to the transport needs of this State. She keeps this minister and this Government on their toes with respect to their transport policies.

Hon Norm Kelly: Did you say she is a terrier or a terror?

Hon TOM STEPHENS: She is a terrier, and at times she can be a terror when she is pursuing the best interests of the Western Australian community when it is up against bad decision making of this Government. She is fearless in her pursuit of the Government to make sure it delivers policies and legislation that are in the best interests of the Western Australian community. As a result of the discussions and the approach that she has adopted in the other place in her dialogue with this Government, I am assured that we now have before the House legislation that is worthy of the support of the Labor Opposition. For that reason, I express that support and resume my seat in this Chamber in the hope that this legislation can be dealt with expeditiously.

**HON NORM KELLY** (East Metropolitan) [9.03 pm]: The Australian Democrats also support these three Bills. It is a positive initiative of this Government to try to regulate traffic travelling into and out of the Perth central business district. Unfortunately, because of previous planning policy, Perth has one of the highest parking capacities of any city in the world. At the moment there is one bay for every 1.8 commuters into the city. This translates to about 60 000 parking bays in the Perth parking management area. Currently, two out of every three people who work in the central city area travel to the area by car. Ninety per cent of these people are sole occupants of the cars which they drive into the city. Therefore, it is understandable that we have such congestion in the central area.

Some good initiatives have already been implemented, such as the CAT bus system, which transports people from Perth to Northbridge and also to West Perth. I understand that as a result of the revenue that will be raised by this initiative, the CAT bus system will be further extended to the East Perth area, which has seen an increase in residential development. It is somewhat incongruous that one reason that the Government supports these plans to reduce the amount of vehicular traffic in the central area is to reduce the amount of pollution in the area, but at the same time it persists in using diesel-powered buses in the central city area. Although the CAT buses are much cleaner than the previous government buses which were plying the streets of Perth, they produce far more pollution than liquefied petroleum gas or natural gas equivalents.

Hon M.J. Criddle: It depends on what sort of pollution you are talking about.

Hon NORM KELLY: I was coming to that pollution point. I am sure that the members who are currently in the Chamber could have a lengthy debate on the merits of the various types of buses. However, the particulates in the emissions of diesel buses are more polluting than those emitted by gas-powered buses. In a congested area in which there is a high density of pedestrian traffic, it is that type of pollution which can be extremely harmful to the health of people in the area. Therefore, we are disappointed that the Government, not only in its initial purchase of CAT buses, but also in its more recent purchases to renew the general bus fleet, has opted so heavily at this stage for diesel rather than gas-powered buses. I hope that the majority of the few gas-powered buses to which the Government is committed can be used in those more congested areas of heavy vehicle and pedestrian traffic.

The Bill provides suitable exemptions for residents, which is another important aspect in reactivating the city and making it a more vibrant place to visit, particularly outside of normal shopping hours. This can be seen in the west end of the city area, where good residential development has led to the creation of more cafes and the like and has given people more reason to enter the city in non-shopping times.

I will deal with a few minor concerns of the Democrats with respect to the Bill. Although I am not sure, I believe we can deal with this debate without going into the committee stage. Clause 5 of the Perth Parking Management Bill sets out the Perth parking policy. It refers to the policy needing to be developed by the chief executive officer in cooperation with the City of Perth. Cooperation with the City of Perth is not always possible. However, this will also be done in consultation with the Minister for Planning and the Minister for the Environment, which, along with the Minister for Transport, is a good triumvirate of ministers to decide such a policy. We were concerned that perhaps the wording should have been a bit stronger and stipulated that it would be by agreement with those other two ministers so that there would be a three-way agreement rather than consultation. However, given that it would be quite risky for a Minister for Transport to work against the combined thoughts of those other two ministers, we can live with the current wording of that clause.

Parking bay licences are dealt with in clause 9, which allows the minister and the CEO to make exemptions from the Perth parking policy. The Democrats believe that as the Perth parking policy has statutory backing, any exemptions from the policy should also be subject to some form of parliamentary scrutiny. I am assured by the minister's officers that only minor changes will be involved, so such a requirement may not be necessary.

Clause 21 of the principal Bill contains some strong powers for inspectors to enter premises and remove documents to ascertain whether people are complying with the legislation. The Australian Democrats have no problem with that aspect. However, those powers could be a little heavy-handed when outsourced. Provision could be made for a more conciliatory approach, rather than creating powers to enter, inspect and remove.



Moneys generated by this policy will be directed to provide and extend the CAT bus service. The Democrats fully support that move. The CAT service at this stage, unfortunately, does not extend beyond the Perth parking management area, and we would like to see it operate to South Perth, Victoria Park, Subiaco -

Hon N.F. Moore: How about Booragoon, Cottesloe and Shenton Park?

Hon NORM KELLY: Maybe it could operate to some of the blue-ribbon Liberal areas as well!

The suggestion is made that the Government will be looking for contributions from relevant local government authorities. As the City of Perth benefits from traffic flows from nearby areas, a good argument can be made for the City of Perth to provide the funding for people travelling in and out of the city. The second Narrows Bridge is to be built supposedly to ease traffic congestion. However, I am concerned that it will increase traffic flow, and before long the second Narrows Bridge will not be the saviour of traffic congestion problems the Government claims it will be. It is proved that when extra roads are provided, traffic increases far beyond expected growth prior to that provision.

Hon M.J. Criddle: Some roads will take traffic around the City of South Perth.

Hon NORM KELLY: Yes, as with the Graham Farmer Freeway. The second Narrows Bridge will handle expected increased traffic flow from South Perth into the city area. The Graham Farmer Freeway will divert traffic from the West Perth part of the freeway and Riverside Drive, which will be a marked improvement. In my travels from West Perth to the south side of the city, I find the late afternoon peak hour to be crazy with its traffic density and the difficulty in changing lanes over a short length of road.

The Australian Democrats believe that other initiatives could complement the Government's road program, and these could reduce the amount of capital works funding directed to the massive roads being built. We accept that these roads will ease traffic congestion in the central city area.

Funding will be used to improve not only the CAT system, but also pedestrian access and amenity in the city area to make the city a more effective place to visit, which will stimulate activity in the city area. Also, money is to be directed to improve cycleways in the city area. The future plans in the Perth access document indicate that cycleways will utilise rail reserves from East Perth to West Perth. That is positive. It is difficult to travel east and west, and from south of the river to Northbridge and the northern suburbs. This situation has improved in recent years. Nevertheless, further improvements are needed with the provision of a continuous cycleway.

Hon M.J. Criddle: The Government is directing a lot of money into the cycleways.

Hon NORM KELLY: I appreciate the money the Government has directed to cycleways. A significant factor to increase usage of cycleways is the provision of continuous cycleways, as this helps people to regard cycling as an attractive alternative.

A few concerns were raised by the Property Council of Australia on these Bills. The Democrats do not agree with all of these concerns. The Property Council promotes the idea of a licence fee cap to ensure that the approximate \$70 per annum per bay fee does not escalate. My understanding is that such increases need to be gazetted by regulation; therefore, those changes will be subject to disallowance and scrutiny by the Delegated Legislation Committee. That does not pose a problem.

The Property Council also raised the need for a more coordinated approach to development in the city. The council made a proposal, the name of which escapes me, to approach planning in the City of Perth area in a manner similar to that of the metropolitan region scheme. This will ensure a coordinated approach to transport and land use. I understand that the Government has had a problem in reaching agreement with the Perth City Council about changing traffic flow in the Perth city area. Such difficulties with a local government authority can make it difficult for benefits from such legislation to be fully realised. Even though the Government has the power to build new freeways, bridges and roads, it is in danger of channelling traffic into city streets which do not facilitate traffic flow; that is, if a city council does not cooperate to ensure this traffic is dealt with once on locally controlled streets.

I have outlined a few concerns and matters for determination by this Government or future Governments. Overall planning for the Perth city area must be better integrated. The Australian Democrats support these Bills, and congratulate the Government for its initiative.

**HON J.A. SCOTT** (South Metropolitan) [9.20 pm]: This trifecta of Bills is a big win for the residents of the city of Perth and I congratulate the Government on their introduction, particularly the Minister for Transport and the Department of Transport. The old system for parking in Perth was a recipe for disaster in that, because the funding went back into parking, far too many parking areas were provided for a city the size of Perth and it encouraged people to bring their cars into the city. Certainly, the policy of previous Perth City Councils, when they promoted the use of cars in the city, was a disaster. It is no wonder that they did that because they were gaining so much revenue from parking fees. These Bills are a very good step forward and they will certainly reduce the level of pollution if they are combined with other measures. Hon Norm Kelly has run through a number of measures that should be introduced.

The most important of these is to stop treating Perth city as though it is Rome, and making sure all roads lead to it. We shall never solve the pollution problems in this State unless the need to travel to the city is reduced by ensuring that the regional centres around the city are self-supporting and provide everything people need. That is clearly the most significant step that needs to be taken to reduce pollution. The idea of injecting parking fees into the public transport system is a good one. Those who have used the CAT buses, as I have to get to Parliament House, will know that they

provide an excellent service; not only do they move people around efficiently, but also they give the city a much more cheerful aspect. People talk to each other when they are travelling on CAT buses, and a level of conviviality, which had been disappearing in the city, is starting to return. That is better than people being tied up in their cars and not speaking to one another, other than to swear at the driver of the car in front of them because they cannot move.

These are particularly good Bills because they will provide for revenue from private vehicles to be used for public transport. For some time I have been irked that the excise on diesel in the rail system has been ploughed back into the road system. The previous Minister for Transport complained that not enough of the excise from fuel was applied to roads, but clearly he had a very jaundiced view because large amounts of money from the rail system were applied to the road system. Also, the road system creates huge costs to deal with the aftermath of accidents and pollution. That was not taken into account in the minister's equations, otherwise he would have been more reasonable about some of the fuel excise being used for other purposes. Certainly, by increasing public transport and, through this Bill, decreasing the drive to create further parking areas in the city, there should be some per capita reduction in the number of cars in the city. Although Hon Norm Kelly expressed concern about the diesel buses, I am more concerned about the plethora of new highways heading into the city and the effect of the extra lanes to be constructed on the Narrows Bridge. At the end of the day, if parking areas are not available in such abundance, fewer people will be inclined to bring their cars into the city.

Hon M.J. Criddle: If cars are in traffic jams on the freeway because of congestion, they will produce more pollution. We are making it more free-flowing.

Hon J.A. SCOTT: We know that is a fallacy and it has been proved as such for a long time. This matter has been taken to the Supreme Court in the United States, and in that country people are not allowed to say that building more roads results in traffic moving more quickly, because it is not true. A royal commission in the United Kingdom found exactly the same thing. Building more roads does not free things up; it creates more traffic and more smog. That is the reality. Worldwide it creates a 27 per cent increase in traffic; but reducing the number of roads and bridges decreases car use without destroying amenity.

Hon B.K. Donaldson: Free-flowing traffic takes the stress off drivers and improves their health.

Hon J.A. SCOTT: Building more freeways may result in free-flowing traffic for a month or a year or two, but the roads soon fill up with more cars and the traffic is not free-flowing. Los Angeles is a good example of that. It has built more, wider, longer and bigger roads and it has more traffic and more traffic jams. The more it built, the worse the situation became.

Hon M.J. Criddle: We have a good public transport system.

Hon J.A. SCOTT: We always hear the furphy about free-flowing traffic that will result from building more roads. It is a nonsense. I look forward to the day when revenue is raised from parking to get rid of the major parking areas around Riverside Drive. I hope money will be spent on redeveloping that area for urban living space, so that car parking space is reduced even more and inner city living is encouraged. That would be a huge help because it would reduce the space now available. Perth has far too many parking spots. One-third of the metropolitan area is taken up for car use, if one includes the parking areas and the roads. If that area were halved, it would provide a huge area for redevelopment. If universities, such as Murdoch and Curtin, were serviced by a decent public transport system that could be used by students and staff, it would release massive areas for rebuilding because car parking areas would disappear. That would provide huge advantages, such as less pollution, easier movement, more amenities, and huge savings. People forget that taking up all this space with cars and encouraging people to drive long distances to work continually pushes out the boundaries of the city at a faster rate than is necessary. When I entered Parliament six years ago the cost of servicing an outer urban block was \$42 000. The construction of 10 000 outer urban dwellings each year represents a great deal of money wasted on providing infrastructure that might not be necessary if the parking areas were eliminated. It would be a huge hidden saving that would be returned to the Government.

Hon Dexter Davies interjected.

Hon J.A. SCOTT: Yes, but "out there" becomes "in here" after a short while because of this Government's planning. Many people used to live out there once upon a time and then found it had become in here. That has occurred because of urban sprawl. Many people who wanted to live in semi-rural surroundings have seen suburbia spread to their doorstep. We must deal with that urban sprawl. This is a small step, but at least it shows that the Government is thinking about tackling the problem, for which I congratulate it. I look forward to the day when highly imaginative schemes are implemented instead of the provision for long-distance transport systems to Mandurah, and we look at systems which will get people off the highways that lead on to the freeways in Perth, such as Canning Highway, South Street and Marmion Street and so on in my area. The studies on traffic movement that I have seen reveal that most of the traffic moves east-west, yet the Government appears concerned to deal with the north-south traffic. I think it has the whole context wrong. When we can mix a more forward-thinking parking policy, as we have here, and institute better planning and better public transport systems in the city, we will have a much better city to live in. I support the Bills and congratulate the Government for their introduction.

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [9.31 pm]: I thank the members of the other parties for their support for the Bills. Their support will lead to a good parking system in the city from hereon in. It will certainly bring more organisation into the city, together with fewer cars and a better environment.

Hon Tom Stephens gave his support and pointed out some amendments which were brought forward and which give the

minister more power under the Act. He also pointed out that the CAT buses were a good initiative in the centre of Perth. I believe that about 12 000 people travel on them during a day. We will be looking at that initiative and ensuring that it is carried out in a positive way.

Hon Tom Stephens: And expanding it to the neighbouring suburbs?

Hon M.J. CRIDDLE: We must understand that a very good transport system is in place beyond the metropolitan area. Small additions may be made to the CAT buses in the Perth metropolitan area. Obviously from time to time some changes will take place, but specific services such as these initiatives must be able to be funded, and in this case we have a funding source that will enable them to be carried out. The parking arrangements will help fund that sort of a system in the city and will certainly assist those businesses in the city as it helps carry people about. Free services cannot be put in all about the city without having some sort of a cost recovery in place.

Hon Norm Kelly also expressed his support for the Bill. He pointed out that he had a problem with some clauses. Clause 5 indicates the Acts with which we will have to comply, which I think covers the point he raised. He was worried to some extent about the powers to be given to the inspectors, but I think that after discussions he had with members of my staff he has come to the conclusion that it is a necessary clause and he is satisfied with it. He also was concerned about some minor issues in clause 9, but I understand he is satisfied with it now.

Hon Norm Kelly also talked about transport and land use and the need for cooperation on traffic flow; Hon Jim Scott also raised that point. We must consider traffic flow. We are presently looking at changing the traffic flows in Perth to complement the tunnel that is going through the north of the city, and also Riverside Drive, and the way that traffic flows will be organised in the future. Recently we had discussions with the City of Perth about the traffic flows affecting the western end of Murray and Hay Streets, and the traffic flow coming off the interchanges from the Graham Farmer Freeway. As early as tomorrow I will be having further discussions with the City of Perth about those matters. We hope to come to some arrangements that will see a very efficient traffic flow through the City of Perth which will reduce any impediments to that flow.

Hon Jim Scott touched on the need for having fewer cars in Perth. This should assist in that regard and I am sure it will. We are obviously putting in place a very good transport system in Perth and the new buses that will be operating shortly will be a great addition to that. The circle route has seen far more people use it than was ever dreamt would use it in the initial stages. Passenger numbers have increased from an expectation of about 30 000 to 45 000 or 50 000 passengers. It links the universities, the hospitals, and the major facilities about the city. It operates a service every 15 minutes and people are obviously starting to use that service because they are finding it very acceptable. It also solves the problem of bringing people into Perth and out again to get from one suburb to another; it is a cross-suburb initiative.

Mr President, I thank members opposite for their support for the Bills and I look forward to them coming into place in the near future.

Question put and passed.

Bills read a second time, proceeded through remaining stages without debate, and passed.

*House adjourned at 9.39 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**AGRICULTURE WA, SMARTSTREAM FINANCIAL MANAGEMENT INFORMATION SYSTEM**

1003. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

I refer to problems identified with Agriculture WA's 'Smartstream' Financial Management Information System by the Auditor General's Report No 1 of 1998, and ask -

- (1) Can the Minister for Primary Industry advise if the agency has developed appropriate policies and procedures to ensure that staff no longer have the capacity for both data input and approval access which previously allowed staff to improve their own input into the 'Smartstream' Financial Management System?
- (2) Has the lack of an adequate audit trail function within the 'Smartstream' Financial Management Information System been addressed so that administrators have the capacity to ensure that only authorised transactions are processed?
- (3) Has the 'Smartstream' Financial Management Information package been able to meet its specifications for system reporting functions such as those which monitor security and user access?
- (4) Has the flaw within the 'Smartstream' Financial Management Information package, which saw the system defaulting to approve payments in some circumstances without requisite approval by an authorising officer, been rectified?
- (5) Has Agriculture WA developed and enforced an appropriate security policy for the 'Smartstream' Financial Management Information System with supporting security standards and procedures?

Hon M.J. CRIDDLE replied:

- (1) Yes. For your information, "improve" in line three should read "approve".
- (2)-(5) Yes.

**AGRICULTURE WA, SMARTSTREAM FINANCIAL MANAGEMENT INFORMATION SYSTEM**

1004. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

I refer to problems identified with Agriculture WA's 'Smartstream' Financial Management Information System by the Auditor General's Report No 1 of 1998 and ask, have problems associated with Vendor File Maintenance in 'Smartstream' been addressed to ensure that control weaknesses, such as staff being able to create new vendors without authorisation, been rectified?

Hon M.J. CRIDDLE replied:

Yes.

**AGRICULTURE WA, SMARTSTREAM FINANCIAL MANAGEMENT INFORMATION SYSTEM**

1005. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

I refer to problems identified with Agriculture WA's 'Smartstream' Financial Management Information System by the Auditor General's Report No 1 of 1998, and ask -

- (1) Has the capacity of 'Smartstream' for system reporting been improved to ensure that accurate and consistent reports can be produced?
- (2) Does 'Smartstream' now have the capacity to perform such functions as accurately producing aged debtor reports?
- (3) Do the system reporting functions of 'Smartstream' meet the operational requirements of Agriculture WA?

Hon M.J. CRIDDLE replied:

(1)-(3) Yes.

**AGRICULTURE WA, SMARTSTREAM FINANCIAL MANAGEMENT INFORMATION SYSTEM**

1007. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

I refer to problems identified by the Auditor General's Report No 1 of 1998 with the 'accounts payable' module of Agriculture WA's 'Smartstream' Financial Management Information System, and ask -

- (1) What measures have been put in place to ensure that all expenditure vouchers should be adequately supported with the original documentation prior to any payment being incurred and certified?;

- (2) Has Agriculture WA taken action to identify those instances where expenditure vouchers were inadequately supported by original documentation for the following financial years;
  - (a) 1995/96; and
  - (b) 1996/97?
- (3) What action (if any), has the agency taken to verify that all accounts paid out of the 'accounts payable' module of 'Smartstream' were correctly paid for the following financial years;
  - (a) 1995/96; and
  - (b) 1996/97?
- (4) If any incorrect payments have been identified as a result of flaws within the 'accounts payable' module of 'Smartstream' have these monies been recovered for the financial years-
  - (a) 1995/96; and
  - (b) 1996/97?

Hon M.J. CRIDDLE replied:

- (1) Incurring and certifying officers are made aware of requirements at time of authorisation. Systems training also reinforces this requirement. Internal Audit program also tests compliance of this requirement.
- (2)
  - (a) Smartstream not in production 1995/96.
  - (b) Audit tests have not highlighted any material non compliance.
- (3)
  - (a) Smartstream not in production 1995/96.
  - (b) Internal Audit program reviews plus external consultant's review for potential dual payments.
- (4)
  - (a) Not applicable.
  - (b) Yes.

#### GOVERNMENT CONTRACTS, FLEET MANAGEMENT SERVICES

1165. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

Further to the answer given to question on notice 3145 of 1995 asked in the Legislative Assembly in relation to the Department of Premier and Cabinet's contract with the firm Lease Plan Australia worth approximately \$1m per annum for contract No. 669 A/94 "A" fleet management services, can the Premier advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Premier table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Premier table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Premier table the evaluation?

Hon N.F. MOORE replied:

- (1)-(3) Contract no. 669 A/94 "A" fleet expired in 1997. The contract was let prior to Contract and Management Services' risk management policy taking effect.
- (4)-(7) Risk was monitored and the contract evaluated on a routine basis as integral elements of contract management.

#### ENDOSULFAN, RESTRICTIONS ON PURCHASE AND USE

1191. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Primary Industry:

I refer to the report in *The Kimberley Echo* dated March 4, 1999 stating that new restrictions on the purchase and use of Endosulfan are due to come into force on June 30, 1999 and ask -

- (1) Who will constitute an authorised person?
- (2) What proof will be required to be provided by purchases to show that they are authorised?
- (3) How is it proposed to police the supply to and use by an authorised person of Endosulfan?

Hon M.J. CRIDDLE replied:

- (1) An "authorised person" in this context is a person who has been accredited by Farmcare Australia as having passed the Farmcare Course, or a Licensed Pest Control Officer (LPCO).
- (2) The details are still being worked out between the National Registration Authority (NRA) and the chemical

industry, but may involve the showing of the person's Farmcare certificate, or in the case of an LPCO, his/her licence card.

- (3) It has not yet been determined how this will be policed. Discussions between the NRA and the chemical industry are looking at the possibility of the reseller "self-policing" under NRA or Agsafe (the industry accreditation scheme) audit.

#### FREMANTLE ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY

1230. Hon NORM KELLY to the Attorney General representing the Minister for Planning:

In reference to the Fremantle Rockingham Industrial Area Regional Strategy ("FRIARS") and the response to question without notice 887 of March 9 -

- (1) Is the Minister for Planning aware of the FRIARS Discussion Paper released in March 1997?
- (2) Is the Minister aware that Figure 1.2 of that paper states that a draft Strategy would be released in mid 1997 and that a final Strategy would be released in December 1997?
- (3) Based on this information, how can the Minister state that "it was always intended that the strategy would be released in the first half of 1999"?
- (4) When did this change in the timetable occur?
- (5) Who instigated this change in the timetable?

Hon PETER FOSS replied:

- (1)-(5) The Minister is aware that the FRIARS paper was released in March 1997 for public consultation with an expected release date of the strategy by the end of 1997. The consultation process and the preparation of the draft has involved a number of complex considerations and issues which have impacted on the area. This in turn affected the release date during 1997 and 1998 as on-going issues were incorporated into the report.

#### CAREY PARK PRIMARY SCHOOL

1235. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:

With regard to Carey Park Primary School -

- (1) Which sites in Carey Park are currently under consideration for the relocation of Carey Park Primary School?
- (2) At what stage are negotiations for a site at, and when is an announcement expected on a final decision?

Hon N.F. MOORE replied:

- (1)-(2) The Minister for Education has recently announced that a new \$6 million Carey Park Primary School will be built on the existing school site in Frankel Street. The new school will be a two-storey building, providing vastly improved and modern education facilities to students and the school community. It will include 15 classrooms, a pre-primary centre, separate administration and library/resource centre facilities, rooms for art/craft and music, and a covered assembly area with a canteen and sports store. The school will also be fitted with fibre-optic cabling throughout and equipped with modern computer technology under the State Government's \$100 million Learning Technologies Project.

Once the new school is complete, the current school buildings will be demolished and an oval established for students. Construction is scheduled to commence in November, following a consultation period with the community. The new buildings are expected to be completed by November 2000 and the school is scheduled to open in 2001.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF

1251. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Will the Premier advise for each of the following personnel -

- (a) Wendy Alcorn;
- (b) Melinda Ashley;
- (c) Caragh Broderick;
- (d) Carol Clennett;
- (e) Peter Conran;
- (f) Helen Dyer;
- (g) Jim Eftos;
- (h) Mike Groves;
- (i) John Hudson;
- (j) Chris Kempin;
- (k) Jenny Kirkwood;
- (l) Judy Kurowski;
- (m) John Lukin;
- (n) Lee Mackin;
- (o) Blair McGlew;
- (p) Joanna Morgon;

- (q) Chris Morris;
- (r) Naomi Moylan;
- (s) Toby Nicholls;
- (t) Neil Page;
- (u) Tony Papafilis;
- (v) Patricia Patton;
- (w) Sean Reid;
- (x) Kerry Ross;
- (y) Dean Smith;
- (z) Rhonda Smith;
- (aa) Diane Stringer;
- (ab) Carmel White; and
- (ac) Aida Zainuddin,

in which State Government department, agency or office does each work?

- (2) What position does each person in (1) above hold and what duties are attached to that position?

Hon N.F. MOORE replied:

- (1)-(2) Staff details as at 18 March 1999 are as follows:

OFFICER'S NAME	AGENCY	POSITION TITLE
Wendy Alcorn	MPC - Ministry of the Premier and Cabinet	Policy Officer
Melinda Ashley	MPC	A/Senior Policy Officer
Caragh Broderick	MPC	Policy and Research Officer
Carol Clennett	MPC	Coordinator, GMO
Peter Conran	MPC	Consultant
Helen Dyer	MPC (Minister's office)	Policy Officer
Jim Eftos	Office of Youth Affairs	Director
Mike Groves	MPC	Consultant
John Hudson	MPC	Project Officer
Chris Kempin	MPC	A/Formalities Officer
Jenny Kirkwood	Health	Manager
Judy Kurowski	MPC (Minister's office)	A/Executive Officer
John Lukin	MPC	A/Principal Policy Officer
Lee Mackin	MPC (Minister's office)	Policy Officer
Blair McGlew	MPC (Minister's office)	Principal Policy Officer
Joanna Morgon	MPC	A/Project Officer
Chris Morris	MPC (Minister's office)	Media Secretary
Naomi Moylan	MPC	Policy Officer
Toby Nicholls	Agriculture WA	A/Executive Officer
Neil Page	MPC	A/Principal Policy Officer
Tony Papafilis	MPC (Minister's office)	Senior Policy Officer
Patricia Patton	MPC	Principal Policy Officer
Sean Reid	DOPLAR - seconded to Minister's office	Senior Policy Officer
Kerry Ross	MPC	A/Director, Constitution Centre
Dean Smith	MPC (Minister's office)	Senior Policy Officer
Rhonda Smith	MPC (Minister's office)	Administrative Assistant
Diane Stringer	MPC	Liaison Officer,
Carmel White	MPC (Minister's office)	Administrative Assistant
Aida Zainuddin	MPC	Executive Assistant

#### SWANBOURNE PRIMARY SCHOOL, RELOCATION

1314. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) What consultations did the Minister for Education or officers of the Education Department conduct with parents of the Swanbourne Primary School prior to the decision to relocate the school?
- (2) How did these consultations take place?
- (3) When did they take place?
- (4) Where did the consultations take place?

- (5) Did the Minister personally participate?
- (6) Which Education Department officers participated?
- (7) Were all parents invited to participate in these consultations?
- (8) If such consultations did not take place, why did they not take place?

Hon N.F. MOORE replied:

- (1) Parents were engaged in the consultation process through participation at Parents and Citizens (P&C) meetings, special meetings and through information and questionnaires circulated to parents. Two surveys of parents were conducted. Parents also received information as part of a strategy to inform general community members and were encouraged to write to the P&C with their concerns. The consultation process also included:

A meeting between the Minister and parent groups.  
A meeting between the Minister and staff of Swanbourne Primary School.

- (2) Parents were provided with the following information:

“Important Letter to all Swanbourne Primary School Families” from the P&C (asked to vote on options for upgrading only).  
“Relocation v Upgrade 1997” Report from the Building Committee.  
“Relocation” Paper.  
“Upgrade or Relocate” Paper.

A “Notice to All Residents” was distributed by the P&C to all homes by letter drop (approximately 5 000) in Swanbourne. This communication was as follows:

- Invited residents to avail themselves of a report on a detailed study of relocation versus upgrade issues;
- Invited interest groups to submit written concerns and comments to the P&C;
- Informed residents of a public meeting to be run by the P&C in the School Hall on 9 April 1997;
- Informed residents that a parent survey would be conducted; and
- Stated that the views of the P&C, parents, staff, students and community would be forwarded to the Education Department for consideration.

A meeting was arranged with the Minister, as Member for Cottesloe, for interested residents and parents on Saturday 7 June 1997 in the School Hall. Invitations were sent by the Minister’s electorate office to those residents who had contacted him on this issue, and notice of the meeting was also distributed to parents and citizens through the School Newsletter.

The first parent survey was administered by the P&C. Results were as follows:

19% favoured the upgrade option.  
41% favoured relocation.  
40% abstained.

After concerns were raised about the validity of the process followed, the P&C voted the first parent survey invalid and a second one was administered.

An officer from the Electoral Commission administered a second survey of parents. Results were as follows:

25% favoured the upgrade option.  
40% favoured relocation.  
35% abstained.

- (3)
 

1996 29 November	“Important Letter to all Swanbourne Primary School Families” from the P&C (asked to vote on options for upgrading only)
1997 March	Relocation Paper.
March	Relocation v Upgrade 1997 Report.
March	Upgrade or Relocate Paper.
28 March	Notice to All Residents (letter drop).
09 April	Public Meeting.
10 April	Written concerns and comments due to the P&C.
07 June	Residents and parents met with the Minister, as Member for Cottesloe.
April	The first parent survey was administered by the P&C (close of poll 2/5/97).
August	Second parent survey administered by the Electoral Commission (close of poll 18/8/97).

- (4) Both the Public Meeting and P&C Meeting took place in the Swanbourne Primary School Hall.
- (5) Yes. The Minister participated in the meeting with parents and residents on 7 June, 1997.
- (6) Staff from Swanbourne Primary School developed and distributed the “Relocation v Upgrade March 1997” Paper and the “Relocation” Paper February 1997.



- (7) Yes. Parents of all primary school students, including Kindergarten and Pre-Primary School parents were invited to participate in the consultation process.
- (8) Not applicable.

SWANBOURNE PRIMARY SCHOOL, RELOCATION

1315. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) What consultations did the Minister for Education or officers of the Education Department conduct with the parents of younger than school age children living in the Swanbourne Primary School catchment area prior to the decision to relocate the school?
- (2) How did these consultations take place?
- (3) When did they take place?
- (4) Where did they take place?
- (5) Did the Minister personally participate?
- (6) Which Education Department officers participated?
- (7) Where did the consultations take place and were all such parents invited to participate?
- (8) If such consultations did not take place, why did they not take place?

Hon N.F. MOORE replied:

- (1) Parents of Kindergarten, Pre-Primary and Primary school students were engaged in the consultation process as outlined in Question on Notice 1314. Parents with children younger than this were engaged in the consultation process as part of the general community. Details of these processes are outlined in Question on Notice 1316.
- (2)-(7) Refer to Questions on Notice 1314 and 1316.
- (8) Not applicable.

SWANBOURNE PRIMARY SCHOOL, RELOCATION

1316. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) What consultations did the Minister for Education or officers of the Education Department conduct with the general community of the Swanbourne Primary School catchment area prior to the decision to relocate the school?
- (2) How did these consultations take place?
- (3) When did they take place?
- (4) Where did they take place?
- (5) Did the Minister personally participate?
- (6) Which Education Department officers participated?
- (7) How was the general community invited to participate?
- (8) If such consultations did not take place, why did they not take place?

Hon N.F. MOORE replied:

- (1) The community within the school catchment area was informed that the relocation of the school was being considered. The community was informed of the availability of an information package that contained a detailed document comparing the upgrade option with the relocation option. Community members were also encouraged to write to the Parents and Citizens Association (P&C) with their concerns and were invited to attend a Public Meeting on 9 April 1997. A meeting was also held with the Minister, as Member for Cottesloe, in June 1997.
- (2) Community members were consulted:
  - Through a letter drop informing them of the issues and availability of a detailed report.
  - Through written responses to the P&C.
  - Through participation at the Public Meeting of 9 April 1997.
  - Through the opportunity of attending a meeting with the Minister, as Member for Cottesloe. The Minister's electorate office issued invitations to those community members who had contacted him on this issue, and notice of the meeting was also included in the school newsletter.
- (3) Letter drop conducted on 28 March 1997, with written responses due to the P&C President by 10 April 1997. Public meeting 9 April 1997.

Parents and residents met with the Minister on 7 June 1997.

- (4) Both the 9 April and 7 June meetings took place in the Swanbourne Primary School Hall.
- (5) Yes. The Minister for Education participated in the meeting with parents and residents on 7 June 1997.
- (6) Principal and staff only.
- (7) Through the letter drop, invitations from the local member's office, and notice in the school newsletter.
- (8) Not applicable.

#### SWANBOURNE PRIMARY SCHOOL, RELOCATION

1317. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) Will the Minister for Education confirm that neither himself nor any officers of the Education Department consulted with the Town of Claremont regarding the relocation of Swanbourne Primary School prior to the decision to relocate the school?
- (2) If such consultations did take place when did they take place?
- (3) Where did they take place?
- (4) Which officers or elected officials were consulted?
- (5) If such consultations did not take place, why did they not take place?

Hon N.F. MOORE replied:

- (1)-(5) Officers at the Education Department and the architectural consultants, Parry and Rosenthal Architects, consulted with the Town of Claremont and the City of Nedlands on a number of planning matters following the decision to relocate the school. The District Director for the Perth District Education Office, the A/Manager Local Area Education Planning and the A/Principal Swanbourne Primary School also attended a meeting with the Town of Claremont on 5 August 1998 regarding Swanbourne Primary School.

#### GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1331. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

For all Government departments and agencies under the Minister for Planning's control -

- (1) How many contracts have reimbursed unsuccessful contractors in -
  - (a) 1995/96;
  - (b) 1996/97;
  - (c) 1997/98; and
  - (d) since July 1, 1998?
- (2) For each contract which reimbursed unsuccessful contractors, can the Minister state -
  - (a) the contract number;
  - (b) the date the contract was awarded;
  - (c) the project the contract was awarded for;
  - (d) the successful tenderer;
  - (e) the unsuccessful tenderer/s;
  - (f) the original cost of the contract;
  - (g) the actual final cost of the contract;
  - (h) the amounts paid to unsuccessful tenderer/s; and
  - (i) the names of the unsuccessful tenderer/s?

Hon PETER FOSS replied:

Ministry for Planning and Western Australian Planning Commission

- (1) (a)-(d) Nil.
- (2) (a)-(i) Not applicable.

Office of the Minister (Planning Appeals)

- (1) (a)-(d) Nil.
- (2) (a)-(i) Not applicable.

East Perth Redevelopment Authority

- (1) (a)-(d) Nil.
- (2) (a)-(i) Not applicable.

Subiaco Redevelopment Authority

- (1) (a) Nil.
- (b) One.
- (c)-(d) Nil.

- (2) (a)-(i) Details of unsuccessful tenderers shall remain confidential in accordance with State Supply Commission Policy 1.3 Quotations and Public Tenders.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1335. Hon LJILJANNA RAVLICH to the Attorney General:

For all Government departments and agencies under the Attorney General's control -

- (1) How many contracts have reimbursed unsuccessful contractors in -
- (a) 1995/96;
  - (b) 1996/97;
  - (c) 1997/98; and
  - (d) since July 1, 1998?
- (2) For each contract which reimbursed unsuccessful contractors, can the Attorney General state -
- (a) the contract number;
  - (b) the date the contract was awarded;
  - (c) the project the contract was awarded for;
  - (d) the successful tenderer;
  - (e) the unsuccessful tenderer/s;
  - (f) the original cost of the contract;
  - (g) the actual final cost of the contract;
  - (h) the amounts paid to unsuccessful tenderer/s; and
  - (i) the names of the unsuccessful tenderer/s?

Hon PETER FOSS replied:

- (1) (a)-(d) Nil
- (2) (a)-(i) Not applicable

CONSULTANTS' REPORTS, TABLING

1366. Hon TOM STEPHENS to the Leader of the House representing the Minister for Resources Development:

I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister table the "Feasibility Study of the establishment of a support base for offshore oil and gas industry in the Kimberley Region" prepared by BHP Engineering Pty Ltd during the period April to July 1998?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) I publicly launched this report in Broome on 17 December 1998. Since that time it has been freely available through the Department of Resources Development and can be downloaded from the Department's Home Page at [www.drd.wa.gov.au](http://www.drd.wa.gov.au). The media release I issued in December detailed these access arrangements. I understand that there has been broad public interest in the report. In the circumstances I do not believe it necessary to table the report, but do so for the information of members. [See paper No 1031.]
- (2) Not applicable.

FORMER PUBLIC SERVANTS, GOVERNMENT CONSULTANCIES

1458. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) Which public servants have ceased working in the Public Service and are now engaged in consultancies for the Government since 1993?
- (2) On what date did each such occurrence take place?
- (3) Did any of these former public servants receive redundancy packages and, if so, which ones and what were the value of the packages?
- (4) Did any of the redundancy packages proscribe re-employment by the Government and, if so, which packages and what were the specific terms proscribing re-employment?
- (5) How does this proscription impact on consultancies provided by former Government employees and the businesses who have engaged them?
- (6) How does the Minister for Public Sector Management justify the potential conflict of interest and breach of confidentiality of former government employees using knowledge acquired while in the public service in their new occupations?
- (7) Does the Minister acknowledge that the use of such interest could possibly be detrimental to the public interest?

Hon MAX EVANS replied:

- (1)-(3) No central record of the details sought is maintained.

- (4)-(5) The Public Sector Management (Redeployment and Redundancy) Regulations 1994 state that a person who accepts an offer of voluntary severance shall not subsequently be employed in the public sector for a period equal to the total number of weeks of pay included in the severance payment.
- (6)-(7) The use of knowledge acquired by former government employees is a matter that is well covered by the existing law. Should concerns arise in relation to such an issue, the State would be able to enforce its legal rights, for example, through injunctive proceedings.

#### EDUCATION, CURRICULUM COUNCIL'S CONSULTATION ON MULTICULTURAL NEEDS

1502. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) What steps have been taken by the Curriculum Council of Western Australia to ensure that -
- (a) the present curriculum framework; and
  - (b) reviewing of the curriculum framework,
- reflects in its inclusiveness the nature and needs of children of non-English speaking, cultural and linguistic diverse backgrounds are fully met?
- (2) What community consultation has been undertaken by the Curriculum Council to ascertain the needs of children of non-English speaking, cultural and linguistic diverse backgrounds?
- (3) Which community groups and organisations have been consulted?
- (4) When did this consultation take place?

Hon N.F. MOORE replied:

- (1) (a) During the drafting and consultation phase of the development of the Curriculum Framework:
- Inclusivity guidelines for writers and Committee members were developed. The purpose of these was to ensure the needs of students from culturally and linguistically diverse backgrounds were taken into account.
- All Committees and writers attended a workshop to ensure that they were aware of the importance of the inclusivity guidelines and that these were applied appropriately in writing the Draft Curriculum Framework.
- An inclusivity working party met seven times from July 1996 to March 1998 to provide advice on the emerging draft documents. This group also considered all of the feedback on the Draft Curriculum Framework and provided advice on how to revise the Framework to take account of the feedback.
- (b) Formal review of the Curriculum Framework has not yet commenced. When this process is undertaken, the Curriculum Council will continue to consult widely with community groups representing students from culturally and linguistically diverse backgrounds.
- (2) When the eight community reference groups were established, nominations for membership of these groups were sought by the Curriculum Council from the Ethnic Communities Council of WA. Five members involved in development of the Curriculum Framework were nominated by groups representing children from culturally and linguistically diverse backgrounds.
- During the community consultation phase a special meeting was convened with groups from non-English speaking, culturally and linguistically diverse backgrounds. This meeting was held on 30 September 1997. At the meeting participants were encouraged to respond to the Draft Curriculum Framework using the consultation questionnaire. A number of submissions were received. These included written submissions from the Australian Asian Association of WA (30 September 1997) and the Western Australian Teachers of English as a Second Language (3 November 1997).
- A teacher focus group representing students from culturally and linguistically diverse backgrounds reviewed the consultation draft Framework, 12 November 1997.
- (3) A list of the groups who were specifically approached by the Council is attached. Many other groups provided advice on these issues. [See paper No 1039.]
- (4) See (1) and (2) above.

#### GNANGARA LAND USE AND WATER MANAGEMENT STRATEGY

1540. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

- (1) Why has the Gngangara Land Use and Water Management Strategy not been released for public comment?
- (2) Does the Minister for Planning recall the assurance he gave to me in response to Question 261 of September 8, 1998 that GLUWMS would be released for public review last year?
- (3) Why has the Minister failed to keep this commitment?

(4) When will GLUWMS be released for public comment?

Hon PETER FOSS replied:

(1)-(4) It is anticipated that the Gngangara Land Use and Water Management Strategy will be released by the end of the financial year. There has been a considerable amount of cross-portfolio coordination required which has slowed the release.

#### FRIARS REPORT, REVIEW PANEL

1549. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

In relation to the FRIARS report the Minister for Planning stated on March 25, 1999 that an independent review panel would be established to assist in the finalisation of the plan and to undertake public hearings -

- (1) Has that panel been established?
- (2) If yes, who is on the panel and what organisation do they represent?
- (3) If not, why not, given that over three weeks has elapsed since the announcement?
- (4) How many public hearings will be held and where will they be held?
- (5) What community organisations were contacted for an opinion as to who should be represented on the panel?
- (6) If none, why not, given the significant community concern over the issue?

Hon PETER FOSS replied:

- (1) The panel has not been appointed as yet. It will be announced before the end of the submission period on FRIARS.
- (2)-(6) Not applicable.

#### QUESTIONS WITHOUT NOTICE

##### STATE BUDGET, FAMILIES WORSE OFF BY 80 CENTS A WEEK

**1167. Hon TOM STEPHENS to the Leader of the House representing the Premier:**

I refer to the Premier's claim that as a result of the 1999-2000 budget a typical family would be 80¢ worse off a week and ask:

- (1) Will the minister table the methodology to calculate this figure?
- (2) If not, why not?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

(1)-(2) The model used to calculate the dollar impact on an "average" household of the increases in tariffs and charges assumes -

average electricity, 4 000 kilowatt hours per annum; gas, 13.7 units per day, or 18 gigajoules per annum; and water consumption, 333 kilolitres per annum per household;

an average gross rental value for the household's property, for sewerage and drainage rating purposes;

the household consumes five standard two-zone Transperth fares and 10 concession one-zone Transperth fares each week; Transperth fares are purchased using the lowest cost means available - that is, using multirider plus;

the household owns one car, a Holden Commodore;

only one adult in the household is employed, earning average weekly ordinary time earnings which is directly credited to the household's bank account;

the household makes two withdrawals of \$100 per week; and

the household pays representative home and contents and motor vehicle insurance.

The increases faced by the "average" household as a result of measures taken in the 1999-2000 budget are around \$41.52 a year. The main components are -

an increase in water, sewerage and drainage rates and tariffs, generally of 2 per cent - expected impact \$14.32;

a 3.6 per cent increase in compulsory third party insurance premiums - expected impact \$7.70;

a 10¢ increase in the price of a standard two-zone bus fare to \$2.50; however, the use of multirider plus fares reduces the annual impact of this increase to \$19.50.

CHEMICAL SPRAYING, KIMBERLEY

**1168. Hon TOM STEPHENS to the minister representing the Minister for Primary Industry:**

Following further weekend media coverage of problems relating to the spraying of chemicals contained in unmarked 44-gallon drums of chemical concentrate in the Kimberley region in the late 1970s, I ask -

- (1) What chemical concentrate was contained in the drums referred to?
- (2) If unknown, what inquiries have been made or will the minister make as to what was contained in the drums?
- (3) What inquiries or studies have been carried out as to the health effects of working with herbicides 2,4-D, 2,4,5-T and the unknown chemical?
- (4) What steps will the minister take to ensure that proper compensation is paid to anyone adversely affected by being involved in the spraying of those chemicals?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question. It is an extremely complex issue that occurred almost 30 years ago. The matter will involve considerable investigation and I request that the question be placed on notice.

STATE BUDGET, DEFICIT

**1169. Hon N.D. GRIFFITHS to the Minister for Finance:**

- (1) Will the minister confirm that the 1999-2000 budget forecasts a general government deficit of \$640m and a consolidated revenue fund deficit of \$338m?
- (2) If not, what forecasts of general government and consolidated revenue fund deficits does the budget forecast?

**Hon MAX EVANS replied:**

I am glad that the member asked that question. That deficit is in respect of all consolidated government - that is, all statutory authorities such as Main Roads, the Water Corporation, the Department of Conservation and Land Management and so on - as one bulk entity. As I said the other day, under the previous Government recurrent income over recurrent expenditure had only a \$30m surplus over 10 years, of which \$9m was superannuation. All capital expenditure across the agencies came out of borrowed funds because they created no surplus of current income over current expenditure. The deficit this year of surplus of income over expenditure was not enough to cover the full capital expenditure. Under consolidated accrual accounting the balance sheet and the profit and loss account cover all agencies and statutory authorities, and total borrowings produce a deficit this year. As for anyone who runs a house, borrowings go in steps; they do not go straight. The previous Government had borrowings going up a straight graph every year because it generated no surplus. The current capital expenditure was all borrowed money - about \$3b over those 10 years. It was a lot of money.

Hon Bob Thomas: Every year?

Hon MAX EVANS: If Hon Bob Thomas wants a lesson, I will give him one. The previous Government had a straight growth of debt. We have kept a big surplus in recent years. We have accumulated far greater than the amount of shortfall this year. The shortfall this year relates to the extra roads, the Water Corporation, housing, the pipeline from Harvey to Perth and so on; they are the main new items, plus several police stations and schools. We are proud of our capital expenditure. It should be done in steps. In all other years there was a big surplus which was far greater than the shortfall this year.

FREMANTLE LEGAL AID OFFICE

**1170. Hon J.A. SCOTT to the Leader of the House representing the Attorney General:**

- (1) Is the Attorney General or the Ministry of Justice considering closing the Fremantle Legal Aid Office?
- (2) Whom has the minister consulted in relation to the proposed closure?
- (3) Over the past 12 years, how many people have used that service?
- (4) If the Fremantle office is closed, which is the nearest office for people in the South Metropolitan Region?
- (5) Will the Attorney General give details of any contact he has had from community-based legal centres urging him to retain the Fremantle office?
- (6) Is the proposed closure a result of the Attorney General's failure to provide adequate funding for legal aid in this State?

**Hon N.F. MOORE replied:**

By way of information, the Attorney General is ill today, so I will answer questions on his behalf. I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) The Attorney General will take this question on notice and respond directly to the member; however, in the interests of administrative efficiencies, the member may care to narrow his query to services delivered in the past two years.
- (4) Perth.
- (5) The decision is not the Attorney General's but that of the Legal Aid Commission.
- (6) No. The Attorney General is advised that the Legal Aid Commission has been reviewing the -

Hon John Halden: Rubbish.

Hon N.F. MOORE: Perhaps Hon John Halden should answer the question.

Hon Ljiljanna Ravlich: He would do a better job than you.

Hon N.F. MOORE: Is she still here, Mr President?

Hon Tom Stephens: You bet she's here.

Hon N.F. MOORE: I was hoping that the Labor conference on the weekend might have declared her seat vacant, as she is between the ears at times. To continue -

- (6) No. The Attorney General is advised that the Legal Aid Commission has been reviewing the location and role of regional offices for some time and that alternative means of delivering services to the Fremantle catchment area are under active consideration as part of an overall restructuring plan for the organisation. The Attorney General will advise the member further when the results of the commission's deliberations are forwarded to him. The State Government has provided an additional \$500 000 this year for specific-purpose - Dietrich - matters on top of the \$2.057m increase for the year ended 30 June 1998. The base level of State Government funding for legal aid has increased by \$3m over the past two years.

#### CANNING VALE PRISONER, WOUNDING

**1171. Hon HELEN HODGSON to the Leader of the House representing the Minister for Justice:**

- (1) Is the Minister for Justice aware that a prisoner was stabbed and seriously wounded at Canning Vale Prison on Monday, 10 May 1999?
- (2) How many prisoners were located in the area where the incident took place at the time of the incident?
- (3) How many prison staff were on duty in that area at the time of the incident?
- (4) Did any prison staff witness the incident?
- (5) Is there a recommended ratio of prisoners to prison staff for Canning Vale Prison and does it vary between different areas of the prison?
- (6) If so, what is the recommended ratio in the area where the incident took place?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Thirty.
- (3) Three.
- (4)-(5) No.
- (6) Not applicable.

#### EDUCATION DEPARTMENT, TRIAL PROGRAM

**1172. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Education:**

Some notice of this question has been given. Will the Education Department's trial program to transfer key decision-making programs from central office to schools include schools in regional areas, or is it limited to the Perth metropolitan area?

Hon Bob Thomas: And will resources be devolved?

**Hon N.F. MOORE replied:**

Of course. Members opposite have never seen a budget for Education like the one just announced.

A pilot program will commence during 1999 with 30 schools assisting in the development of models for local management of schools. Schools will test options for local management in areas such as learning programs, infrastructure, finance, human resources, governance and accountability. The key objective of increasing local management of schools is to provide more scope for decision making at the local level in order to enhance educational outcomes for students. The trial aims to generate information on the effectiveness of increased local management responsibilities. To achieve this, schools will be chosen from a range of types, locations and socioeconomic backgrounds, including schools in regional areas. It is a pity that Hon Ljiljanna Ravlich believes teachers are incapable of managing their own affairs.

## NAVAL BASE PORT, STAGE 1

**1173. Hon JOHN HALDEN to the Minister for Transport:**

Some notice of this question has been given. Last week the minister advised the House that stage 1 of the Naval Base port will cost the proponents \$50m.

- (1) What will be the cost to the Government to provide the necessary infrastructure for the construction and operation of the port?
- (2) Can those costs be broken down?

**Hon M.J. CRIDDLE replied:**

- (1) Navigation channels together with road and rail access, water supply and power already exist at the proposed port site. Government expenditure on infrastructure will therefore be limited to improvements that will enhance access to the new facilities and enable industrial development of adjacent land parcels. Improvements to the road and rail connections, if required, will be the subject of detailed negotiations with the preferred tenderer. Ballpark estimates for potential infrastructure improvements associated with the \$50m stage one of the private port are approximately \$3m for road improvements and \$2m for rail improvements. I stress that that would be necessary at the time they are required.
- (2) At this stage, those estimates have not been broken down further than stated.

This in no way diminishes our requirement for the Fremantle port, which the Government sees as essential well into the future.

## SOUTH WEST VOLUNTEER REFERRAL CENTRE, FUNDING

**1174. Hon J.A. COWDELL to the minister representing the Minister for Health:**

- (1) Is the minister aware that the south west volunteer referral centre, which has been funded previously by the Health Department, has been unable to secure funding for the 1999-2000 financial year?
- (2) Why has funding for this important community service been withdrawn?
- (3) Will the Government assist the south west volunteer referral centre with funding from other government sources?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes. The Minister for Health is also aware that this service was previously funded by the Bunbury Health Service and not by the Health Department of Western Australia.
- (2) The volunteer referral service is not part of the core business of the Bunbury Health Service and is not a part of the MOU for service delivery in primary health care between the Health Department of Western Australia and the Bunbury Health Service.
- (3) So far no other organisation or agency has been willing to fund the salary for the voluntary referral service. The local Bunbury HACC service has offered office space.

## MANYINGEE URANIUM MINE

**1175. Hon GIZ WATSON to the minister representing the Minister for Health:**

With reference to the disposal of uranium product left by Total Mining as a result of its solution mining trials at the Manyingee site near Onslow -

- (1) Was a permit granted for the disposal of this material under the Radiation Safety Act?
- (2) Was the manner of disposal second acceptable to the Commissioner of Health?
- (3) What was the method of disposal?



- (4) Was the site inspected by the radiation health branch?
- (5) Is the site still monitored by the Department of Health or the radiation health branch?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) Encapsulated and returned to the strata from whence it came.
- (4) Yes.
- (5) No. The site is now under the jurisdiction of the Department of Minerals and Energy.

HOSPITAL ADMISSIONS, MORTALITY RATES

**1176. Hon NORM KELLY to the minister representing the Minister for Health:**

- (1) What are the current rates of mortality in hospital admissions from respiratory illnesses in -
  - (a) the State; and
  - (b) the Swan Health Service area?
- (2) What are the current rates of mortality and hospital admissions for lung cancer in -
  - (a) the State; and
  - (b) the Swan Health Service area?
- (3) If the current rates in the Swan Health Service area are higher than the state average, can the minister explain the reasons for this?
- (4) Have the rates in the Swan Health Service area increased in the past five years and, if so, by how much?
- (5) Can the minister give an assurance that existing and proposed fluoride emissions from brickworks in the Swan Valley area will not be a threat to human health?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. I have been advised that it will take some time to source this information and request that this question be placed on notice.

BOSTON HOTEL, PUBLIC TENDERS

**1177. Hon DERRICK TOMLINSON to the minister representing the Minister for Disability Services:**

Some notice of this question has been given.

- (1) When did the Disability Services Commission call for public tenders for the purchase of Boston Hostel at Lewis Road, Wattle Grove?
- (2) When did tenders close?
- (3) How many tenders were received?
- (4) Who was the successful tenderer?
- (5) What was the value of the successful tender and were any conditions attached to it?

**Hon M.J. CRIDDLE replied:**

I do not have that answer at this time.

The PRESIDENT: If the answer comes to hand before the end of question time it can be provided.

MEEKATHARRA, COMMUNITY BANK

**1178. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:**

Some notice of this question has been given. I refer to reports that Meekatharra residents are being asked to pledge money towards the establishment of a community bank in the town and ask -

- (1) Other than a contribution of up to \$10 000 for assistance in undertaking a feasibility study, what state government support will be made available to this community initiative in Meekatharra?
- (2) Will the minister table the requirements for obtaining the maximum assistance and, if not, why not?
- (3) What steps will the Government take to ensure that new community-based banking initiatives such as this will have the necessary protection for the funds banked and invested by local communities?

**Hon N.F. MOORE replied:**

- (1) No other state government financial support is available.
- (2) The guidelines for the Department of Commerce and Trade's regional coordination fund are hereby tabled for the information of members.

[See paper No 1030.]

- (3) The role of the State Government in this matter is to make communities aware of the options available to them in respect of alternative financial services. Communities must make the final decision on what form of service they require. The minister understands that the community bank would be established by Bendigo Bank in conjunction with the local community. The Bendigo Bank is subject to normal regulations.

EDUCATION AREA PLANNING GROUP, BUNBURY

**1179. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:**

In relation to the local area education planning group for the Bunbury area -

- (1) Has the minister agreed to the appointment of an independent arbitrator to assist this group?

If yes -

- (2) what is the role of the arbitrator;
- (3) when will the arbitrator be appointed; and
- (4) when will the report on the Bunbury area be concluded?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) The Director General of Education has advised the Minister for Education of her decision to appoint an independent facilitator to assist the local area education planning group for the Bunbury area.
- (2) The independent facilitator will assist the District Director (Bunbury) in completing the consultation phase for the secondary local area education planning for Bunbury.
- (3) The independent facilitator will be appointed as soon as contractual arrangements are finalised.
- (4) The consultation phase for secondary local area education planning for Bunbury will be completed by the end of 1999.

KUNUNURRA DISTRICT HIGH SCHOOL AND MT MAGNET SCHOOL

**1180. Hon TOM HELM to the Leader of the House representing the Minister for Education:**

- (1) Has sufficient funding been provided in the 1999-2000 budget to ensure -
  - (a) that years 11 and 12 will be available at the Kununurra District High School by the commencement of the next school year; and
  - (b) the construction of a permanent school in Mt Magnet to replace the current demountable school?
- (2) If not, when will such funding be allocated and when will -
  - (a) years 11 and 12 be available at Kununurra District High School; and
  - (b) a permanent school be constructed in Mt Magnet?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question and ask that it be placed on notice.

INFORMATION TECHNOLOGY AND TRAINING SKILLS TASK FORCE

**1181. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:**

I refer to the minister's advice of 18 March 1999 that the Office of Information and Communications is participating in the Information Technology and Training Skills Task Force and ask -

- (1) Is the minister aware of the reported comments of the Chairman of the Information Technology and Training Skills Task Force, Mr Gerry Moriarty, that "Australia faced a shortage of up to 200 000 skilled information technology and training staff over the next several years"?
- (2) Has the minister or the Office of Information and Communications consulted Mr Moriarty as to the basis of this estimated 200 000 staff shortage?
- (3) If yes, will the minister table a summary of the information derived from this consultation?
- (4) If no such consultation has occurred, why not?

- (5) What proportion of the 200 000 staff shortage estimated by Mr Moriarty is expected to impact on Western Australia?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The Office of Information and Communications has consulted with Mr Moriarty about the basis of this estimated 200 000 staff shortage.
- (3) Reference to the 200 000 shortage of skilled information technology and training staff was made by Mr Moriarty during a speech at the Envision Conference on 26 October 1998. This figure was obtained at that time from the Australian Information Industry Association. The figure represented only one view of industry and was reportedly extrapolated from data on United States trends.
- (4) Not applicable.
- (5) As part of the information technology and training skills task force initiatives the Deloitte & Touche Consulting Group will be conducting a national survey of 4 000 companies to measure skill shortages in the information technology and training area. This survey will include Western Australia and is expected to be completed by mid-1999.

AGRICULTURE WESTERN AUSTRALIA, SEVERANCES AND REDUNDANCIES

**1182. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:**

- (1) How many applications have been made within Agriculture Western Australia for
- (a) voluntary severance; and
- (b) substituted severance
- during the current financial year?
- (2) How many of those applications have been granted?
- (3) What is the department's policy on severance and redundancy?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) (a) Ten;
- (b) two.
- (2) Eleven applications have been granted.
- (3) Applications for severance are considered on a case-by-case basis. Issues taken into account include whether there is an alternative position for the employee and whether the person has become surplus to the requirements of the agency.

STATE PLANNING COMMISSION, PORT BEACH LAND

**1183. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Planning:**

- (1) Are any proposals concerning the land between Port Beach and Stirling Highway before the State Planning Commission?
- (2) If so, what has been proposed and at what stage is the proposal?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

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

WESTERN POWER CORPORATION, INTEGRATED POWER SERVICES

**1184. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:**

I refer to the minister's briefing note of 10 October 1997 to the Managing Director of Western Power Corporation regarding Western Power's joint venture company Integrated Power Services and ask -

- (1) Did the minister ask for a copy of a confidential Integrated Power Services annual report?
- (2) Did the minister also request the inclusion of IPS in the strategic development plan because "using public funds requires accountability"?
- (3) Given this reason and in the interests of accountability generally, will the minister table the annual plan and the strategic development plan?

(4) If not, why not?

**Hon N.F. MOORE replied:**

In view of the time the member has waited to ask the question I regret this answer but -

Hon Ljiljanna Ravlich: This has been resubmitted.

The PRESIDENT: Order! If Hon Ljiljanna Ravlich wants to interject, I will ask the Leader of the House not to answer the question.

Hon Ljiljanna Ravlich: Well, he's not going to anyway.

The PRESIDENT: Give him half a chance.

Hon N.F. MOORE: I ask that the question be placed on notice.

BUS AND COACH ASSOCIATION

**1185. Hon CHERYL DAVENPORT to the Minister for Transport:**

- (1) Can the minister explain why, having spent six years working with the bus and coach association to develop a legislative scheme of standards for safety and maintenance and having introduced the legislation into Parliament a year ago amid a fanfare of publicity, the Government changed its mind over the dinner break last Tuesday and voted against its own legislation?
- (2) Did the minister consult with the bus and coach association before abandoning six years of work?

The PRESIDENT: There are a lot of inferences and implications in that question.

**Hon M.J. CRIDDLE replied:**

This is an issue with which the Government has had some difficulty in the past. Widespread negotiations have been held with members of the Government and after due consideration the Government decided to withdraw the scheme on the understanding that the industry had the ability to set standards through its own mechanisms.

WATER CORPORATION, SUPPLY OF HARD WATER

**1186. Hon KEN TRAVERS to the minister representing the Minister for Water Resources:**

- (1) Will the Water Corporation compensate shires, residents and businesses which have experienced equipment damage caused by the supply of hard water?
- (2) When does the Water Corporation propose to establish the customer complaints and investigation, conciliation and arbitration process set out in schedule 2 of its operating licence?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No. The water supplied complies with all regulatory guidelines.
- (2) The process was established in 1996, as required in the operating licence issued by the Office of Water Regulation.

REGIONAL FOREST AGREEMENT, RAINFALL FACTOR

**1187. Hon NORM KELLY to the minister representing the Minister for the Environment:**

- (1) Was the steady decline in average rainfall in the south west this century, which is anticipated to continue next century, factored into the calculation of the sustainable yield from state forests for the Regional Forest Agreement?
- (2) If yes, what is the estimated average rainfall for the towns of Manjimup and Pemberton in 50 and 100 years' time?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) The report of the independent expert panel appointed to review the calculation of the sustainable sawlog yields for the jarrah and karri forests of Western Australia for the Regional Forest Agreement states on page 3 -

REVIEW OF RESULTS OF WHOLE-OF-FOREST YIELD SCHEDULES

A number of simulations of alternative harvesting schedules were run or examined for jarrah, karri and marri sawlogs, using the agreed reserve design. Only those which illuminate these issues are reported here. All of these simulations were based on the same annual incremental yields of timber per hectare which took into account the variation in productivity across the forest estate due to variations in rainfall, fertility, past cutting history, disease etc.

The future monitoring of growth rates of jarrah and karri trees in permanent inventory blocks will directly

incorporate the response to variations in rainfall. The growth models used to calculate the sustained wood yields will continue to be updated taking this information into account.

MEEKATHARRA SCHOOL OF THE AIR

**1188. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:**

- (1) Will the minister ensure that the Meekatharra School of the Air is classified as a difficult-to-staff school?
- (2) What steps are being taken to improve the standard of teacher housing available to staff at the Meekatharra School of the Air?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) The Meekatharra School of the Air was classified as a difficult-to-staff school in 1998 when the program was initiated.
- (2) The Education Department has asked the Government Employees Housing Authority to provide four, four-bedroom/two-bathroom houses and three two-bedroom units to replace existing accommodation for the Meekatharra teachers. That request is still subject to GEHA approval.

GARDEN ISLAND, RELOCATION OF NAVY

**1189. Hon J.A. SCOTT to the Leader of the House representing the Minister for Planning:**

- (1) In his portfolio responsibilities, has the minister or his staff discussed or exchanged correspondence with a member of the Federal Government on the plan to relocate the naval installation now located on Garden Island? If yes, with whom, and when did this contact take place?
- (2) Will the minister table all correspondence on this matter?
- (3) Is the minister aware of attempts to procure mineral sands mining leases on or around Garden Island?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) No. The member obviously believes everything he reads in the newspaper. The Minister for Planning is not suggesting that the naval base at Garden Island be moved. What he is suggesting, as planning minister, is that some thought should be given to the future of Garden Island in the State's development. It is a pity the member has no vision for the future and cannot comprehend planning beyond his immediate political timetable.

Hon Kim Chance: Come on!

Hon Ljiljanna Ravlich: Get a life!

Hon N.F. MOORE: That is what the Minister for Planning thinks. He is entitled to say so. If the member asks a dopey question, he gets this sort of answer.

- (2)-(3) Not applicable.

POLICE SERVICES, CARNARVON AND YALGOO

**1190. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:**

- (1) Has sufficient funding been allocated in the 1999-2000 state budget to -
  - (i) upgrade Carnarvon Police Station to a 24-hour staffed station?
  - (ii) upgrade Yalgoo Police Station to a two-officer station?
- (2) If not, when will such funding be allocated and those upgrades take place?

**Hon N.F. MOORE replied:**

- (1)
  - (i) Carnarvon Police Station already operates 24 hours a day, either from the premises or via mobile units connected by radio or mobile telephone within the townsite of Carnarvon. It is expected that this will continue and sufficient funding will be allocated for normal operating budgets by the regional commander, southern region, to ensure appropriate levels of service are maintained.
  - (ii) The Western Australia Police Service is not upgrading Yalgoo Police Station to a two-officer station. Commander Balchin has recently conducted a review of staffing levels within the central police region, and there is insufficient workload to justify a second officer at Yalgoo.
- (2) The allocation of resources is an operational matter for the Western Australia Police Service. Funding was not a criterion in the decision not to place a second officer at Yalgoo.