



WESTERN AUSTRALIA

Parliamentary Debates

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THIRTY-FIFTH PARLIAMENT
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LEGISLATIVE COUNCIL

Thursday, 19 August 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

GOVERNMENT PRIORITIES AND FUNDING COMMITMENTS

Motion

Resumed from 18 August on the following motion moved by Hon Tom Stephens (Leader of the Opposition) -

That this House -

- (a) condemns the Government for its misplaced priorities and funding commitments to projects such as the belltower and the convention centre at the expense of core areas of state government responsibility such as health, education, community safety and public transport; and
- (b) calls upon the Government to remedy its failure to deliver government services at affordable rates and give priority to hospitals, schools, police and public transport.

HON LJILJANNA RAVLICH (East Metropolitan) [11.03 am]: I welcome the opportunity to continue my remarks. At the conclusion of my remarks yesterday I was endeavouring to explain how my comments related to the motion. I am confident that was done.

I want to look at some of the recent events relating to the death of the late Mark Allen. I will pick up the events from the point of view of what has happened most recently. On 14 July, either the District Court or the Court of Petty Sessions fined Mr Bobrowicz, the director of Hi Tec Demolition Pty Ltd, \$7 000 plus \$3 000 court costs for the cause of the death of the late Mark Allen. No-one in the Allen family was advised that this matter was being settled. If you can believe this, Mr President, WorkSafe did not even have the courtesy to inform Mr and Mrs Allen that this matter was being settled. It was not until 10 August, nearly a month later, that Brian Bradley, the Acting Commissioner of WorkSafe WA, phoned Frank Allen, the late Mark Allen's father, to advise him of the outcome of the court hearing. Brian Bradley, knowing the devastating impact the news was likely to have on the Allen family, phoned Frank Allen on 10 August and met with him on the morning of 11 August. Mr Bradley apologised to Frank Allen for what had happened in relation to the court determination. He explained that the court had issued the fine under section 55 of the Occupational Safety and Health Act.

It is appalling that the family had not been notified. This case had been in and out of the Coroner's Court for approximately two and a half to three years. It had been in the Coroner's Court on five occasions. To allow this matter to have been settled through what I understand was a plea bargain, where a deal was done between WorkSafe WA and Hi Tec Demolition, is an absolute disgrace. For WorkSafe not to have an obligation to advise the parents of the deceased person concerned is nothing short of absolutely disgusting.

Brian Bradley advised Frank Allen that Crown Law had determined that it would not be in the public interest to pursue the matter any further given that Hi Tec no longer existed. This is very revealing in itself. The following information was confirmed in an article by John Flint in *The West Australian* of 14 August 1999 in which he wrote -

WorkSafe WA said that it could only take action against Mr Bobrowicz, as a business director and not as an employer, because he had wound up his firm, Hi Tec Demolition.

The first thing I did was to ask one of my research people to undertake a company search of Hi Tec Demolition. Guess what, Mr President? Surprise, surprise, Hi Tec has not been wound up! That leaves some very serious explaining. If it took my research officer no more than two hours to find out that Hi Tec Demolition has not been wound up and that, therefore, the charge should have been brought under section 19 of the Occupational Safety and Health Act and not under section 55, and WorkSafe WA could not manage to do that in two years, quite frankly, WorkSafe WA should close up shop. I am absolutely disturbed, appalled and saddened that the Acting Commissioner of WorkSafe WA peddles this sort of nonsense and demonstrates such a disregard for the law. I will be calling upon him and the minister to make a public statement on why Mr Bobrowicz was not charged under section 19 of the Occupational Safety and Health Act.

I want quickly to go to section 19 which covers duties of employers, one of whom Mr Bobrowicz was at the time of the accident and still is because he has an operational company. It reads -

19. Duties of employers

- (1) An employer shall, so far as is practicable, provide and maintain a working environment in which his employees are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall -
 - (a) provide and maintain workplaces, plant, and systems of work such that, so far as is practicable, his employees are not exposed to hazards;

We know from the Coroner's Court that was clearly not the case. Safety hazards were all over the show on that demolition job. Mr Bobrowicz should be awarded a big cross for it and should have been done for it. The section continues -

- (b) provide such information, instruction, and training to, and supervision of, his employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;

That was clearly not the case. There were fires all over the site; there was asbestos being burnt. There were no harnesses for workers working at great heights to secure themselves and no safety railings. The list goes on. I quote again -

- (c) consult and co-operate with safety and health representatives, if any, and other employees at his workplace, regarding occupational safety and health at the workplace;

I will not read out each of those provisions but an employer clearly has a duty of care under section 19 of the Occupational Safety and Health Act. Subsection 19(7) of the Act states -

An employer who contravenes subsection (1) and by that contravention causes the death of, or serious harm to, an employee commits an offence which is liable to a fine of \$200 000.

Something has happened that Mr Bobrowicz was fined only \$7 000 rather than the maximum fine of \$200 000. It must be known why Mr Bobrowicz was not fined under section 19 of the Occupational Safety and Health Act but rather under section 55, which carries a maximum penalty of only \$25 000. It is not surprising that demolition contractors will penny-pinch when it comes to the provision of safety in their work systems.

Hon Kim Chance: And then they come back and squeal about their workers compensation premiums, no doubt.

Hon LJILJANNA RAVLICH: That is exactly right. Firstly, here is a gentleman, a director of company and an employer, who has got off absolutely scot-free. He has not had to make his workplace safe. He probably saved a bomb on it. Secondly, he got off with a \$7 000 fine that was not even based on an accurate technicality. It was actually based on the incompetence of WorkSafe. The family, the building and construction industry, and the labor movement have all been devastated by this. We cannot believe that the law has been interpreted in such a way, and that this Government values life so cheaply in the eyes of the law.

Hon Kim Chance: Is it incompetence or corruption that led to this?

Hon LJILJANNA RAVLICH: I suspect that there is both incompetence and corruption. It has for a long time been alleged that there is corruption in WorkSafe WA. That is why I was so keen for an inquiry to be held earlier this year. There are allegations of people being on the take. I have heard names of very senior people being involved in corrupt activities. The matter needs to be thoroughly investigated.

Hon Kim Chance: Yes, if they failed to carry out a company search on this person.

Hon LJILJANNA RAVLICH: I will go through the background to Hi Tec. Hi Tec Demolition Company Pty Ltd was started on 23 May 1991 with Mr Michael Raymond Bobrowicz and Mr Wayne Steven Sanders as directors. Girth Pty Ltd - with which Mr Bobrowicz was involved - and Haystead Holdings Pty Ltd - with which Mr Sanders was involved - were both shareholders. Mr Sanders transferred his share to another one of his trust companies, Menon Pty Ltd, in 1995.

Mark Allen's death occurred in September 1996 and in November 1996 Mr Sanders resigned his position as director, but kept one of his shares. On 28 February 1997, five months after the death of Mr Allen, Hi Tec lodged an application with the Australian Securities Commission for the deregistration of a defunct company. On 12 March 1997 an application to cancel or defer deregistration was lodged with the Australian Securities Commission. This application was renewed on four separate occasions. We need to know who lodged those deferrals. It must be known whether they were lodged by WorkSafe or Crown Law. These applications to cancel or defer deregistration actions were also lodged on 11 June 1997, 24 June 1997, 4 December 1997 and 2 July 1999. One does not need to be an Einstein to work out what happened. These were obviously lodged by somebody in government, but they were not successful. If they were not successful it then follows that the company is still operational. I have very little understanding of company law or those matters, but one does not have to be too bright to work it out. I do not know who lodged the deferrals; it could have been WorkSafe or the Crown Solicitor's Office as part of its action against Hi Tec. I have applied for those documents to gain more information but unfortunately I do not have them to hand.

There has been a major injustice done in this State. My opinion is that this is a matter which needs to be brought into full light. It should probably be inquired into by a committee. It is a demonstration of -

[Leave granted for the member's time to be extended.]

Hon LJILJANNA RAVLICH: It is clear that when an Act cannot be interpreted properly by the people who administer it, there is gross public sector mismanagement. For that reason, and because of the pain which it has caused so many people, this matter requires a very thorough investigation. It is here that the Government has its priorities wrong. It is too easy, under the current Act, for unscrupulous employers to get away scot-free; in fact, to get away with blue murder. This has been the case here.

It is easy for the Government to simply fob off these issues without looking at these matters and the consequences. Mr Bobrowicz, in my view, is still a company director and still has an operational company. This situation is so bad that, since Mark Allen's death, numerous contracts have been given to Mr Bobrowicz and some of his companies by the Government, as well as contracts to his partner Mr Sanders and some of his companies. For example, Mr Bobrowicz has been a director of Girth Pty Ltd since 21 January 1985 and of Waste Stream Management since 6 July 1995.

Girth Pty Ltd also runs a Western Australian business called Breakthru Demolition. On 23 September, Breakthru Demolition was awarded a \$115 000 contract for part demolition of Mt Henry hospital. The application date for this tender closed on 13 August, six days before Breakthru was re-registered. Some funny business is going on. A contract cannot be awarded to a company that does not exist. Why is this happening? It goes on. On 8 April, S and L Holdings Pty Ltd, of which Mr

Sanders, the partner of Mr Bobrowicz, is a partner, was awarded a \$279 000 contract. Therefore, these people are getting work. However, I will not waste my limited time on that because other more important pressing issues need to be examined.

The question has been asked: Why has the East Perth Redevelopment Authority not been prosecuted? Mr Bob Elkington, who is the chief inspector of the fatalities branch at WorkSafe WA, recommended that a prosecution should be launched against the East Perth Redevelopment Authority under section 22 of the Act. The East Perth Redevelopment Authority was the principal contractor, and Hi Tec Demolition Pty Ltd was the subcontractor. We need to know what happened and whether government agencies are exempt from the Act. Bob Elkington made a recommendation that this should occur and it has not happened. What happened to that recommendation? Given that the principal contractor was the authority and Hi Tec was the subcontractor, WorkSafe should have prosecuted the East Perth Redevelopment Authority.

Hon Kim Chance: Perhaps it is in liquidation too.

Hon LJILJANNA RAVLICH: Perhaps it is.

What is being covered up here? We need answers to a number of questions. Why were Frank Keogh, chief inspector of construction branch, and Mr Alan Newton, a supervisor inspector, at the East Perth bus station prior to the announcement of the successful tenderer for that East Perth job? Why were they meeting on that site with Mr Bobrowicz? Here is the insider and the corruption to which Hon Kim Chance alluded. Did Mr Bobrowicz know, and who told him, that he had won this contract before it had been publicly announced? We should know why he was on that site and what he was doing. We also should know why, given the size of the job, there was no formal inspection of that site by WorkSafe prior to any work commencing on that site. Why were the time and resources of two WorkSafe employees used to meet with Mr Bobrowicz on that site prior to the contract being awarded, yet they never went back to that site for about a month and a half or two months following the awarding of that contract? They were never seen again until the fatality occurred, and immediately after that 14 improvement notices were issued. We need to know why there was not an inspection of the demolition survey before an investigation was commenced.

After Mark Allen died, the then Commissioner for WorkSafe, Neil Bartholomaeus, went to the media. His first response, and all subsequent responses, to the media was to defend the demolition contractor at the expense of the worker. Mr Bartholomaeus attended the scene following the fatality. I have been told that this was the first occasion during his time as commissioner that he ever attended the scene of a fatality. It is all very interesting. We should know why the Government allowed the commissioner on two separate occasions to go on national television to defend Mr Bobrowicz.

Hon Kim Chance: Did Mr Bartholomaeus defend the contractor even before WorkSafe had conducted an inquiry?

Hon LJILJANNA RAVLICH: Yes.

Hon Kim Chance: Really? He preempted it.

Hon LJILJANNA RAVLICH: Yes, he preempted it, both in the state media and in the national media. We should know why this Government allowed the commissioner on two separate occasions to go on national television to defend Mr Bobrowicz. We need an explanation of why that happened before there were any findings by any inquiry. That was the immediate response. As soon as this accident happened, that is what he did. Why was he backing the demolition contractor?

It is interesting to note that Mr Frank Keogh, who is the chief inspector from WorkSafe, said at the time that only about four or five inspectors were inspecting all Western Australian workplaces. Clearly, that indicates that the Government's priorities are wrong. Truthfully, five inspectors would not be enough to cover only the construction industry, let alone cover virtually all the industries in the State. I say "virtually" because I know that mines are under a separate Act.

I am appalled when I read in WorkSafe's annual report to Parliament or in the budget papers that it is doing really well this year and it has an online Internet site. Who cares? That is how wrong the priorities are, because at the end of the day, what is the point of WorkSafe having an Internet site when it is not inspecting workplaces and it is not ensuring that workplaces are safe; all it is doing is getting on a promotional bandwagon, which does nothing to change the activities at the grassroots level.

Hon Kim Chance: The industrial laws prevent the unions from doing that.

Hon LJILJANNA RAVLICH: As they currently stand, yes. Hon Kim Chance is dead right. The unions played an effective role in the past. However, that is no longer the case.

We already know, for example, that in the Premier's office, his right-hand man has been on the take. I am referring to Mr Gilleece. He went so quickly it was unbelievable. I have never seen such quick action in my whole life.

Hon Derrick Tomlinson: What would you have preferred? Would you have preferred him to stay?

Hon LJILJANNA RAVLICH: I want to know who is on the take in WorkSafe.

Hon Derrick Tomlinson: Why don't you make that complaint to the Anti-Corruption Commission?

Hon LJILJANNA RAVLICH: I intend to make some complaints, do not worry about that. We will find out why the Government has not provided answers to these questions, why there has been such protection of a demolition contractor, and why this whole matter was dealt with in the courts between WorkSafe and the contractor, without the parents of the deceased even receiving a courtesy call to advise them. A month later the family was advised. We want to know why it took so long. The family has still received nothing in writing from anyone. That is an absolutely major disgrace.

The performance of WorkSafe WA in safety standard enforcement is pretty atrocious. This case goes to the heart of the motion we have before us today; that is, that this Government has its priorities wrong. We do not want bells and whistles; we do not want belltowers. We want people who can go to work in the morning and come home in the same state, without missing legs and arms.

Hon W.N. Stretch interjected.

Hon LJILJANNA RAVLICH: Plenty do. We want some fundamental human rights for workers in this State. I will be jumping up and down and making life very painful for the Government until we get some major improvement in this area. There have been allegations of corruption in the construction branch of WorkSafe WA. The information I present to this place today also indicates that there are fundamental problems there.

Hon Greg Smith: What about evidence?

Hon LJILJANNA RAVLICH: Hon Greg Smith should not worry, he will get evidence. I have just been talking about evidence. I know that some employers, particularly in high-risk industries such as demolition, are getting away with blue murder. That is not in anyone's interests. As a society, we should be big enough to say that this must not continue. The Government should be prepared to accept that it has an appalling record of worker safety and occupational health and safety generally. It should be prepared to divert real resources to turn around that trend. This Government has been all about looking after big business and reducing the costs of business. There is no point in reducing the costs of business if at the end of the day one's son does not come home at night, or one's daughter comes home with one arm. That is an appalling trade-off, Mr President.

Fines for employers who breach the Occupational Safety and Health Act are appallingly low and must be addressed. We need a brighter future. The industry has cried out for the licensing of demolition contractors so that standards can be introduced; that must be a priority. I am talking about real standards. We must ensure also that routine inspections of Western Australian workplaces take place so that employers know that those standards are expected. We need higher levels of training and, most of all, we need a new era of renewed trust between employers, unions and the Government. Until such time as that occurs, I am afraid there will be no real improvement in this area. That presents me and all the people I represent with very grave concerns for the future.

HON BOB THOMAS (South West) [11.32 am]: I thank Hon Tom Stephens for bringing this motion to the Parliament. This Government's misplaced priorities and its commitment to irrelevant projects in Western Australia are issues that I am interested in and about which more and more members of the public are vitally concerned. The State Government's role is simple; it is to collect taxes, essentially from a wide range of economic activities, and to use those taxes to deliver to the community, services such as health, education, community safety and transport, etc. About 40 per cent of the State Government's budget for those purposes comes from commonwealth government grants in the form of untied and tied financial assistance grants; the other 60 per cent comes from taxes or royalties on economic activities such as stamp duty, royalties on mining and licence fees. State Governments do not have particularly complex fiscal regimes within which to work. They collect taxes and spend them on services. A Commonwealth Government, on the other hand, must be aware of monetary policy settings and international settings and those types of things. It is much more difficult for a Commonwealth Government to operate than it is for a State Government.

Unfortunately, this Government is not doing its job very well at all. Members need only talk to members of the public to hear how disenchanted they are with this Government. Some members of the community feel particularly bitter and members can see some of them on the front steps of this Parliament this morning. The community does not believe this Government is undertaking its role very well at all because the State Government has not been delivering those essential services to the community in the way that people expect of State Governments. I believe that is because the State Government has lost its way and has lost the plot. No longer are the priorities for this Government good governance and the delivery of services; it seems to have taken on a whole range of new priorities in the past 12 to 18 months. One priority that I have noticed is the Government's attempt to put a public relations spin on everything it does to create the impression that it is performing. It is not performing; therefore, it tries to create an impression which is aimed at enabling it to stay in government - or these days just keep its head above water. Another major priority is aimed at maintaining power in the Liberal Party and the National Party. This Government is all about stunts rather than performance. It is also about implementing projects which the Government believes create the impression that it is visionary. I will talk about those four issues in some brief detail.

The Regional Forest Agreement is a classic example of the way in which the Government tried to create an impression of doing something. It put a PR spin on the RFA when its signing was announced in early May and tried to create the impression that it was getting the balance right between conservation and the environment. I remember sitting in the bar watching the television news bulletins, on 4 or 5 May when Parliament was sitting. The Minister for the Environment and the Premier were at a glitzy launch saying that the RFA would create 12 new national parks, it would place another 150 000 hectares of forest into reserves and it would manage a whole range of environmental outcomes that the Government said bettered the RFA criteria. It also said a financial package would be implemented which would ameliorate the effects on the communities affected as a result of the changes to forest management. I said to people sitting around me - some were members of the coalition - that the package was a sleight of hand. As it turns out, government members now understand that it was a sleight of hand on two counts: The way the forests would be treated and a misrepresentation by the Government of the volume of forest to be reserved. We were told that 150 000 hectares of forest would be reserved to create all these new national parks. We were not told at the time that 49 000 hectares of old-growth forest, which were interim listed for reservation, were coming out of those reserves and going into state forests and could be logged. Significant amounts of old-

growth forest were included in that 49 000 hectares. In my office I still have a huge file which was presented when the RFA was announced. That file contained the RFA, a whole stack of glossy and glitzy media packages and a ready reckoner quick find guide to the RFA. Nowhere in those ready reckoner quick find guides can we find any reference to the 49 000 hectares of forest which came out of reserves and went into logging. There were many references to the other areas that were going into reserves. Subsequently, the public found out that much of that area is not as the Government described in the documents which accompanied the RFA document received by all members of Parliament. Some of those areas were rubbish tips, already cleared farmland - that is, the Pardelup Prison Farm - and other areas which were not as was described. It is no wonder the public was so angry with the coalition over the RFA.

The other side of the coin was the financial package which accompanied the RFA.

Hon B.K. Donaldson: You are inadvertently straying away from the subject matter, but you are slowly coming back to it.

Hon BOB THOMAS: Was I? This is about priorities, funding and projects.

Hon B.K. Donaldson: You are on track now.

Hon BOB THOMAS: I was never off track. If people thought that the reservation component of the RFA was a con, a sleight of hand, they will think that the financial package is an even bigger con. I will tell members why: The financial package was represented as a \$59m package. It was a commitment from both the State and Federal Governments. That \$59m is about half of what was committed by the State and Commonwealth Labor Governments in 1995 to the New South Wales timber industry. The Carr Government committed to \$60m and the Keating Labor Government committed to a further \$60m; that is, \$120m. In 1996, after the election of the coalition Federal Government, it reduced its funding to \$20m, so the State Government in New South Wales increased its commitment to \$80m. New South Wales spent \$100m. In Western Australia, the combined state-commonwealth commitment to the RFA financial package was \$59m - 59 per cent of what was spent in New South Wales. It gets worse than that: We were told that, of that \$59m, the State Government's contribution would be \$39m and the Commonwealth's contribution would be \$20m. The State's contribution was made up of \$3m for the jarrah thinning silviculture program, which would be in the budget of the Department of Conservation and Land Management; \$23.5m for an industry restructuring program; and \$12.5m towards a tourism package. First, I will talk about that tourism package. The total amount was \$17.5m, with \$5m coming from the Commonwealth and \$12.5m coming from the State. On the surface, that might appear a very good package, but it was a sleight of hand - a con job. Of the \$12.5m that the State Government said it was contributing, \$9.5m had already been spent by the Water Corporation purchasing the Worsley Timber Company land at Wellington Weir.

Hon Ken Travers: There is more to come on that.

Hon BOB THOMAS: I am glad to hear that. This is typical of how this Government acts. It is all about stunts and creating impressions.

Hon Ken Travers: And looking after mates.

Hon BOB THOMAS: Yes. Of the State Government's contribution to the tourism package, \$9.5m had already been spent by one of its agencies - the Water Corporation.

Hon Ken Travers: For land worth less than that. Its own valuer said it.

Hon BOB THOMAS: Yes, that is right. It was for about half of that.

Hon Simon O'Brien: You were telling us this last night, as I remember.

Hon BOB THOMAS: I did not get a chance to finish it last night.

Hon Simon O'Brien: Is this on the basis that if you say something often enough people might start to believe it? At least you are sticking to it.

Hon BOB THOMAS: Members opposite should start questioning everything they are told by their leadership, because it will get them into a lot of trouble. Members need only ask the member for Bunbury how much trouble he has got into over this issue.

Hon B.K. Donaldson: They love us in the wheatbelt.

Hon BOB THOMAS: An amount of \$9.5m had already been spent by the Water Corporation, so it was a bit of a trick.

Hon Ray Halligan: Was that a good thing or a bad thing? Should the Government have bought that land?

Hon BOB THOMAS: The Government should have bought that land, but it should not trick the public into believing that it was somehow doing that as part of the RFA package. The Government should not trick the people. Another \$2m was allocated to resealing Mowen Road. That is a great idea, but the money was already committed in the Transform WA package which was announced in 1998.

Hon M.J. Criddle: You are assuming that that \$2m has already been designated. I, better than anyone, know Mowen Road is in the Transform WA package. You are making a heap of assumptions.

Hon BOB THOMAS: Was the money not there?

Hon M.J. Criddle: I am just saying that you are making a heap of assumptions.

Hon BOB THOMAS: Perhaps, Mr Deputy President, I have fallen into the same trap -

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): I think the member is interjecting on Hon Ken Travers. Perhaps Hon Bob Thomas should take his seat and allow Hon Ken Travers to make the speech for him.

Hon BOB THOMAS: Perhaps I have fallen into the same trap as members opposite, because I believed that Transform WA contained \$2m for Mowen Road - a project which I support. It will be good for tourism in the lower south west of Western Australia. However, the minister seems to be telling me that I should not have believed that, because he says that I am making assumptions.

Hon M.J. Criddle: I did not say that at all. You should inform yourself; that is all I am saying.

Hon BOB THOMAS: I thought I did that by reading the Transform WA document.

Hon Ken Travers: That is where you went wrong: You read a government document.

Hon B.K. Donaldson: O thou of little faith!

Hon BOB THOMAS: Perhaps it was another occasion when the Government was creating the impression that it was doing something. It created the impression that it would contribute to reseal Mowen Road, but further down the track it may not have been done. Is that what the minister is saying to me?

Hon M.J. Criddle: I am saying that you should inform yourself. We have made a commitment on Mowen Road over the next 10 years. I went to Margaret River-Augusta to announce it. Did you know that?

Hon BOB THOMAS: The minister has made a commitment.

Hon Ken Travers: In Transform WA.

Hon BOB THOMAS: I am starting to doubt the probity of that commitment if the minister is suggesting that it is not there.

Another \$1m which came from the State Government was going towards a scenic road around Pemberton, through all of the majestic karri. That is great, and I am glad to see it. However, that money is in the CALM budget. A further \$5m will come from the Commonwealth and it will do some good things with it. It will be committing its money to a \$2m Donnelly project, which I assume will be similar to the excellent tree top walk that CALM has developed in the Walpole-Denmark area. I believe that \$2m of commonwealth money has been allocated to an "ecolodge" development and a further \$1m to the Wellington area. The State Government's commitment to inject most of the money into the RFA tourism package is obviously a sleight of hand.

A worse action, one that has caused so much disaffection for this Government, is the way it has misrepresented the \$23.5m it contributed to an industry restructuring package. It was presented as a \$23.5m package to help the retooling of industry. When I took some advice on this I found out that it was not a package of grants but a package of loans. The Government was intending to give some money now with the aim of taking it back later, although under certain criteria the loans could be converted to grants. Nevertheless, it was represented as a \$23.5m package to be spent on the industry. Is it any wonder that people are now on the front steps of Parliament protesting against the Government? They do not believe what the Government tells them any more.

Members should know that one of the reasons the Government got into trouble over this issue is that it tried to put a public relations spin on an RFA that the Government's leadership must have known would not wash with the general public. It is another example of how the Government has misplaced its priorities. It is not doing what it said it would do. I recommend to members opposite that they read between the lines when they receive anything from this Government in future. The member for Bunbury may be doing that a bit more frequently now.

The motion refers to the Government's misplaced priorities.

Hon B.K. Donaldson: You are back on the subject.

Hon BOB THOMAS: I have always been on this subject.

Hon B.K. Donaldson: I did not know whether I was reading the same motion, but obviously I must have been.

Hon W.N. Stretch: He is being consistently negative. He is the most negative person I have heard.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! The member is addressing the topic and members should please allow him to do so.

Hon BOB THOMAS: The Government's misplaced priorities can be best symbolised by its commitment to a belltower and a new convention centre in Perth. The list goes on.

Hon W.N. Stretch: Is that a good thing or a bad thing?

Hon BOB THOMAS: One that is funded by a private operator and does not draw on any government funding will be a good thing.

Hon W.N. Stretch: It may be.

Hon BOB THOMAS: The \$100m the Government has committed to the convention centre would be allocated more appropriately to an industry development fund for the south west.

Hon B.K. Donaldson: Are you against the soccer stadium?

Hon BOB THOMAS: I support that, but the two do not need to be linked.

Hon Muriel Patterson: What should we use for a convention centre?

Hon BOB THOMAS: The Burswood International Resort Casino has indicated that it will build a convention centre.

Hon Muriel Patterson: Do you not think it will ask for some benefits?

Hon BOB THOMAS: It may seek some benefits, but it may not. Those benefits may not be in the form of cash; they may be in the form of other benefits.

Hon Muriel Patterson: Such as tax benefits.

Hon BOB THOMAS: Members opposite are in government and they can work through those issues. The general public does not like the idea of the State Government's committing \$100m to a convention centre and \$5m to a folly on the foreshore, such as building a belltower, when it should be dealing with more important priorities. One of the most important priorities is the detrimental effect on the local south west communities of the many recent job losses in the region. The \$100m earmarked for the convention centre should be allocated to an industry development fund in the south west to ameliorate those effects.

That is one of the reasons I was astounded when I read in the *Bunbury Mail* yesterday that the member for Bunbury was opposed to the south west industry development fund proposed by the Leader of the Opposition, Dr Geoff Gallop. The member for Bunbury, Mr Osborne, went on to praise the Government's plan for a convention centre. He supports it. We are bleeding in the south west; jobs are being lost everywhere. We need an industry development fund to help develop new industries and we need to fast track capital works programs down there. However, what is the member for Bunbury talking about? He is supporting the plan for a convention centre in Perth. The *Bunbury Mail* reads -

Bunbury MLA Ian Osborne said the convention centre would ensure the State did not have to pass up opportunities such as a recent travel agents' conference worth \$19 million.

Mr Osborne said he spoke as a country MP when he agreed the proposed convention centre to seat 3,000 to 5,000 delegates should be built in Perth.

He said although Bunbury did well at attracting smaller conventions with the facilities available, it could not attract international conventions of the scale Perth could.

"It offers massive business opportunities for regional areas in post and pre-convention periods," Mr Osborne said.

Hon W.N. Stretch: That is a person with broad-minded views, not a person with narrow-minded views like you have.

Hon BOB THOMAS: That shows that the member is off with the fairies. Providing \$100m to have a private operator in Perth build a convention centre will have little impact on the south west.

Hon W.N. STRETCH: You must be joking.

Hon BOB THOMAS: The Government would be better advised to invest the money in an industry development program to enhance employment opportunities in existing industries in the south west. There are plenty of areas such as aquaculture, horticulture, viticulture and tourism that need it. It should be adding value to the products already produced in the region. The Government should also be looking at ways to create new industries in the region. A convention centre in Perth will have negligible benefit for the south west compared with targeted spending on industry development and the fast tracking of capital works.

Hon B.K. Donaldson: You have not considered the pre-conference and post-conference tours. Most go to the south west.

Hon BOB THOMAS: I am sure they do. This is not the first time the member for Bunbury has been caught out by believing the Government's rhetoric and rushing into print to support it. The last occasion was in May when the RFA was announced and Mr Osborne rushed into print and condemned all the people who were opposed to logging in old-growth forests and labelled them "dark greens". He went on to say that those people were committed to the economic sabotage of the south west. He has been caught up in a long-running debate with other people who were offended by those remarks.

My advice to members opposite is to not believe the rhetoric of this Government. They should read between the lines, stand up to the economic rationalists and ensure they get their priorities right. They are travelling very poorly in the bush because their priorities are misplaced.

Hon W.N. Stretch: What do guys like Tim Daly and Nick Oates think about you?

Hon BOB THOMAS: Hon Bill Stretch raises a good point. We understand that the timber industry is upset with our policy and we respect their position. We know that there will be changes in forest management practices when we get into government. We are prepared to work with those communities and industries to develop new job opportunities to replace those that will be lost. That is a priority of ours.

Debate adjourned, pursuant to standing orders.

INDIAN PACIFIC, INCIDENT

Statement by Minister for Transport

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [12.01 pm]: An incident involving the *Indian Pacific*

passenger train occurred at the Zanthus siding approximately 230 kilometres east of Kalgoorlie at approximately 5.00 pm on Wednesday, 18 August 1999. Pending confirmation of an independent inquiry set up to investigate the incident, it appears that the westbound *Indian Pacific* was diverted at low speed onto the loop at Zanthus where an eastbound National Rail train carrying steel was parked. The resultant collision caused minor injuries to a reported 20 passengers, with two people being kept in hospital overnight. Two aircraft from the Royal Flying Doctor Service were sent to Zanthus to assist and to fly the injured to Kalgoorlie. Westrail made available two of its *Prospector* units to ferry passengers to Kalgoorlie.

The track from Kalgoorlie eastward is owned by the Commonwealth and controlled by the Australian Rail and Track Corporation headed by Mr David Marchant. The Department of Transport has recently constituted an Office of Rail Safety in Perth which is responsible for overseeing rail safety for ARTC on the track from Kalgoorlie to the Western Australia-South Australia border. A full independent inquiry has been initiated by the Department of Transport under the Rail Safety Act. An investigator is expected to be named sometime today. ARTC has indicated that the rail section at Zanthus is likely to be reopened around noon today.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Constitutional Affairs - A Seminar on the Role of Parliaments in Treaty Making, Canberra - Thirty-eighth Report

Hon M.D. NIXON: I move -

That the report be noted.

The seminar on the role of Parliaments in treaty making was held in Canberra on 24 and 25 June this year. It was attended not only by members of the Standing Committee on Constitutional Affairs, its staff and Stephen Churches from one of the other standing committees, but also Kevin Minson from the Legislative Assembly and one of his staff members. I know that our committee, and everybody who attended the seminar, were most impressed with the proceedings.

Over the years, international treaties have caused concern to many Australians. Certainly those who believe in state sovereignty have seen the demonstrated risk from the Federal Government signing treaties. Although that is entirely within its constitutional powers, it can have a very important and perhaps detrimental effect on the States and an effect on their sovereignty. Classic cases include the Tasmanian dam case in which it was ruled that while the States have control of the rivers and streams, the Federal Government can use its external affairs powers to override the States. Also in Tasmania, legislation relating to discriminatory actions against homosexual practices was overridden because of a federal treaty. There was also an interesting case concerning a drug addict who was supposed to be deported in which it was ruled that because the Federal Government had signed the Convention on the Rights of the Child, the child was entitled to have a father in Australia, and therefore the drug-dealing father could not be deported. These are some examples of the effect of treaties.

In recent years the Federal Parliament has put its house in order by putting together procedures for the proper scrutiny of treaties. That involves three groups. The parliamentary group is the Commonwealth Parliamentary Joint Standing Committee on Treaties, which co-hosted the seminar. Two government groups were also set up, one of which is the Treaties Council, which is an adjunct to the Council of Australian Governments and was created on 14 June 1996. It was intended to meet once a year to consider and advise on the federal implications of Australia's treaty activities. The Treaties Council has not yet met. A report of the Federal-State Relations Committee claims that the Treaties Council is a hostage of political vicissitudes beyond the domain of treaties. Although it was intended to meet, it has not fulfilled that function. The second body is the Standing Committee on Treaties, which is a committee of senior commonwealth, state and territory officials who meet twice a year. Its role is to coordinate the flow of information between State and Commonwealth Governments. Unlike the Treaties Council, this standing committee has been meeting.

The present procedures involve the Commonwealth Government sending copies of proposed treaties to the State Governments, but they do not go directly to the State Parliaments. Because federal treaties and laws and how they are interpreted could easily impose on Western Australia's legislation, the committee believes that it is important that the State Parliaments have a role in reviewing treaties.

Many international treaties take many years before they reach the stage at which they are ready to be signed. Like most of these things, once they develop a bit of momentum it is difficult to change direction. Members of the Western Australian delegation felt it important that the States become involved very early in any negotiation of treaties, or even at the first thought of a treaty, so we could keep an eye on the situation.

The committee worked well together. We were pleased that Kevin Minson was able to present a paper at the conference. Towards the end of the conference, and on the instigation of Hon Tom Helm, the committee put a proposal to the conference. Members will find that on the back page of the report. I thought it was a good proposal. However, it was not put to the vote because it was felt that the delegates had not been authorised to accept this proposal. Nevertheless, having talked to other delegates, the proposal would be well received. No doubt, if this body reconvenes, which I hope it will, such a proposal will receive support. It is worthwhile to go through the proposal put forward. It states -

Believing that it is essential for the views of the various State and Territory Parliaments on the content of treaties to be taken into account by the Commonwealth Government, this seminar recommends that:

1. all State and Territory Parliaments have, as a matter of urgency, standing committees responsible for the review of all matters concerning treaties:
2. a protocol be established so that such committees of State and Territory Parliaments be informed by the Commonwealth Government of the texts of:
 - all National Interest Analyses;
 - all treaties being negotiated;
 - all treaties that have been signed;
 - all treaties on which binding treaty action has been taken;
 - any domestic legislation that has been passed by the Commonwealth Parliament, or is proposed, to give effect to treaty obligations; and
3. allowing for urgent treaty actions, the Commonwealth Government only take binding action on any treaty after the Joint Standing Committee on Treaties has received representations on the matter from State and Territory Parliaments.

Sometimes it is necessary for urgent action to be taken on treaties, and this is catered for in commonwealth procedures, but generally speaking we believe six months should be allowed for the States to report back to the Federal Parliament. Under the federal Constitution it is necessary for the JSCOT to provide an impact analysis to determine what effect treaties are likely to have on the Federal Government. As Western Australia is a major export earning State and major user and producer of energy, it is possible that certain treaties, such as the Kyoto Protocol, have a more important effect on this State than on other States. Therefore, the effect on Western Australia should be noted early in the negotiations.

Another matter of concern to Western Australian delegates was the absence of Western Australian members on the JSCOT. The committee includes members from both the House of Representatives and the Senate. Clearly, it is beyond the capacity of the Standing Committee on Constitutional Affairs to elect members to that committee or influence what the Federal Parliament does; however, all members of this Parliament would be advised to encourage their federal colleagues to take an interest in this important operation. There is absolutely no doubt that in the past treaties have had a tremendous effect on all States, and I am sure that will continue in the future.

Hon TOM HELM: I am proud to support the motion before the Chair and thank the Chairman of the Standing Committee on Constitutional Affairs for his address. I will add more to this debate and, as I am sure is expected, I will be a little more militant in my approach to this report. It is fair to say that the committee was tempted to order the members of Parliament who represent Western Australia in the Federal Parliament to get themselves organised and become part of the JSCOT to represent the interests of Western Australia. It would not be taking it too far to ask that the constitution of JSCOT be amended so that it could not meet until there was a representative of Western Australia on that committee. It is true that many issues are debated and agreed to which affect Western Australia more than any other State or Territory.

People know that I am not a strong supporter of States' rights, and I believe the Federal Government has a proper role in making decisions on our behalf. However, even though Western Australia is a minor State in population terms, it has an important role in the economic wellbeing of this nation. Therefore, it is right and proper that Western Australians be made aware of decisions made on their behalf. At present we are led to believe that any treaties made on our behalf will be the province of the Premier. It is possible that a Premier, of whatever political persuasion, will put advice on treaties into a drawer where no-one will see it. People could be affected by treaties of which they have no knowledge and when they had no input into the decision making process. I accept the Federal Government's responsibility in these matters but it is in its best interests, as well as the best interests of the people of Western Australia, that this State have some input in the committee process. The recommendations of the Standing Committee on Constitutional Affairs, which I draw to the attention of the Chamber, reflect the view of the committee.

It would be churlish of me not to advise the Chamber that it was a very positive experience to be a member of the Standing Committee on Constitutional Affairs. We all worked hard to represent the State as best we could. The committee works well because all members - Hon Murray Nixon, Hon Ray Halligan and I - are able to work in harmony and ensure that the sensitivities which flow from our various political persuasions are attended to.

The third recommendation of the Standing Committee on Constitutional Affairs is that the appropriate procedures be followed by the House for appointing a committee to investigate treaty matters and report to the State Parliament on the impact on the State of treaties and proposed treaties. The Legislative Council may wish to take that on board. As the committee on which I serve is the most effective and hard working committee of the Legislative Council, and is able to get through its business rapidly, may I suggest with all due modesty that it is the appropriate committee to take responsibility for informing the Council of proposed treaties that may be entered into or agreed to? In that way every member of Parliament could be made aware of the direction of the nation in international obligations. We are led to believe that the only person in this State who may be advised of Australia's treaty obligations in many areas will be the Premier. However, the Premier has no obligation to inform anyone else, and he may feel that if he advised the Parliament on a regular basis he would be weighing it down with onerous responsibilities it did not need to be involved in. That is not a fair assessment. These international obligations are imposed on this State, and I do not say that in a nasty way. However, they are arrived at in discussions and negotiations that take place in cities such as Geneva and Liverpool - foreign and exotic places that many people do not visit - and not in Port Hedland or Newman. As we head into the twenty-first century, it is appropriate for a

committee to make itself aware of the directions in which this nation may be heading and the agreements that have been arrived at.

I found the seminar quite informative. It took me aback somewhat because I have been a member of Parliament for 13 years and thought I was up to date and was dragging some of the bureaucrats kicking and screaming into the twentieth century, as we are heading into the twenty-first century. Therefore, I was surprised to learn of the federal Joint Standing Committee on Treaties in Canberra which does not have a representative from Western Australia and which deals with treaties about which we know nothing. I thought members of Parliament in this State would be clued up about these matters, even if they had no input into the decision-making process, but they have not even been advised of the decisions made. With those few words I support the motion before the Committee.

Hon RAY HALLIGAN: As a member of this committee I, too, support the motion and agree with my colleagues on that committee that it was a most important conference to attend. An enormous amount of information was provided that gave some insight into what had been happening, and it caused us to make three recommendations in that report.

As has already been stated, one of our concerns was the lack of representation from Western Australia. We hope that in some shape or form this information can be communicated to our federal colleagues of all political persuasions to ensure that in future Western Australia is represented on the Joint Standing Committee on Treaties.

Others have said that although treaties have been around for a considerable time, their numbers are probably not great. However, nowadays in this world of the global economy and all manner of things global, apart from the Internet and the way it is now used to enable people to communicate from either side of our globe, it appears that treaties will become far more important in the future. As those treaties become important, they will, as has already been said, impact on this State and much of what this State does. Therefore, it is important that we at least have some input into the form of treaty that is finally accepted by the Federal Government.

I have a personal point of view concerning recommendation No 3, which deals with the appropriate procedures to be followed by the House in appointing a committee. I suggest that the Standing Committee on Constitutional Affairs, given its terms of reference, may well be the best committee to undertake this task. Under 1(b) of those terms of reference, the Standing Committee on Constitutional Affairs is to inquire into and report on the constitutional or legal relationships between Western Australia and the Commonwealth, the States and the Territories.

We need to review these treaties. The Legislative Council is the House of Review and is therefore most definitely the most appropriate House to do so. In turn, because of the terms of reference of the Standing Committee on Constitutional Affairs, that is the committee to undertake that task.

Hon TOM STEPHENS: I have listened with great interest to the comments made by the members of this committee and have taken the opportunity to read the report that is before us. I support the motion that the report be noted. I have no difficulties with the recommendation that has been put before the Federal Parliament-sponsored conference.

There is much to be said for making sure that the Parliaments of the States and Territories are advised of the import of treaties that the Federal Government is considering signing. This week we have seen illustrated in this House some of the difficulties with which the nation is faced when the constituent elements of the State Parliaments have not fully absorbed the importance of treaties that have been signed by our nation state. I am thinking in particular of the Kyoto agreement and of the display of what might appear to be invincible ignorance on the part of a minister of the crown of what would be the obligations of the nation under the Kyoto agreement on greenhouse gas emissions.

There are two roles to this treaty process upon which the nation embarks. The first is to understand our international obligations. We operate in a global village. Globalisation is here to stay. The international community no longer simply accepts that international boundaries can allow nation states to hide behind those boundaries to get away with human rights abuses, for instance, or to commit actions which damage the environment within their own national boundaries and also impact upon the international community. Whether it be in the area of human rights abuses or environmental impacts which are beyond the boundaries of our own nation states, clearly the international community is no longer prepared to sit back and allow these situations to continue.

Globalisation will increasingly require us to recognise that we, even here in Western Australia, as proud, provincial state residents, have obligations not only to the Australian community but also to the international community. When we recognise that fact we can see that there is a real need for ensuring that the treaties of tomorrow are understood as being part of the obligation of all people, who are now citizens of the world and not just citizens of any particular nation or State. It is important that the process of preparing for those treaties be an educational process so that when the treaties are signed the constituent elements of the nation are brought along with, in our case, the Federal Government in the signing of those treaties.

I now deal with the greenhouse gas emission issue. It was sad to see in this House this week the display of the Minister for Mines, the Leader of the Government in this place. He has not absorbed the fact that this issue is now not just simply something that exists in science literature books but that it exists by virtue of an international agreement that says it is a reality. In the face of that reality, as the Chamber of Minerals and Energy of Western Australia said in its joint statement with the Conservation Council of Western Australia, it is therefore a requirement that all of us, including Western Australia, respond to it. Even if people dispute the science of greenhouse gas emissions, which some people still do, there is another science of observing political reality, and the international community, regardless of the accuracy of the science of greenhouse gas emissions, is now accepting the greenhouse gas problem as a fact, which therefore becomes a fact in itself with which we all must grapple, regardless of the rights or wrongs of greenhouse gas emissions. The Chamber of Minerals

and Energy sensibly made the point that we must get on with this and quickly come to terms with these issues, because we cannot bury our heads in the sand in the face of this international agreement that the Kyoto document represents.

For those reasons, this report before the Chamber is timely. It makes a significant point that, along with the process of agreements being reached by national Governments, there is an obligation, particularly in a federation, for us to make sure that it is an educative process whereby all of the constituent elements of the nation state - that is, the Parliaments of Australia and the citizens who make up the various States and Territories - have the opportunity of being educated in the process of what the nation is embarking upon when it signs a treaty. I support the motion.

Question put and passed.

Standing Committee on Constitutional Affairs- A Petition Requesting the Legislative Council to Enquire into the City of Perth's Ownership of Lot 17 Mindarie/Tamala Park - Thirty-ninth Report

Hon M.D. NIXON: I move -

That the report be noted.

The committee looked at an interesting petition which arose out of the restructuring of the City of Perth. Some councils claimed that the division of the city was not fair. We were asked to consider two key points: Whether there were any grounds for objection to the way in which the assets had been divided; and, if the petitioners were unhappy with that division, the way in which the situation could be changed.

The committee wrote to the petitioner and to the tabling member asking for submissions to flesh out the petition so that we could have a better understanding of the issues. We received a letter from the Chief Executive Officer of the Town of Cambridge, Mr Graham Partridge, dated 8 April 1999 in support of the matters raised in the petition. He stated, among other things -

- The City of Perth Restructuring Act 1993 (Restructuring Act) determined the process for dividing the former City of Perth into four municipalities including the three new Towns of Cambridge, Victoria Park . . . and Vincent.

The letter goes on with the important point as follows -

- The Restructuring Act did not provide for the manner in which assets outside the former City of Perth boundaries should be distributed. The division of all other assets was catered for.

The piece of land under dispute does not exist inside the boundaries of the shires but was external to the original City of Perth. The letter goes on -

- Assets owned by the former City of Perth outside its boundaries include a one-third share in Lot 17 Mindarie/Tamala Park and Roberts Street Depot.
- The land at Lot 17 Mindarie/Tamala Park could be in the vicinity of \$200 million depending on the final use determined for the land. The City of Perth's equity in the land could therefore be approximately \$67 million.

That is a sizeable piece of real estate. The letter goes on -

- As a result of the restructuring of the former City of Perth, the ratepayers of the three new Towns did not receive a share of the City of Perth's ownership of Lot 17 Mindarie/Tamala Park with 100% equity remaining with the City of Perth.

As I explained earlier, Mr Partridge asked us to inquire into why the decision was made to exclude the manner in which the assets outside the former City of Perth boundaries should be distributed and to inquire into the method by which the situation could be rectified to return to the three new towns a quarter share each of the City of Perth's ownership of lot 17.

In researching the matter, the committee was able to ascertain the reason for the assets of the old City of Perth being divided as found in the Carr-Fardon report prepared by Dr David Carr, a former town planning commissioner for Western Australia, and Mr Ralph Fardon, the former city manager and town clerk of the City of Stirling. Dr Carr and Mr Fardon were engaged as consultants to complete the proposal for the restructuring of the City of Perth. Their report dated 31 August 1993 entitled *A Capital City for Western Australia* was tabled in the Legislative Council on 2 November 1993. The report stated -

The City of Perth has been well managed financially. Currently, the Perth City Council has fixed assets of approximately \$150 million, reserve funds of approximately \$50 million including Parking (\$20 million), Endowment Lands (\$15 million) and General Purposes (\$5 million), an annual income of approximately \$70 million and total debts of less than \$25 million.

It is possible to create three new Towns by May 1995 which would be community oriented and financially independent, . . .

As part of financing the restructure, the authors proposed in the report that a newly created City of Perth accept all loan indebtedness and that any facilities made over to the three towns should be transferred loan free; in other words, the three new towns would start off with clean balance sheets.

The second proposal in their report was that access be provided to the reserve fund which had been created by both the City

of Perth Parking Facilities Act 1956 and the City of Perth Endowment Lands Act 1920. The report went on to say that, following the creation of the three new towns and the transfer of assets, any remaining parking facilities and endowment lands funds should remain with the City of Perth; and, most importantly, the investment in lot 17 Mindarie should remain with the City of Perth. I believe that answers the first part of the question: The origin of the split up of the assets is that report.

Hon Ken Travers: The minister's comments during the second reading debate indicated it would be divided between the three towns when they were set up.

Hon M.D. NIXON: Not that particular asset.

Hon Ken Travers: Yes, he did say that.

Hon M.D. NIXON: The committee certainly looked at the Carr-Fardon report and believes that was the origin of that part of the report.

We then examined *Hansard* to see whether the matter had been raised previously. A parliamentary question concerning the Mindarie land split was asked of Hon Paul Omodei, MLA as the Minister for Local Government, by Dr Constable, MLA in the Legislative Assembly on Thursday, 12 March 1998. In his response, the minister referred to the Carr-Fardon report and said -

The commissioners set up the cities with staff, new plant and equipment, new office accommodation and \$1m in reserves. The towns' annual financial reports show that they have progressed well financially with considerable reserves held on account.

The minister also said -

The one-third of the Mindarie land that belonged to the old City of Perth will not be split because a decision has been made already about how the assets are to be allocated. A number of assets were addressed, including the endowment land fund held by the City of Perth and the parking fund of which the Minister for Local Government has control until May 1999. It is important that those funds are distributed equitably. The funds held by the City of Perth were distributed to set up the three towns, which are now running very well and efficiently.

That is the minister's point of view. Obviously, if there is a dispute between local governments, the most appropriate person to deal with that dispute is the Minister for Local Government.

Hon Ken Travers: He has failed to deal with it.

Hon M.D. NIXON: Hon Ken Travers may have that opinion. However, the committee recommended that as this was the origin of the matter and because it was dealt with in the City of Perth Restructuring Act, if there was a concern and the matter was to be redressed, the only way to deal with it would be by amendment to the restructuring Act. Therefore, the second part of the petition, about how to solve the problem, if there is a problem, was to be by amendments to the restructuring Act.

Hon KEN TRAVERS: I will make some comments about this report because I am very dissatisfied with it. It has not addressed the issues, and it has in no way answered the questions that were asked by the Town of Cambridge. The views of the Town of Cambridge are shared by the Towns of Vincent and Victoria Park on this matter. I certainly intend to point out where the committee is inaccurate in many respects; in particular, it has done a great disservice to the chief executive officer by selectively quoting from his submission and misrepresenting it. I had considered the option of referring the report back to the committee and asking it to look at it again and redo it. I urge the members of the committee to seriously consider that as an option. Unless I can convince them of that during my contribution, there is no point in sending it back to a committee that is dominated by government members if those members cannot see the error of their ways and are prepared to do it by their own motion. I assure members that I will not be dropping the issue after this report. I will continue to pursue this issue at every opportunity.

In making my comments, I will follow the context in which the report deals with the issue. One of the first matters which must be raised is the purpose of the petition. Again, as reiterated in the submission given to the committee by the chief executive officer of the Town of Cambridge, Graham Partridge, it was to inquire into why this decision was made. Having read the report, we are still none the wiser. One way of finding out why the decision was made would have been to give the petitioners - people such as Graham Partridge who put in submissions and others - the opportunity to appear before the committee and give some oral evidence. I thought we could have asked the Minister for Local Government for an explanation of why the decision was made. None of that occurred. One of the original reasons for the petition was not investigated by the committee. The report quotes from the letter sent by Mr Partridge. Item 2.2 of the report states -

"the *City of Perth Restructuring Act 1993* . . . determined the process for dividing the former City of Perth into four municipalities including the three new Towns of Cambridge, Victoria Park and Vincent;

It goes on, and the chairman of the committee outlined those points. If we look at page 6744 of *Hansard* of 10 November 1993, when that Act was debated in the other place, the minister at the time, Mr Paul Omodei, who is still the minister, said -

I mention also the Mindarie arrangement. I understand that there is tripartite ownership of the Mindarie lands by the City of Wanneroo, the City of Stirling and the Perth City Council. I expect the commissioners will divide the one-third ownership of the Perth City Council equitably amongst the towns and the city council.

Did that happen? No. Do we have an explanation of why it did not happen? No, and that is why we need it answered.

Let us move forward to more modern times. About two years ago I attended a meeting in the Town of Cambridge, which was also attended by the Minister for Local Government. At that time, the question of the Mindarie land came up again. The response he gave was that when the City of Wanneroo's share came up for consideration as part of the restructuring, that would be an opportune time to revisit the City of Perth's ownership. Recently the decision has been made to allocate the share for the City of Wanneroo equally with the City of Joondalup. The two new councils will get a half share each. The minister suggested this would be an opportune time for the matter to be revisited. I add that the Premier, who was at that meeting, interrupted very quickly and said, "No, that is not on." Why did the Premier say that? We do not know. Even as late as two years ago, the Minister for Local Government suggested that that would be an opportune time to revisit it. His boss overrode him, and we do not understand why. The City of Wanneroo's share has now been equitably distributed. However, when asked again by the councils to reconsider it, the Minister for Local Government said, "No, it is not on; we will not consider it."

Let us go through some other parts of this report. Another area which Graham Partridge pointed out to the committee, which is at item 2.4 of the report, was the fact that this council requires the land for its refuse disposal. It is part of the Mindarie Regional Council, which leases the land from the owners. That lease expires in 2011. The Towns of Cambridge, Victoria Park and Vincent have a realistic concern about the position they will be placed in when that lease expires if they no longer have an ownership share in the land. They will potentially be placed at a disadvantage. Item 2.4 of the report states -

Mr Partridge submitted that this would leave these Councils with no guarantee of a continuing refuse disposal site at the same concessional rates enjoyed by the owners of Lot 17.

This committee report provides no answer as to how that matter could be dealt with. No opportunity was given for an examination of that matter by the committee. I will seek the call again, Mr Chairman, to enable me to talk about the real disservice to Mr Partridge.

The Carr-Fardon report is used as the defence for why it was not shared. That could be done if the Carr-Fardon report in total had been used as the basis for sharing the assets of the former City of Perth, but it was not. The Carr-Fardon report stated that there would be no redundancies; however, we all know that many redundancies occurred at significant cost. That report made comments about where the council chambers should be located, but it is not where the council chambers are located today. The Carr-Fardon report recommended the names of the councils, which have been changed. It stated that plant and equipment held by the City of Perth would be transferred to the three new towns. That did not occur. The report stated that all valuations would be on the basis of gross rental values. That is not factual in the Town of Cambridge as it has a dual-valuation base of gross rental values and unimproved values. The Carr-Fardon report recommended the Burswood Casino remain in the boundaries of the City of Perth. That did not happen. Why did it not happen? Because the figures in the Carr-Fardon report were not accurate. Members have only to look at the *Hansard* debate in 1993 when opposition members in the other place highlighted a number of areas where the figures used in the Carr-Fardon report were not accurate. They are a few examples of where that report was not implemented totally. For the committee to use as its sole excuse the fact that the Carr-Fardon report said it should be done is a nonsense. If that is the item on which the committee pins its hopes, it should have been implemented in total in the beginning. It has not been implemented because it got it wrong in certain areas. That is not criticising those people. We all get things wrong; things change over time and we amend them. However, that did not occur in this case, and this matter should have been dealt with in the way I have outlined. The councils should have been given an equitable distribution of this land.

Hon E.R.J. DERMER: I support the comments by my colleague Hon Ken Travers. It is worth recalling that the division of the original City of Perth into the current city council and the three adjoining towns was imposed by the Court Government against the will of the citizens of those towns which, as I recall, was indicated by petitions. Those living in the area of the former City of Perth did not support the division of their municipality. The very least they can expect is an equitable distribution of the assets to create viable local government authorities of those newly created towns, which creation was imposed on them against their will by the Court Government.

That is the thrust of Hon Ken Travers' point. The municipal authorities in the Towns of Cambridge, Vincent and Victoria Park have done a sterling job in making the best of a difficult situation. However, that does not in any way reduce the responsibility of the Court Government to ensure an appropriate distribution of assets to allow those municipal authorities to look after the best interests of their citizens.

Hon RAY HALLIGAN: We have heard a diatribe of ridiculous statements from Hon Ken Travers, but not such ridiculous statements from Hon Ed Dermer, apart from the fact that he wanted to rewrite history.

Hon Ken Travers: Have you ever told the councils you supported them on this matter?

Hon RAY HALLIGAN: I told them that I would look into the matter. That is exactly what I did. It was decided, rightly or wrongly - it matters not at this time because we cannot rewrite history - that the City of Perth would be divided and certain smaller municipalities would be created. Consultants were brought in to examine that process and determine what assets should be provided to each municipality. That is exactly what they did before making recommendations. We heard from Hon Ken Travers that it was an all-or-nothing situation. He is saying that irrespective of how broad was the matter under consideration - and it was broad - every recommendation provided by those consultants had to be accepted by the Government.

Hon Ken Travers: You are using it as your defence.

Hon RAY HALLIGAN: Hon Ken Travers should read it in *Hansard* tomorrow. He said it was incumbent on the Government to accept all those recommendations. I am suggesting that any reasonable, logical and rational person or group

of persons, apart from some of your colleagues on the other side of this House, Mr Chairman, would examine those recommendations and determine what they believed to be in the best interests of the people who would be represented by the new local government authorities.

Hon Ken Travers: That is not what the minister said in 1993 in the Parliament.

Hon RAY HALLIGAN: Where is the evidence?

Hon Ken Travers: I quoted from the *Hansard*.

Hon RAY HALLIGAN: Hon Ken Travers said that it was a meeting at which the Premier was also in attendance. I would like Hon Ken Travers to provide proof of what he claims they said.

Hon Ken Travers: It was in Graham Partridge's submission -

Hon RAY HALLIGAN: That is a third party. Hon Ken Travers is a fourth party. What are we to believe?

Hon Ken Travers: You should read *Hansard*.

Hon RAY HALLIGAN: Hon Ken Travers is talking about Graham Partridge's letter. He should make up his mind. If he has evidence, he should ensure that it is acceptable to everyone and then put it forward.

Hon E.R.J. Dermer: How much did the Liberal party say about the division?

Hon RAY HALLIGAN: That is not the issue. The issue is: How many of the recommendations of the consultant's report should be accepted by the Government? A recommendation that was accepted was that lot 17 Mindarie Keys remain under the name and ownership of the City of Perth. That recommendation was accepted by the Government.

Hon E.R.J. Dermer: The Liberal Party misled the people at the 1993 election. That is not the heart of the issue.

The CHAIRMAN: Order, Hon Ed Dermer. Hon Ray Halligan has the call.

Hon RAY HALLIGAN: Thank you, Mr Chairman. Hon Ed Dermer can think what he likes, which he often does. Unfortunately, he often hears wrongly.

Hon E.R.J. Dermer: You can't find one example to prove I was wrong.

Hon RAY HALLIGAN: His interjections are easy to ignore.

Hon E.R.J. Dermer: They are not easy to answer.

Hon RAY HALLIGAN: There is nothing to answer. Although I sympathise with the three new local government authorities created under this process, the committee could find nothing that suggests that the committee could put forward anything other than the recommendation it made.

Hon KEN TRAVERS: I will reiterate some of my comments for the benefit of Hon Ray Halligan. I refer to page 6744 of the *Hansard* of 10 November 1993 which records the Minister for Local Government, Mr Paul Omodei, as follows -

I mention also the Mindarie arrangement. I understand that there is tripartite ownership of the Mindarie lands by the City of Wanneroo, the City of Stirling and the Perth City Council. I expect the commissioners will divide the one-third ownership of the Perth City Council equitably amongst the towns and the city council.

Those are his comments after the Government had received the Carr-Fardon report.

Hon Ray Halligan: Is it a guarantee to say, "I believe that may happen"?

Hon KEN TRAVERS: When a minister says in a Parliament that he expects something will occur, should we not expect it to occur?

Hon Ray Halligan: So are you wrong in your pre-empt? You are saying he expects they will do it because they will hear what he is saying and they will do it because he says so.

Hon KEN TRAVERS: The key point is that in 1993, after the minister received the Carr-Fardon report, he expected that the logical way of dealing with it would be to allocate that land equitably.

Hon Ray Halligan: He would not have done the report in the first place if he determined it would be split.

Hon KEN TRAVERS: An explanation other than the Carr-Fardon report is needed as to why the land was not distributed.

Another indictment on the report of the Standing Committee on Constitutional Affairs is that it selectively quotes from the submission by Mr Graham Partridge and does him a disservice by suggesting in item 2.9 as follows -

The Committee notes that, contrary to Mr Partridge's statement quoted above, a share in the equity of Lot 17 was at no time vested in the three Towns.

That suggests that Mr Partridge made a false accusation to the committee. I thank the committee for making the submission publicly available upon my request for a copy. Anyone who takes the time to read the submission Mr Partridge made to the committee will clearly note his intentions.

Debate adjourned, pursuant to standing orders.

Report

Resolution reported and the report adopted.

Sitting suspended from 1.00 to 2.00 pm

ADDRESS-IN-REPLY

Amendment to Motion, as Amended

Resumed from 18 August on the following amendment moved by Hon Bob Thomas -

That the following words be added to the motion, as amended -

And further advises His Excellency of the Legislative Council's concern with the failure of the Liberal National Party coalition Government to properly handle the RFA process and, in particular, its failure to meet the needs of timber industry workers, their families and their communities who are adversely affected by the outcome.

HON GIZ WATSON (North Metropolitan) [2.02 pm]: I will continue my comments of last night. I remind members that I was talking about the health risks to people associated with guarding the operations and transport of high level nuclear waste. I was discussing the issue of exposure of policemen in Germany and how the German police union decided that the level of risk to their members was unacceptably high. The other interesting aspect was the dilemma that the German Government faced in transporting this high-level nuclear waste across the country. There was community opposition and concern about the dangers associated with that material, and how the mobilisation of such a large number of police had a severe impact on their other duties. One of the major reasons that the Government decided to cease trying to shift this material across the country was that on its third attempt to guard this material as it went through Germany the transportation coincided with a major sporting event. Because over 30 000 members of the Police Force had to be called in to try to safeguard the passage of the train, the major sporting event had to be cancelled. This caused such an enormous furore throughout the country that the German Government decided it was much too expensive and would not attempt it any further.

The issue of transportation of this kind of waste is causing enormous concerns. The most recent example I cite is of the two shiploads of plutonium and spent fuel material shipped from Europe to Japan for reprocessing. The fact that those ships sailed through various international waters and passed by numerous countries put at risk many places en route. The hazards of transporting this material are hugely increased if it is over water. We know that the material is exceedingly difficult to contain in the best of circumstances and whenever this material is transported by road, rail or sea the risks of breach of the containers is inevitably increased.

I challenge the idea that is presented by the nuclear industry that it is a clean alternative to fossil fuels and a saviour for the world's problems with greenhouse gas emissions. I want today to talk about some of the accidents that have occurred. The industry has made many claims that it has a good accident record and we can trust it, because it has skilled scientists. I do not think anybody here would not know about the nuclear accident and Chernobyl. I want to bring a particular statistic to the attention of members which I heard about at an international conference on nuclear issues in Canberra several months ago. Post-Chernobyl, the situation in the surrounding populations is that the rate of thyroid cancer is now 8 000 per cent higher than it was prior to the Chernobyl incident. Babies have been born in that region with lung cancer pre-existing. Any accidents related to nuclear reactors have an extraordinary impact and we have not begun to count the full consequences of the Chernobyl disaster. In the United States, the Three Mile Island accident which occurred over 25 years ago could have resulted in a similar level of damage and pollution being spread. The reactor did not go critical, but the consequences for the American nuclear industry have been enormous. As I said earlier, this resulted in no new reactors being either ordered or constructed in the United States since that accident.

One of the players in the proposed shipment of nuclear waste to Australia is the British Government. British Nuclear Fuels Ltd is wholly owned by the British Government. It is one of the main driving forces behind the push to have the waste deposited in Australia. Its record is appalling. Its facility in Cumbria these days is called Sellafield but used to be called Winscales. That facility has created a level of radioactive pollution in the Irish Sea which is 13 times the acceptable levels. The industry in England has had enormous problems with a whole range of accidents, leaks and pollution incidents. Attempts have also been made to bury nuclear waste in land formations in England. Interestingly, the failure of those experiments is one of the reasons that British Nuclear Fuels Ltd is particularly keen to find an alternative place to dump its radioactive waste. The failure of its nuclear waste burial has greatly heightened the crisis in England with the amount of spent fuel accumulating adjacent to nuclear power plants.

One of the aspects that is only touched on in the literature of the company promoting the nuclear waste dump in Western Australia, Pangea Resources Pty Ltd, is an exceedingly significant aspect of radioactive waste; that is, it can be used for the production of nuclear weapons. It takes only a very small amount of plutonium to create a nuclear bomb. Of course, the proponents acknowledge that a security issue would be part of any nuclear waste dump. However, in the proposal their responsibility for the management and security of this facility would last for only 40 years. At the end of that contract period that responsibility would pass to the Federal Government and, therefore, to the Australian taxpayer. No attempt has been made to estimate exactly what it would cost to provide a secure facility for approximately half a million years. The risks of terrorist activity or attempts to breach such a waste dump would be ever present for an unimaginable length of time. When one stacks up the proposed income to the State and Federal Governments which the proponents offered as a carrot to sell this notion of a waste dump against the cost of having to keep that facility not only isolated from the environment for

half a million years but also secure, the proposition begins to look ridiculous. On the quick calculations I have done it would work out to about \$22 000 a year for a 500 000-year period, which would not pay one person's wages, I would imagine.

I move on to some of the questions which are being floated in the community and in political debate about a nuclear waste dump. One of the propositions is that nuclear waste is a global problem and Australia would be doing the world a favour if we were to help everybody out and accept this material for the next half a million years. The trouble with that proposition is it is not true. The number of countries that have nuclear power programs is approximately 30, of which only five produce the majority of the high level radioactive waste, those being the United States, England, France, Japan and Russia. In fact, the problem for those countries has been of their own creation. They made a choice to go down the road of building nuclear reactors and creating the waste. It is not a global problem in the way that the company puts in its argument.

The environmental movement worldwide opposes burial of nuclear waste anywhere in the world at this time. It is not merely that Greens (WA) and other environmentalists are opposed to its burial in outback Australia, although we can think of additional arguments why we do not want it here. The problem with burial is that there is absolutely no guarantee this material can be isolated from the environment and from natural processes for the suggested period, which is, as I say, half a million years. No containers have ever been constructed at any time in history that would be expected to last for that sort of time scale. Indeed, as I perhaps mentioned last night, the company itself in its best estimates, suggests that the containers it is designing would last for 1 000 years. That is an ambitious claim but it would come nowhere near the requirement to ensure that the waste was isolated for half a million years.

The stability of the geology is bound to be questioned. When talking about the required time frames, there is no guarantee that any geology will remain stable; indeed, there are indications that so-called stable geology the company has identified in the Centralian super basin is underlaid with fault lines and certainly has ground water underneath it that would be vulnerable to leaks of radiation.

I have mentioned that the industry also puts about the idea that because uranium in its naturally occurring state is radioactive, it is merely putting the waste product back into the ground. The industry says that it came from there and it can go back there and it asks what is the problem. As I illustrated earlier, the material that is proposed to be buried is millions of times more dangerous and radioactive than uranium.

There then comes the question of what is the solution to nuclear waste. The most obvious and long-term solution is to stop making it in the first place. As a link to that, we must obviously stop mining the uranium that will ultimately turn into that waste product. As for the material that has already been produced at power plants around the world, there are now a number of bad options. Probably the least worst is to store the material above ground in a visible facility adjacent to where it is produced, because this minimises the risk associated with transport. As I said earlier, containment is never 100 per cent foolproof but containment is more vulnerable if the nuclear waste is being transported, whether by road, rail or sea. That greatly increases the chances of a container being compromised and radioactive material being released into the environment.

The second matter is that if containers are visible and accessible, if there is a problem with leakage, that can be detected and the material can be resecured in another container. If the material is below ground, the chances of detection are hugely reduced. Indeed, the proposal with which we have been presented becomes an out-of-sight, out-of-mind, pseudo-solution under which it will never be possible to monitor whether containers are leaking, and if they start to leak, the cat will already be out of the bag. Above ground, visible and accessible is the best option. It leaves open the possibility of moving the material at a later date if a better method is developed for containment or reprocessing. It also means that there is constant supervision by experts, and a guardian culture for that material is developed. We have basically created a monster with which we do not know how to deal. That material is present now and it will need securing for a half a million years.

When there is discussion about Australia having an obligation to be part of a global debate about nuclear waste and what we do with it, our obligation, both morally and as good global citizens, is to ensure that the nuclear industry is stopped and that these waste products are no longer produced. In 50 years we have not come up with a way of rendering them harmless, and it is totally immoral to continue producing this material. The obligation of Western Australia is to ensure that we do not mine uranium. Despite some members of the Government, and indeed some members of other political parties, thinking that this is a great industry and we should be promoting it here in Western Australia, when the industry as a whole is considered, one realises that the impacts and the ongoing risks associated with it are totally unacceptable. If we, as a global community, had invested in the technologies of renewable energy in the same way as money has been invested in the nuclear industry, we would be much further down the track of living in a sustainable way and ensuring that we were not producing waste products with which we cannot deal.

The proposition that by providing a dump we are somehow helping out the world is a nonsense. If this project were allowed to go ahead, it would not be a dump for just 40 years; it would be a dump that would remain open for as long as the industry kept running. In keeping the door open for the industry to keep running, we are doing a huge disservice to the planet.

It is interesting that here in Western Australia the current push towards uranium mining is not the first one we have seen in this State. In the 1970s there were strong moves to establish uranium mines. Indeed, the Premier's father was a great supporter of the establishment of one, if not more, nuclear power stations here in Western Australia. It was only as a result of vigorous agitation and information campaigns by the community that that idea was put to rest. What we will see is a new wave of community awareness and opposition to all things nuclear in this State.

This leaked information about a proposed waste dump in Western Australia has done a huge service by raising the debate about the links between uranium mining and the waste it produces. In Western Australia we have been exceedingly sheltered from an understanding of the dirty end of the nuclear chain. I say "nuclear chain" rather than "nuclear cycle". It is a

misnomer to suggest that uranium is part of a nuclear cycle, because a cycle implies that there is a complete returning of material and safe cycling. However, the key problem with nuclear by-products is that they do not cycle and they remain toxic for an enormous amount of time.

We are seeing a reaction in the community to this proposed waste dump. One matter I wanted to talk about this afternoon is the opposition that is growing in local councils and local communities, which are expressing their outrage at the prospect that nuclear material might be stored, transported or processed in their local area. A number of councils have moved to declare themselves nuclear-free zones. The Shire of Chapman Valley has amended its town planning scheme to make it illegal for such activities to occur in its local government area. This is particularly significant because the Shire of Chapman Valley is aware that part of this proposal is a private port, and we all know that the area adjacent to the Oakajee heavy industries site is proposed as a deepwater port. The proponent, Pangea Resources Australia, has said that it wants a dedicated port. The residents of the area in the Shire of Chapman Valley have said that they do not want anything to do with the nuclear fuel cycle anywhere in their local area, and that has been expressed through their local council representatives.

It is interesting to see the reaction of the Minister for Planning on this issue, which has been to challenge the shire's move to amend its town planning scheme and to try to override the rights of that local council to do that. It is also heartening to note that other councils are choosing to join with the Shire of Chapman Valley. I noticed in an article in the *Bunbury Herald* of Tuesday, 17 August, that the City of Bunbury and the Shire of Dardanup are considering similar amendments to their town planning schemes.

The article states -

Bunbury Councillor Tony Dean, who put forward the motion, said yesterday it was sending a clear message to anyone wanting to develop a nuclear industry it would be illegal in Bunbury and Dardanup.

"There seems to be moves afoot to import some sort of nuclear material from overseas for processing or storage," he said.

"What we're saying is it won't be in the City of Bunbury."

The article goes on to say -

He picked up the idea from the Shire of Chapman Valley which has initiated an amendment to its Town Planning Scheme aimed at prohibiting any activity associated with the transport or production of nuclear waste.

The motion was passed unanimously by the council and has been referred to the Department of Environmental Protection for comment.

It will then be reconsidered by the council which will decide whether to advertise the amendment for public comment or forward it to the WA Planning Commission.

Chapman Valley Shire chief executive officer Maurice Battilana yesterday called on other local governments to support the council and lodge similar applications with the Planning Commission.

He said the council was prompted to make the amendment to protect its agriculture industry which was the biggest revenue earner in the shire.

That is a very good point because it recognises that those shires depend on clean, green industries, be it agriculture, fishing or whatever is the mainstay of those local economies. Any activities involving radioactive material will have an enormous impact on those clean, green industries that are there currently. It is also interesting to note that the Mid West Development Commission has said that it is opposed to any dump proposal that would affect the midwest region. There is therefore a growing level of community concern and opposition to this proposal.

Another possible area, depending on the final preferred site identified by the proponent, is the port town of Esperance. The community there has passed a motion to investigate ways of amending its town planning scheme to prohibit nuclear activities. Communities that have a port have a particular interest in any activities that involve the shipment of radioactive material through their towns. The port facilities and the activities around the port are the most vulnerable areas for accidents. Many accidents and near misses have occurred at ports around the world with shipments of nuclear material.

I received some interesting information from a number of councils that wrote to me proudly stating they are already nuclear free and have been for a long time. Some of those shires are in the metropolitan area, such as the Towns of Vincent and Subiaco. They all have taken a very strong position and oppose any movement of radioactive material along their roads. An interesting array of shires have responded and said that they will be opposing these activities. Laverton, in particular, is very concerned and has asked for information relating to the risks associated with a nuclear waste dump. Members may be aware that one of the sites identified by the proponent as one of its two preferred options is east of Laverton. The Aboriginal community there is similarly concerned that its land is being talked about as a potential waste dump, yet no-one has had the courtesy to speak to the community directly about it.

There has been much rejection by the Government of the dump proposal, assurance that it does not contemplate supporting this waste dump and that we should not worry about it because it will never support it. The point is that the company has a very long time frame and a very large budget and it can keep on working away behind the scenes, as we know it is, to promote its proposal, to soften up members of the scientific community and the political parties, to speak to members of the media and to have its public relations campaign running full steam ahead but underground. What concerns me is that a "no"

now might turn into a "yes" later, especially when we are talking about enormous financial incentives that will be presented at some time in the future, if they have not already been presented.

The solution is to legislate to prevent this type of proposal. That legislation must be at all levels of government. As I said, local councils are already moving down that track. That is interesting because local governments are often a lot more in touch with community feeling and sentiment than perhaps we are in this place. Indeed, they reflect that level of concern in their resolutions and their attempts to amend their town planning schemes. Legislation is also required at state government level. I will be presenting a motion which hopefully will be debated at some time in this House calling on the Government to do just that. It is necessary to have legislation at the federal level as there is always a possibility, if a decision were to be taken by a Federal Government to allow the importation of this waste material, that state authorities would be in an exceedingly difficult position to oppose it.

I ask members to think very carefully about this matter. I implore them to take it seriously. I know there has been a degree of ridicule on this issue such as, "It will never happen; don't worry about it; and save your energy and do something else." I have had experience and knowledge of the nuclear industry over the past 25 years. This issue must be taken seriously; it will become an exceedingly live political issue. It is an issue that goes right across party politics and is of such great concern that we should ensure this State remains free of all aspects of nuclear industry, including mining. We have an enormous obligation to ensure that no more of this stuff is dug up and sent overseas, where it becomes a horrendous problem for its creators; we must take that responsibility very seriously. We have an opportunity now to act with foresight, vision and knowledge to ensure that we legislate to prevent Western Australia becoming the nuclear waste dump for the rest of the planet.

HON SIMON O'BRIEN (South Metropolitan) [2.39 pm]: I am delighted to be able to participate in the Address-in-Reply debate if for no other reason than to join with colleagues on both sides of the House in thanking the Governor for again joining us to give his speech on opening day. I too wish him well in the future. In his address to the Parliament on Tuesday last week he reminded us it would be the last occasion on which he would be officiating in his capacity as Governor and that he would be retiring shortly. I join my colleagues in offering my sincere compliments and best wishes to His Excellency and to Mrs Jeffrey for the future.

Because of the rules of debate I am required to address the amendment before the Chair as part of my contribution to the House. I will come to that in a moment, but before I do, I will acquaint the House with a couple of matters which have come to my attention and which should be of interest to other members.

I start, firstly, on a rather sad note. It is an unfortunate aspect of modern western society that our youth sometimes, in its exuberance, commits great acts of self-destruction. This is especially so when using motor vehicles. Governments here and abroad have long applied themselves to ways of reducing the tragedy that is road trauma. In some cases, programs have been successful in reducing the impact of road trauma on our community; in other cases, programs have been less successful. Despite any Government's best efforts, unfortunately there are occasions when human nature and human folly take over and accidents occur which society could not have avoided. One such accident occurred recently in my electorate in the vicinity of Wellard. The victims were four young men; three of them died in the incident and the fourth was critically injured. Perhaps the most apparent of his injuries was the amputation of both legs. As the lone survivor, he has suffered horrendous injuries. The community to which these young men belonged was attached to the El Shaddai Christian Fellowship and School. Indeed, one of the deceased was the son of Pastor Gerry McCoy, who is the founding principal of El Shaddai Christian college in Wellard. It was founded by Pastor McCoy and his family in 1986. I have had dealings with El Shaddai college on a number of occasions. I have visited the premises several times and I have worked with Pastor McCoy, his team and his community on a couple of projects. The terrible tragedy occurred when the car in which these four young men were travelling left the road at very high speed and struck a tree so violently that the vehicle broke into pieces. The incident was first reported in some sections of the media as involving a stolen vehicle and that drink or drugs may have been involved. These reports caused great distress to the associates of those involved in the incident because, in fact, no drink or drugs were involved and the vehicle was not stolen; it belonged to the driver, an 18-year-old Murdoch University student who was formerly a head boy at El Shaddai college.

I place on the record two things about this most unfortunate and tragic incident: Firstly, I will set the record straight about the circumstances of the car crash, which did not involve a stolen vehicle or substance abuse, as I have been informed. It was simply a case of youthful folly and, as the police have reported, vastly excessive speed in very poor driving conditions. Secondly, I am saddened, as I am sure all members of the House are saddened, by news such as this, especially when it affects a small and close-knit community such as that which exists at El Shaddai college. I can vouch for the fact that it is a loving and close community. I hope that the family and associates of the victims will draw great comfort and strength from the close associations they enjoy. Through this opportunity, I extend my sincere sympathies to Pastor McCoy, his family and the families of all concerned in this most unfortunate and tragic occurrence.

Another matter I wish to report to the House is on a far more positive note, I am glad to say. Last year in moving the Address-in-Reply debate, I addressed the House on the theme of challenging the culture of social acceptance of illicit drug use. I referred at that time, briefly -

Hon Ljiljanna Ravlich: That was a great speech.

Hon SIMON O'BRIEN: I thank Hon Ljiljanna Ravlich. I referred to a quote from the former New South Wales Supreme Court Judge, Athol Moffat, who was reported as blasting those who advocate the responsible use of illicit drugs when he said -

"To teach kids how to use drugs responsibly . . . that's the kiss of death . . .

"When people say 'don't use ecstasy, but, if you do, only use a little bit', it has to be one of the worst things you can do because it immediately indicates to kids that it is in some way acceptable."

As most members know, I take great exception when the term "harm minimisation" is twisted and used to indicate that drugs are normal and we must ensure that people use them safely. As I said on 11 August last year, that sends out the appalling message that drugs are not necessarily harmful and that their use is somehow acceptable. How is a teenager meant to react to these messages? Peer group pressure and popular culture are powerful forces. We should stop sending mixed messages and adopt a clear, uncompromising and undiluted message; namely, that illicit drug use is harmful to users, their families and their colleagues in the community at large, and that the community's policies and initiatives must not promote the use of drugs.

Therefore I was delighted to be put into contact with the Deputy Mayor of Tamworth in New South Wales, Councillor Warren Woodley, who, in considering the same question, found himself in a position, with others in the local government community of New South Wales, in which he had a sufficiently large group of fellow councillors and colleagues that he could do something about putting this into organised practice. He devised a concept called "Australian Cities Against Drugs" which is referred to as ACAD. He linked up with a barrister at law from Edmund Barton Chambers in Sydney, Mr Ross Goodridge. Together they have given form and substance to this group now known as ACAD. It is modelled in the first instance on another group called "European Cities Against Drugs", which includes as its members places like London, Madrid, Oslo, Stockholm and 260 other cities and towns in Europe.

The aim of ACAD is outlined in the message it sent to all councils throughout Australia. It is a worthy message, which has already been responded to by some councils in Western Australia. I have no doubt that it will come to the attention of some members in this place, so I will acquaint them generally with the terms of that message. I am sure all members will be pleased to learn that the approach of ACAD in what is sometimes a polarised debate is intended to bring all sides together in espousing a view with which we can all associate. The terms of its introductory material are as follows -

ACAD is devoted to providing local governments with information, education and support to eradicate illicit drugs and reduce the harm caused by such drugs. For example, ACAD will ensure that education kits are made available to councillors, schools, and community groups in respect of issues such as the availability, purity and price of illicit drugs, and a list of warning signs of addictive behaviour, treatment options and the name and address of government and non-government organisations available to assist.

Material has been provided to me that I will not seek to read into the *Hansard* now due to time constraints. However, in general terms the ACAD group is aiming to assist local communities to implement anti-drug strategies of all kinds, including education and mentor programs, safe houses and rehabilitation programs. It has communicated to me a number of strategies it will be implementing. I am very impressed with its multi-level approach aimed at providing support across a range of programs throughout every city, town and shire the length and breadth of Australia.

It is an ambitious program which involves a great deal of coordination and personal effort. I commend Councillor Woodley and Mr Goodridge for having the courage to attempt to pull together such an ambitious program. It has already received a positive response from councils throughout Australia that were asked to associate themselves with this brief resolution, which reads as follows -

We, the Mayors of the Cities, Towns and Shires of Australia, believe that drug abuse is one of the most critical problems facing our country. The health, criminal and violent consequences of illicit drugs cut across cultural, racial and economic lines impairing and affecting Australians. Drug use and addiction contribute to the breakdown of families, the abuse of adults and children, the spread of HIV/AIDS, the school dropouts, and the declining quality of education, homelessness, urban decay, high health care costs, and low economic productivity that compromises our community. We must reduce the number of people who use drugs and the supply of drugs. Drug use is a preventable behaviour and drug addiction is a treatable disease. Reducing drug abuse is essential for our children and families, our safety, neighbourhoods and communities, our health and our freedom to grow and prosper. We must each, individually, recognise that we have a role to play in the solution as individuals and communities and all of us have a stake in the outcome. Drug abuse is preventable and we join together in this common purpose.

In support of ACAD, member councils are asked to make an annual donation of \$250, \$500 or \$1 000 depending on the council's assessment of whether it is small, medium or large. ACAD is possibly relying on civic vanity to keep the subscriptions as high as possible!

Hon Derrick Tomlinson: Where would Peppermint Grove fit in?

Hon SIMON O'BRIEN: Although Peppermint Grove is one of the smallest shires in Western Australia, I hope it will decide it is a large council. I understand that it has already responded positively to this initiative. I am advised that as of last week 152 councils throughout Australia, which is a large number in a short time, have responded positively to ACAD. Indeed, I viewed a list of the councils when I attended the national launch of Australian Cities Against Drugs last Thursday evening at Parliament House, New South Wales. One of the very pleasing aspects of that national launch was the bipartisan nature of the sponsorship.

Hon Bob Carr, Premier of New South Wales, was delighted to associate himself with the launch. Although he was not present, his Minister for Police, Hon Paul Whelan, attended in his place. The Leader of the Opposition in New South Wales,

Hon Kerry Chikarovski, also attended as did sundry members of the State Parliament, including Mr Peter Nagle, MP, the member for Auburn and Mr Tony McGrane, the independent member for Dubbo.

Hon Derrick Tomlinson: I am sure Peter Nagle would have entertained you right royally.

Mr O'BRIEN: Mr Nagle did entertain me royally after he greeted me most effusively. I will tell Hon Derrick Tomlinson something about that outside the House in due course. The gathering on that occasion was very large. I was honoured to be invited as a guest from Western Australia to address the convention, which I think confirmed the vitality of the community, certainly in New South Wales, in honouring this positive initiative. I commend Warren Woodley, Deputy Mayor of Tamworth, and Mr Ross Goodridge, the president and chairman respectively of ACAD. I urge members to encourage their councils to seriously consider joining and supporting ACAD and deriving the benefits from this most positive grassroots initiative.

I also had the opportunity when I was in the neighbourhood of visiting a Sydney naltrexone clinic that was recommended to me as a good place to visit as an observer. I was invited to the scene in Liverpool, south west of Sydney, by Dr Siva and his colleague Mr Joey Wong. Dr Siva is a colleague and sometime disciple of Dr George O'Neil, who is well known in Perth for his advocacy and use of naltrexone treatment. Dr Siva established this treatment in a former hospital in Liverpool where more than 600 heroin addicts have been treated over about 18 months.

Mr Joey Wong, with whom I spent almost a whole day, is another remarkable character who is a former heroin addict. I have often found in investigations into heroin addiction that the most useful and sincere advice comes from former addicts.

Often we think we know what heroin addicts require or should do with themselves, but it is the former addicts who have been down that path and who have been to that particular hell and have come back who can offer the best advice. They are able to view the situation through the eyes of one who has been through that experience. Mr Wong reinforced the view that heroin addicts feel they have a disease. They do not believe that they have a crime problem but rather a health problem, as heroin addiction is a disease. What they really need is to be free of addiction. They do not require maintenance of their addiction or the replacement of one addiction with another. That is one of the strong points of view in the drug debate in our community. When that point of view comes from a long-term addict who has been clean and working with other addicts for the past 13 years, and who is a family man who has drawn himself up from the pit of utter despair to be quite successful in his community, I sit up and take notice. I thank Joey Wong, Dr Siva and some of the other former addicts at the centre, such as Chris and Adriana, for opening up their premises and their hearts and souls to me so freely. I appreciated and benefited from the experience and I hope I can do justice to the time they gave to me by applying some of that knowledge to the benefit of my community in Western Australia.

One of the interesting things about the Liverpool Centre is that it is located in a former suburban hospital. It has all of the things that a heroin clinic needs, such as the facilities in the right layout. For example, there are plenty of laundry, ablution and catering facilities with room for pathology labs and so forth. One wing of the former hospital is given over to no less than seven double-sized treatment rooms. As it is quite a large scale operation, the centre has had up to six going simultaneously. There is another wing on the other side of the administration and reception area, which is in the centre of the building. This wing is given over to other aspects of the naltrexone program.

The centre's operators advised me that although detoxification and the initial treatment program is very intensive - conducted initially on the premises and continued later at home - it is actually the easiest and quickest part of the exercise. Perhaps we have heard this before from other centre operators in Perth. The most difficult and resource intensive part of the program takes place afterwards, wherein the patient is assisted in maintaining abstinence from heroin. This part of the program derives from the naltrexone drug.

For that part of the program the second wing of the hospital is used. This wing is given over entirely to various types of counselling rooms. Different levels of psychiatric counselling are available, such as standard counsellors and even a very highly qualified psychiatrist. There are group counselling rooms and individual counselling rooms. It is interesting to see how well a former suburban hospital, with its natural and familiar layout, can be adapted for use as a naltrexone treatment centre. I understand there is a disused country hospital near the city in Western Australia. Proponents of the naltrexone program are looking at this hospital with a view to acquiring it to expand the naltrexone program in Western Australia. I will be following that project with great interest and other members have indicated their interest in gaining more information.

It was an interesting experience to visit a city where the drug scene has features that are not necessarily seen in Perth. For example, heroin prices in Sydney are very high and availability is scarce. I know this because heroin addicts at the Liverpool Centre told me. There is no experience like that of visiting people in the street or at the coalface and receiving information firsthand. I commend that sort of experience to other members should the opportunity present itself.

I wanted to place these matters before the House for the information of members but, as I acknowledged in my opening remarks, I am, of course, addressing the amendment to the Address-in-Reply, as amended. The amendment, moved by Hon Bob Thomas, seeks to add the words -

And further advises his Excellency of the Legislative Council's concern with the failure of the Liberal National Party coalition Government to properly handle the RFA process and, in particular, its failure to meet the needs of timber industry workers, their families and their communities who are adversely affected by the outcome.

I would not dream of getting to my feet to participate in this debate and neglect to address the proposed amendment. However, I hope it does nothing more than proceed to being a defeated amendment. It is a poor thing that in this Legislative Council members opposite think that it is necessary to bastardise a traditional motion of reply to the Governor.

Withdrawal of remark

The PRESIDENT: Order! I am not sure that the word bastardise, when it is said in regard to the motion, is a proper parliamentary term. Members may not like an amendment, but it is still an amendment to a motion. The context in which that was said struck me as out of line.

Hon SIMON O'BRIEN: Obviously I am happy to take your guidance and I withdraw the word.

Debate Resumed

Hon Ljiljanna Ravlich: You are dragging it out already.

Hon Max Evans: He is allowed his time to speak.

Hon Ljiljanna Ravlich: Not at one word every three minutes.

Hon SIMON O'BRIEN: Mr President, the puerile interjections of Hon Ljiljanna Ravlich are exactly what I am trying to demonstrate to the House in addressing this amendment.

Hon Ljiljanna Ravlich: Puerile!

Hon SIMON O'BRIEN: Puerile is a good word for Hon Ljiljanna Ravlich and for all the drivel that she speaks in this House. That is what is wrong with the amendment that we are forced to deal with. The Address-in-Reply motion is one that is traditionally moved at the opening of every session of the Parliament. It is a traditional motion which is always couched in the same terms. I think it is extremely regrettable that members opposite think it necessary to take advantage of their situation in this House to politicise the Address-in-Reply.

The Address-in-Reply motion is traditionally moved at the opening of every session of the Parliament, and it is always couched in the same terms. It is extremely regrettable that members opposite seem to think it is necessary to take political advantage of the position that they have in this House. The motion is not meant to be a political response to the Governor's speech; it is a traditional response.

Hon Norm Kelly: The Governor gives a political speech although he is giving it on behalf of the Government.

Hon SIMON O'BRIEN: The Governor is not a political figure. Hon Norm Kelly is correct: We can discuss any political issue we wish in the Address-in-Reply debate, but amending the motion is another issue.

Hon Ljiljanna Ravlich: You are going from the ridiculous to the absurd.

Hon SIMON O'BRIEN: The member will be in familiar territory; that is where she seems to want to dwell.

Hon Ljiljanna Ravlich: Come up with an original line; do not use mine.

Hon SIMON O'BRIEN: That is why we find ourselves debating Hon Bob Thomas' amendment, which seeks to use the numbers to make a political statement about a motion that traditionally should not include any political element. The member is entitled to introduce political debate, but he is wrong to try to make highly politicised, arguable amendments to the motion.

Hon Bob Thomas: Cut it out!

Hon SIMON O'BRIEN: Is the member speaking on the telephone? I do not want to interrupt him.

The PRESIDENT: I do not want interjections. If the member were to address the Chair, we would get on fine. Let us get on with the debate.

Hon SIMON O'BRIEN: Unfortunately, the mentality that we must currently endure, which has just been reinforced by some of the interjections -

Hon Ljiljanna Ravlich: Where did they find you?

Hon SIMON O'BRIEN: Unfortunately we must debate this amendment. Hon Bob Thomas may have the numbers to express to His Excellency as part of this ever-growing Address-in-Reply motion that the Legislative Council is, by a margin of one vote, concerned about the Government's handling of the RFA process. However, everyone knows that that is nothing more than crocodile tears.

Hon Norm Kelly interjected.

Hon SIMON O'BRIEN: I do not know how much democracy has do with it.

Hon Ljiljanna Ravlich: I do not know what you are doing here then.

Hon SIMON O'BRIEN: Members opposite fail to realise that they have managed to cobble together 50 per cent of the seats -

Hon Ljiljanna Ravlich: Plus one.

Hon SIMON O'BRIEN: No, 50 per cent of the seats in this House, by slinging together a few minorities who attract between them 3 per cent to 8 per cent of the vote.

Hon Ljiljanna Ravlich: It gives us a majority of one.

Hon SIMON O'BRIEN: It does not you stupid woman!

The PRESIDENT: There is no need to refer to members in those terms.

Hon Ljiljanna Ravlich: Especially me.

The PRESIDENT: This is where it all goes wrong and we make a mockery of the place. Hon Ljiljanna Ravlich will stop interjecting and allow Hon Simon O'Brien to continue his comments.

Point of Order

Hon N.D. GRIFFITHS: I suggest that the words used by the member are unparliamentary and he should be invited to withdraw.

The PRESIDENT: Words similar to those have been used previously. Depending on the context in which they have been used, some members who have been referred to in those terms have sought to have them withdrawn. There was a robust exchange occurring between Hon Ljiljanna Ravlich and Hon Simon O'Brien. I would have thought that Hon Ljiljanna Ravlich, if she so desired, would ask that they be withdrawn. I will leave that up to the member.

Debate Resumed

Hon SIMON O'BRIEN: In political terms, this House does not have a majority on one side or the other. The result of the election was that 17 of the members represent the Government and members occupying the other 17 seats tend more often than not to cobble together into an opposition. That is not a majority on one side or the other.

Hon Norm Kelly: You need to reform the whole House.

Hon SIMON O'BRIEN: Perhaps we do. The pattern of interjections illustrates precisely the point I want to make about this amendment. It is nothing more than an opportunity to politicise this message to the Governor. There is nothing wrong with a political debate, but there is everything wrong in trying to politicise messages we send to the Governor under the cloak of a courtesy and an acknowledgement for attending upon this House to participate in the opening ceremony.

Criticism from the mover about the Government's failure to meet the needs of timber industry workers, their families and their communities who are adversely affected by the outcome of the RFA process is a case of the pot calling the kettle black. Earlier today and last night, we heard the mover make two speeches that drew on the same material. On hearing the speech the second time, I made an interjection - which was made and received good-naturedly - that perhaps the mover was trying to repeat the same argument on the basis that if one repeats a falsehood often enough perhaps some people will be convinced it is the truth.

Hon Bob Thomas: That may be your philosophy, but it is not mine. Last night I did not have enough time to develop this argument, so I expanded on it today.

Hon SIMON O'BRIEN: I am making this speech and I have been asked to address the Chair. I ask Hon Bob Thomas whether his Opposition includes the Greens (WA) and the Australian Democrats - of course, through the Chair -

Hon N.D. Griffiths: Question time is at 4.00 pm.

Hon SIMON O'BRIEN: How the heck can Hon Bob Thomas possibly postulate that the Labor Party has any policy that would meet the needs of timber industry workers, their families and their communities when it wants to kill off the logging industry entirely?

Hon Bob Thomas: Cut it out!

Hon SIMON O'BRIEN: It betrayed the workers at its annual conference - which it holds once every four years, and I am sure members opposite are glad of that. Instead of supporting the RFA process, which was initiated by Paul Keating, the ALP conference was taken over by some extraordinary fringe elements who overturned a sound, long-held policy on forestry. The party threw that policy out the window and said that there will be no more logging. From that point we could no longer have a sensible debate in this State about the science of forestry. The topic has been given over totally to emotional debate at the intellectual level we see at ALP conferences. The Opposition has failed to meet the needs of timber industry workers by turning its back on them. The Labor Party has failed to care for one moment about the future of families or communities in the south west. The Opposition claims it is happy to stop logging in any old-growth forest from the next election -

Hon Bob Thomas: Absolutely!

Hon SIMON O'BRIEN: - which will be held in 2001. I understand that timber contracts are in place until 2003. The Labor Party, under the leadership of Dr Gallop, is proposing to breach those contracts.

Hon Bob Thomas: They will be moved out of the icon forests.

Hon SIMON O'BRIEN: They cannot do that in 2001 because there will be no more trees. Members opposite cannot have their cake and eat it too!

Hon Bob Thomas: There are plenty of other trees. You do not know what you are talking about.

Hon SIMON O'BRIEN: I do. It is what Dr Gallop has been saying to the public that concerns me. Is it true - perhaps I will

receive a response later in this debate - that Mr Reynolds from the Construction, Forestry, Mining and Energy Union sought an assurance at the ALP conference from Dr Gallop that if the ALP came to power after the election in 2001 - heaven forbid - in implementing this new you-beaut policy, it would not breach the contracts that are meant to run until 2003? Was the support of that union bloc given only after that undertaking? I would like to know if that is true. If it is the case, it raises some questions about the opposition members. Which way are they trying to cut it? They want to eat their cake and have it too. The mover of the amendment was accusing members of the Government of that, in this place and in the other place, as recently as this morning and in his remarks last night.

Hon Ljiljanna Ravlich: You do not know what is going on in your own party. How on earth do you expect to know what is going on in anyone else's?

Hon SIMON O'BRIEN: My interjector wanted to know why I used the term "puerile" when referring to her interjections! Several members interjected.

The PRESIDENT: Order! I suggest members get on with the amendment. Perhaps members who want to engage in any of the little game playing and backbiting will step outside the Chamber where they will have more freedom to do that.

Hon SIMON O'BRIEN: I hope you, Mr President, are not trying to deprive me of a quorum as a device to make me wind up my remarks!

The needs of timber industry workers, their families and their community are adversely affected by what has been happening in public policy on forestry in this State in recent months. The process of trying to meet the needs of timber industry workers, their families and their communities is taken very seriously by members on this side of the House.

Hon Bob Thomas: You must be joking.

Hon SIMON O'BRIEN: Hon Bob Thomas may think it is a joke, but the fact of the matter is that the Government is the only political force in this Parliament that gives a damn about the timber workers. Members opposite have all abandoned them, and have hopped on the green bandwagon.

Hon Bob Thomas: Who made the backflip?

Hon SIMON O'BRIEN: Who invented it? It was probably the Labor Party. I must satisfy colleagues, Mr President, when they insist on knowing who made the backflip. The backflip was made when Labor Governments said that there would be a cut of 520 000 cubic metres of jarrah per annum which was the minimum for a sustainable industry, and then at a subsequent conference it suddenly decided there would be no cut of jarrah at all. That is what I call a backflip and it came from members opposite.

On behalf of my colleagues, I reject the notion that the Government is not interested in meeting the needs of timber workers. It is trying to help them and if it had more bipartisan assistance, rather than the pure politics characterised by this sort of paper thin amendment, it might go somewhere towards that. However, the Government will not receive that sort of assistance. Members on this side of the House are prepared to support their Government in its attempt to find the best outcome for timber industry workers, because that industry is needed in this State. I therefore exhort members to oppose this amendment and to stop catering to the silly political motives of the mover of the amendment.

HON LJILJANNA RAVLICH (East Metropolitan) [3.25 pm]: Hon Simon O'Brien is always a very hard act to follow, but I will try. I support the amendment to the Address-in-Reply moved by my colleague Hon Bob Thomas, which reads -

And further advises His Excellency of the Legislative Council's concern with the failure of the Liberal National Party coalition Government to properly handle the RFA process and, in particular, its failure to meet the needs of timber industry workers, their families and their communities who are adversely affected by the outcome.

We know that the Regional Forest Agreement was signed some time ago, and we also know that since that time a revised RFA has been introduced through announcements by the Premier about logging old-growth karri and tingle forest.

Hon Derrick Tomlinson: The agreement was signed by the Premier and the Prime Minister, and no new agreement has been signed by the Prime Minister.

Hon LJILJANNA RAVLICH: That is right. A new agreement has not been signed, but an announcement has been made of a shift in policy, as Hon Derrick Tomlinson well knows.

Hon Derrick Tomlinson: Get your facts right. I like a lady to get her facts right.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: Changes have been made to government policy since the RFA was signed. I know what Hon Derrick Tomlinson is attempting to do; that is, to distract me from the points that he knows I shall make. I will not be distracted.

Hon Derrick Tomlinson: You are not distracted, you are distracting.

Hon LJILJANNA RAVLICH: If Hon Derrick Tomlinson says there has been no shift in position since the RFA was signed, it indicates how out of touch he is.

The PRESIDENT: Order! Hon Derrick Tomlinson will have an opportunity to express his view on the amendment in due course. I assure Hon Ljiljanna Ravlich that if she addresses her remarks to me I will not interject.

Hon LJILJANNA RAVLICH: The Premier announced a shift in policy regarding the logging of old-growth forest, clear-felling, woodchipping, logging plans and even royalties. These proposed changes have not been embraced by the community and, in fact, it has been reported in *The West Australian* on numerous occasions that the Premier's shift in policy on the RFA has caused more damage rather than improved the situation because now absolutely nobody is happy. Be that as it may, the time has come to exercise great understanding and compassion in view of not only the consequences of the original RFA, but also the impact of the revised RFA on south west communities. The people with whom I have communicated are not at all happy with the Government's response to the future of these communities and the workers in that industry who are directly affected by it. Some major political fallout has resulted from the Premier's policy on the run represented by the changes to the original RFA. This morning, Hon Paul Omodei stood on the steps of Parliament House and announced to the timber workers that he wanted to be the minister responsible for forests and he wanted to be that minister soon. We already know that Hon Colin Barnett has offered himself for that task -

Hon Derrick Tomlinson: You do not know that! That is absolute nonsense!

Hon LJILJANNA RAVLICH: Hon Colin Barnett has been reported in the newspaper as saying that if he were the minister responsible for forests, he would solve the forestry issue for the Government.

Hon Derrick Tomlinson: He has said nothing of the sort! Go back to your source and check it, because you are wrong!

Hon Ray Halligan: Yet again!

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: Never mind. I will just need to live with the fact that I am wrong. If I am wrong, I am wrong, because not everything I say is right all the time. I do not happen to have an opinion of myself as a perfect human being, and occasionally I may get it wrong.

Hon Derrick Tomlinson: Then you should not stand here and say untruths.

Hon LJILJANNA RAVLICH: That is certainly the information I have come across and the information I choose to believe at the end of the day, so I present it to this place. Two people within the Government are already vying for the position of being in charge of this area. We already know that the minister responsible for this area, Hon Cheryl Edwardes, is not doing a good job. I do not see any member opposite jump to her defence. In fact, she is doing such a lousy job that her federal colleague Forestry minister Wilson Tuckey does not miss an opportunity to give her a kick, and members opposite know it. On 12 August 1999, Mr Tuckey said of the Minister for the Environment that -

Hon B.M. Scott interjected.

Hon LJILJANNA RAVLICH: Hon Barbara Scott is in the Liberal Party. She knows the Minister for the Environment better than I do. She is a mate of hers. I certainly do not drink with her and I do not sit at the same dinner table -

Hon Ray Halligan: Of course not, but you are wrong.

Hon LJILJANNA RAVLICH: I may be! I am not saying this is my opinion. Is Wilson Tuckey wrong?

Hon Ray Halligan: He may well be. You have not told me what he said.

Hon LJILJANNA RAVLICH: Then how does Hon Ray Halligan know what he is talking about?

Hon Ray Halligan: I said you are wrong.

The PRESIDENT: Order, members!

Hon LJILJANNA RAVLICH: Thank you, Mr President. Wilson Tuckey said of the Minister for the Environment that -

. . . Cheryl Edwardes has a history of turning every portfolio she administers into a disaster and clearly her forest stewardship is on the same track . . .

Hon J.A. Scott: Wilson would know!

Hon LJILJANNA RAVLICH: He is entitled to his opinion, as is everyone else. That is his opinion of his state counterpart. That is not very strong support or backing. At the end of the day, if those two people who are of the same political persuasion have that sort of bridge between them, one must ask what is happening to the rest of the Liberal Party.

Hon Ray Halligan: Do you know what your colleagues think of you?

Hon LJILJANNA RAVLICH: I do not really care! At the end the day, I am confident in what I do, and if not everyone loves me, I can live with that. Big deal!

Hon Derrick Tomlinson: I know what my colleagues think of me!

Hon LJILJANNA RAVLICH: So do we! That is why Hon Derrick Tomlinson is on the back bench!

The PRESIDENT: Order! Let us get on with the amendment before the House.

Hon LJILJANNA RAVLICH: Clearly there are problems, and I will be watching with great interest how the Premier deals with them, and now that Hon Paul Omodei has signalled that he wants to take on the Forestry portfolio and has laid down the gauntlet and drawn a line in the sand and has said he wants it soon, it will be interesting to see how the Premier responds to that. This morning, I was flicking through some media statements in preparation for today's debate and I came across a report in *The Australian* of 14 August 1999 by Roger Martin which referred to the following statement by the Premier -

We have still got a long way to go to demonstrate that we are able to properly manage transitions in the timber industry.

That is pretty laughable, because if there has been a clear case of mismanagement of transition, of no consideration of how to manage transition, and of rubbing people up the wrong way, the Premier must win the trophy, because he could not have done the job any worse than he has done. It is also a joke to speak about managing transition when no effective or real transition has occurred. Mr President, you would be well aware that logging trucks have been parked outside Parliament House over the past two weeks and that big, burly blokes have been floating around the Parliament House grounds. I looked out of my window this morning and saw a gentleman who had a limp and who I assumed was a truck driver, and I wondered what the future of this man would be, and when I looked at all those other big, burly blokes, I thought about where they would fit into the scheme of things. The simple fact is that most of those men have wives and children, and they expect that they will need to put food on the table, clothe their children, and in some instances support their wives and all the rest of it. Sometimes we forget the full extent of the impact of government policies not only on individuals but also on their families, and we forget the impact of these proposed changes on the communities of the south west.

Clearly the situation before us must be resolved. One of the worst fears of everyone concerned, particularly the people employed in the timber industry in the south west, is that there will be continued uncertainty and a lack of anything concrete with which they can grapple in determining where their futures may lie. Therefore, I support the initiative which was proposed by Geoff Gallop, the Leader of the Opposition, on Wednesday, 11 August, when he called for the Court Government to withdraw financial support for a new convention centre and to divert the \$100m that has been earmarked for that project into a special fund for the development of new industries and jobs in the south west region. He said also that a \$100m gift to the private developers of a new convention centre cannot be justified when Burswood Casino has just decided to proceed with a \$75m expansion of its convention facilities. He is not saying there may not be a case for a second convention centre somewhere down the line. He is saying that a clear function of government is to set priorities, and a vital priority at this time - and I fully concur with this - is not a convention centre but an initiative that will assist timber workers and give them some certainty about their future.

When I first entered Parliament, in my maiden speech I spoke of - this is something I know the Leader of the Opposition in the other place also supports - doing better with what we have, of value adding and ensuring that our economic base within the community is broader than what it appears to be developing into. No-one doubts that we have a fairly good primary sector. Let us look at the growth sectors within the economy. In terms of intellectual development and service industry growth, there has been development in the tertiary sector at a fairly accelerated rate. One area that is overlooked is a secondary industries base. Last night I looked at what I said in my maiden speech, and much of it rings true. I said -

It is simply not good enough to export our employment opportunities overseas. A key role for government is to protect the interests of our industry and workers . . .

The Government has a key responsibility to determine why Western Australian companies are not competitive in certain areas and to devise strategies to overcome specific problems. To that end Western Australia would benefit enormously by having a long term economic growth plan, part of which might include a comprehensive industry strategy to drive economic diversification and growth. The economic growth plan might include strategies to ensure that Western Australia has long term infrastructure and capital supply; a skilled labour force; a more targeted approach to the amount and role of foreign investment; and strategies to promote a manufacturing base and import replacement industries.

Western Australia must have a plan to promote downstream processing opportunities across a range of industry sectors, and not limit itself just to the resources sector. We must diversify and spread risk by assessing the potential to establish value adding industries in all sectors. We must promote the establishment of a secondary industry base, rather than continuing to rely on primary and tertiary industries. For far too long high labour costs have been said to prohibit secondary industry development in this State. However, many projects that may previously have been thought to be uneconomical should be revisited for a reassessment of their economic viability.

I still support that. At the end of the day in finding a solution, we must be creative in terms of what can be done. Clearly, within that context, diverting the allocation of \$100m for the convention centre, into a south west industry development fund would be a very good start. Some of that money - I am not sure how it could be redistributed - could be used to build on the existing industry base and to establish more and new value-adding industries. One major concern probably confronting timber industry workers is the fact that many people appear to be fairly blasé in terms of what should happen to them. I listened to a member speak on this issue in this place the other day. She said, "It is not a problem; they can go into plantations or to the wine industry or the tourism industry".

Sure, a proportion of timber workers might go into those industries, but we must look at what those industries offer. We know the tourism industry is seasonal. It is easy to find work in tourism in coastal areas, compared with inland towns. It is not quite that simple. There are regional variations and variations in terms of the opportunities that can be created in an industry. Let us take the winemaking industry, for example. When I was in Bunbury a couple of weeks ago I spoke to a fairly influential person in the community and raised the question of the strength of the wine industry. He told me that it probably has another couple of years of growth, but we can expect it to plateau out and there will be some market adjustment then. I do not know how true that is. We can look at what happened with avocado producers, for example.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Leave was granted for the member to continue her remarks at a later stage.

Debate adjourned, on motion by Hon Peter Foss (Attorney General).

WORKERS COMPENSATION SYSTEM REVIEW

Statement by Attorney General

HON PETER FOSS (East Metropolitan - Attorney General) [4.41 pm]: It is my intention to recommend to the House that it reject amendment No 3 of Legislative Assembly Message No 139 and replace it with a counter proposal based on the recommendations of the report of the review of the Western Australia workers compensation system chaired by Mr Des Pearson which related to common law and benefits. The amendments contained in the proposal will be incorporated in the Supplementary Notice Paper and will address the issue of access to common law which will remain unfettered for injuries of greater than 30 per cent, but subject to an election, threshold and cap for those workers with disabilities of less than that level. The prescribed amount for statutory benefit will increase by almost 10 per cent while a cap and step down will apply to weekly benefits.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL (No. 2) 1999

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.42 pm]: I move -

That the Bill be now read a second time.

This Bill will provide for an extension for injured workers to seek redemption of future entitlements where they have a permanent partial disability. This reflects the recommendation of the Pearson review of workers compensation and provides that where injured workers and their employers agree upon redemption, this agreement can be registered by the director of conciliation and review and will enable workers with a residual disability to receive a lump sum in lieu of ongoing small payments.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Stephens (Leader of the Opposition).

ADJOURNMENT OF THE HOUSE

Special

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

That the House at its rising adjourn until Tuesday, 7 September 1999.

Ordinary

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.43 pm]: I move -

That the House do now adjourn.

WorkSafe WA, Australian Nursing Federation - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [4.44 pm]: It has been some time since I delivered a speech in the adjournment debate. I do so tonight because I am very concerned about the activities of WorkSafe WA. I brought some of my concerns to this place earlier today. However, I want to bring to the attention of the House an unresolved matter. It is the victimisation of unions by WorkSafe WA. I specifically refer to the activities of WorkSafe on 17 June 1999 in regard to a visit to the Australian Nursing Federation. I understand that the visit largely related to a claim by one of the employees relating to stress. Some human resource issues may have surrounded that report to WorkSafe. What followed was that two officers of WorkSafe visited the premises of the Australian Nursing Federation and issued no fewer than 14 improvement notices. What concerns me and the people at the Australian Nursing Federation is that the notices issued appeared to be quite unjustifiable. When one considers the way in which public sector agencies are treated in comparison with the treatment of union organisations, such as the Australian Nursing Federation, it is clear that discrimination is occurring. When the visit by these two WorkSafe WA officers occurred -

Hon Kim Chance: Is that two of the five inspectors statewide?

Hon LJILJANNA RAVLICH: Hon Kim Chance is correct. This morning I explained that at the time of the death of Mark Allen there had not been a visit to that demolition site for six weeks. A visit was made and infringement notices issued only after the fatality, and the argument used by WorkSafe is that it does not have enough inspectors to do these checks. However, in response to a claim of stress by an employee at the Australian Nursing Federation, WorkSafe WA was able to find two officers to visit the site.

Members will be surprised to learn why these notices were issued. I will take the House through some of them. First, an alleged breach of regulation 3.22 occurred because "Procedures for safe operation of motor vehicles in their work have not

been established". I am advised that this is a furphy and that clear policies cover that matter. Secondly, regulation 3.12 was breached, and the reason a notification of breach was issued was "First aid facility such as first aid kit has not been provided in motor vehicles operated by employees in their work". The strange thing about that is employees of the ANF use their own private vehicles in their work. Therefore, here we have a government agency, WorkSafe WA, insisting that each of those private vehicles be fitted with first aid kits. The wording of that breach "First aid facility such as" also implies there are other things these private vehicles should have which are missing.

I was keen to get to the bottom of this, so on 11 August 1999 I asked a question of the Minister for Finance representing the Minister for Works. I have been driving a government vehicle for a couple of years. I know that the Public Service has about 9 000 of these vehicles, excluding government trading enterprises because their vehicles are not factored into the figure of 9 000 public sector vehicles. I can assure members that when I worked in government previously and drove government vehicles, not one vehicle that I drove was fitted with a first aid kit.

Hon Kim Chance: Or a fire extinguisher.

Hon LJILJANNA RAVLICH: Nor were they fitted with fire extinguishers; they did not have them. It seemed a little odd that WorkSafe WA was applying two different sets of rules, depending on whom the inspectors were visiting. Therefore, I put a question to the Minister for Finance representing the Minister for Works, which stated -

- (1) What is the Government's policy on the provision of first aid kits in government vehicles?

The response to that question was -

- (1) Government fleet policy does not mandate the provision of first aid kits in all government vehicles . . . Depending on the operational use of the vehicles, agencies decide whether to provide first aid kits in their vehicles.

Secondly, I asked -

- (2) Are all of the 9 000-plus government fleet vehicles fitted with first aid kits?

The response to that was -

- (2) No.

Hon Kim Chance: I wonder if the WorkSafe WA vehicles have first aid kits.

Hon LJILJANNA RAVLICH: I would bet my bottom dollar that we could go down to WorkSafe WA and, London to a brick, I would be surprised if 10 per cent of its vehicles were fitted with first aid kits. I can guarantee - in fact, I will stake my reputation on it - that not more than 10 per cent of all government vehicles across all public sector agencies are fitted with first aid kits. What an absolute disgrace WorkSafe WA is. This is an absolute witch-hunt. These office workers are providing their own vehicles and are being witch-hunted by WorkSafe WA under the guise of its being an occupational health and safety issue. While workers are dying in high-risk industries - mining, construction and manufacturing - these clowns go on a witch-hunt to check whether employees of the Australian Nursing Federation have first aid kits in their private cars.

My interpretation is that the law should be equal for everybody; it should treat everybody equally. In this situation the law is being applied in a very uneven manner, a very selective manner, a discriminatory manner. There are many examples of that. All these breaches against the ANF are not worth the paper they are written on. They are an absolute disgrace. The person who authorised them - at the end of the day, Mr Brian Bradley must be held accountable for what he has allowed his inspectors to do - has brought ill repute on this agency.

These actions by WorkSafe WA against the Australian Nursing Federation are no more than victimisation. Their relationship has not improved since Mr Bartholomaeus has gone. There is no evidence to suggest anything different. The improvement notices were issued for the wrong reasons, in my view. If WorkSafe WA is to make these allegations against the Australian Nursing Federation stick, it can start doing its job and do exactly the same to every government agency, starting with its own. Then we will finally have some equity.

I would love to know how many government vehicles are fitted with this equipment. WorkSafe WA cars are not fitted with first aid kits. Between 90 and 99 per cent of government vehicles would not have first aid kits or fire extinguishers. In summary: WorkSafe WA should immediately withdraw these improvement notices and provide an apology to the Australian Nursing Federation for its particularly poor behaviour in this incident.

Minister for the Arts, Comments in Hansard - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.54 pm]: A few moments ago the Attorney General and Minister for Justice, in his capacity as Minister for the Arts, told us that he did not say in this House the following words which appear in the corrected version of *Hansard*: "I did not hear a single artist express concern, and nor were any questions asked about the legislation." I am deeply concerned by the answer given one week ago by the minister, and the flippant way in which he is dealing with the proceedings of this House. He gives an answer and, when caught out, simply disputes the record for which he is ultimately responsible. He had the opportunity to correct his answer in *Hansard* if, somehow inadvertently, it had been recorded wrongly in the uncorrected version of that document upon which I originally relied.

It is correct; I was not at the meeting about which the Minister for the Arts and I have been speaking; however, I was

represented there by research staff members. They have reported back to me faithfully, as have others who attended the meeting, about exactly what went on there, which does not correspond with the minister's official version of what occurred at that meeting at the Alexander Library. My own memory of it is that it was at the Alexander Library. I will double-check that I am getting it right. It was either at the Alexander Library or the Art Gallery of Western Australia.

Hon Kim Chance: Hon John Cowdell said it was the Alexander Library.

Hon TOM STEPHENS: Thank you. I was not at that meeting. The Attorney General was there and he has given to the House an incorrect version of what occurred at that meeting. When it then appears in the *Hansard*, he chooses to dispute the record of what I heard him say on the day, what the *Hansard* reporter heard him say on the day, and what other people listening to what he said heard on the day; and then the Minister for the Arts chooses simply to squib out now when caught out about the question. He thought we were not there.

Hon Kim Chance: Now you have the corrected record.

Hon TOM STEPHENS: We have the corrected record and we have the Minister for the Arts absolutely on the rack on this issue, as too regularly he falls into the trap of misleading this place. I appreciate that we are now faced with the adjournment debate. However, I ask the Minister for the Arts - who is, after all, the first law officer of this State in his capacity as Attorney General, and the Minister for Justice - to take the earliest opportunity of apologising to the House for having misled it last Thursday when answering the question I asked on that occasion, because the House has available to it ways of handling ministers who so deal with this House. It might be good enough for the Minister for the Arts, the Attorney General and the minister for prisons to treat members of the media in this flippant, offhand and inaccurate way in which he so regularly deals with them; however, it is not good enough for him to deal with the House in that way. We rely on the word of ministers; it is the basis upon which they are held accountable to the Parliament and, through the Parliament, to the people of Western Australia.

The Minister for the Arts makes much of the process of accountability in his discussions on the Bill that will eventually arrive for debate in and consideration by this House; and that the minister is ultimately responsible for the decisions in the funding allocations of his portfolio to the various instrumentalities and agencies of government, be it the library, the Art Gallery, the Museum of Western Australia, etc.

I say to the Minister for the Arts that he cannot have it both ways. He cannot suggest that he will be held accountable when his legislation has passed through this place and that he will live up to the high standards required of him by the Westminster tradition that requires him to answer questions honestly and accurately so that the record becomes the basis upon which he can be judged and held accountable to the people of Western Australia for the administration of his portfolio. Too regularly we find this minister too loose with the truth. On this occasion he has been caught out by the official record of what he said to the House one week ago. I hope when we come back to this place after the short recess that on the very first occasion the House sits we will see the Attorney General rise and apologise to the House for incorrectly responding to the questions that were asked of him and for portraying to the House an inaccurate presentation of what occurred at the meeting at the Alexander Library with the arts groups that have concerns about the legislation before the Parliament.

Casuarina Prison Lock-down - Adjournment Debate

HON JOHN HALDEN (South Metropolitan) [4.59 pm]: I draw to the House's attention the lock-down at Casuarina prison that has now continued since Christmas Day. The riot at that prison is a regrettable part of our penal history. It has been documented clearly by the Government's report that one of the most significant reasons for the riot was the overcrowding at Casuarina Prison, which was a direct result of government policy. The lock-down has existed ever since. One can have some sympathy for the need to settle that situation in the early stages of the post-riot period. With the destruction of certain parts of the prison, there was a need to lock down the prison. However, this is eight months later. In that eight months, varying estimates indicate that 50 to 70 per cent of those prisoners have not been allowed outside of their cells and the landing on their cells. There are some disturbing physical and psychological consequences of that sort of incarceration for such a protracted period. The people who are incarcerated have been deprived of their liberty by the courts. However, it does not mean they must be physically and psychologically scarred for the rest of their lives, which they will be if this lock-down process is allowed to continue.

The situation is well documented in terms of physical health. If a person does not get enough sunlight, the results will be lifelong and will have significant detrimental effects on that person's health. If a person does not get enough physical stimulation, the first result is that the person will lose weight. Independent visitors to the prison have reported that it is obvious that those involved in this protracted lock-down have lost significant amounts of weight. Every international covenant that deals with reasonable incarceration regimes has been broken by the absolutely inhumane and intolerable continuation of this process. We are not asking the Government of the day to let them out on the streets, but surely there is an ability within this system to allow these people, on a rotational basis or on some basis, to get fresh air, to be involved in exercise and to get out of the confines of their cells and the landing to which they are now confined.

Hon J.A. Scott: Do you know whether it is all the prisoners or is it just the ones who were involved in the trouble?

Hon JOHN HALDEN: It is somewhere between 50 and 70 per cent of prisoners in the jail. That estimate depends on the day and to whom one speaks in the Ministry of Justice, which again is an absolutely outrageous situation. The member has raised an interesting point. Many of the people involved in the lock-down were not involved in the riot and did nothing wrong. Many of them went back to their cells so as not to be involved in the riot. For that reasonable behavioural participation, they have now been locked down for eight months.

Clearly this sort of lock-down process also has psychological implications for these people. That is probably more difficult to assess at the moment and, of course, we have no independent information about that. However, one can imagine the stresses and strains from being locked in that sort of closed, confined environment for eight months. It is beyond reasonable behaviour to do that. Section 43 of the Prisons Act allows for this continuation without any significant review. It is absolutely pre-twentieth century penal practice. It allows the superintendent and the minister to continue this process unabated, and without any genuine concern for the human treatment of these people.

They were sentenced to have their liberty deprived, not to be physically and psychologically damaged for the rest of their lives. What has happened after eight months is inexcusable. It is third world and barbaric, and is now the responsibility of the Minister for Justice. It is an outrage. I am glad that the Minister for Justice has entered the Chamber, and I hope he has a clearer recollection of the facts in this case than he has in other matters.

This situation must end. I have not risen on this matter before, as I have been tolerant of the difficulties involved. However, my tolerance has ended. No date seems to be given for its end and no justifiable reason is given for this inhumane and barbaric treatment to continue.

HON PETER FOSS (East Metropolitan - Minister for Justice) [5.06 pm]: I do not know how many times I must reiterate to members of this House the difference between being a participant in a riot and the subject of a riot; that is, to draw the distinction between the cathartic effect of being a rioter and the horrifying effect of being rioted against. Undoubtedly, it was a cathartic experience for the prisoners who broke loose on Christmas Day and caused millions of dollars worth of damage at the prison. All prison officers present at the time, and some in particular, were traumatised by it. Some will never return to work; I refer to those who have psychological, not physical, damage. Those who have returned to work are permanently scarred by it. All who were involved have the same fear that it might reoccur.

We have had to carry out repairs at the prison to return the facility to the pre-riot situation; in fact, we had to go further. It became clear during the riot that what were thought to be impregnable areas were quite vulnerable. Areas intended to be islands of safety for officers turned out to be places in which they were trapped at the risk of their lives. A couple of attempts were made to make those places fully safe and to give officers the islands of safety they were intended to have. We made other substantial alterations in the prison to enable some control over the wide range of land in Casuarina Prison. The prison that Casuarina was copied from had capacity to move prisoners around in a more restricted manner than is the case here. That aspect was left out of the original design at Casuarina because of the extra cost involved, but we are now applying those forms of restriction.

It is wrong to suggest that these people are confined under section 43. From time to time, some people are confined under section 43 and rules apply. Nevertheless, it is wrong to say that these people are confined as a punishment, as they are confined for the safety of the public and the safety of the people who, on behalf of the public, risk their lives to secure the worst criminals in our State in that prison. That point seems to have been missed. Where is the sympathy for the officers whose lives are scarred? We are asked to have sympathy for the people who had a wonderfully cathartic experience in the riot. These people will never wake up at night sweating about their part in the riot, but I can tell members that prison officers wake up at night, and some of them have it before them all day. We want to be able to say to the officers, "We have made the alterations which make you safe."

I refer members to an article in *The West Australia* some time ago - I do not often cite that paper as a great source of information. However, an article contained an interview with a doctor at Casuarina who said that he expected to have a big fuss with the prison administration over the lock-down. He said that improvement had occurred in the psychological condition of prisoners, and that this led to fewer incidents of standover tactics and a better mood among the prisoners.

We certainly do not want to continue the lock-down, which has been hugely exaggerated; two blocks are not subject to the lock-down at all - self-care and unit 6. In addition, a number of people - about 34 per cent of the prison - are still engaged in programs. The remainder of the prisoners are not locked in their cells all day; they are locked down for a period and at other times they have access to a greater area. Admittedly it is still within the block; nonetheless, it is not just the cell. Furthermore, they have regular visits. Visits have not been constrained in any way; prisoners have an opportunity to go to the visiting area and meet their visitors.

We need some balance. I urge the Ministry of Justice to complete work to a satisfactory state as soon as possible. The real victims are prison officers, whose duty it is to guard these dangerous criminals who proved to the State of Western Australia their incapacity to behave when they rioted on Christmas Day and who threatened the lives of these officers - we were very lucky that nobody was killed - who will never be free of the terror and horror of that riot. I ask members to have some sympathy at times for the victims.

I agree we must treat prisoners humanely. In fact, the way we treat prisoners in Western Australia is quite extraordinary in comparison with many of the civilised parts of the world. I saw a remand prison in Vancouver, Canada where all that the prisoners received every day was a bit of exercise in an area about a quarter the size of this Chamber and covered in astroturf. The prisoners had an hour there a day and the rest of the time they were locked up in places I would not like to be locked up in at all. In most circumstances, if members went to Casuarina, they would think they were on a university campus. The Canadian prison was horrifying and people were kept there on remand; they had not even been convicted. Some had been there for two years. These prisoners did not even see people when they went into court. They walked along an underground tunnel following a line painted on the floor, were told where to go by a voice over a loudspeaker and eventually ended up in court. Western Australia is quite extraordinary by comparison. We make these comments but we should put things in some sort of context. We need to recognise that our prisoners are in an excellent state in comparison with other parts of Australia and certainly in comparison with other parts of the civilised world. I do not even try to justify

this by reference to parts of the Third World; I will not every try to make that argument. I have seen many prisons and I assure members that the conditions in Western Australia, even under the lock-down, are considerably better than those in prisons elsewhere.

That does not mean that we will not try to end the lock-down as soon as possible. However, I must put the safety of the people of Western Australia and the safety, security and peace of mind of prison officers of this State first. They are our officers; they do our bidding, our will and our duty. They put their lives at risk, and their lives were definitely at risk on Christmas Day. They will never forget Christmas Day and I must put their interests first. It is not unreasonable for us to say that the prison officers come first before people who, in view of the crimes which put them in Casuarina in the first place, have shown not only no regard to society, but also that they hold no regard for behaving themselves in Casuarina Prison. I regret that some of the people caught up in this were not at Casuarina on that day. This is not being done as a punishment but for the safety and security of the prison and to ensure that those prisoners do not repeat what happened on Christmas Day. I hope that once the changes are made, I will be able to tell the House that I have some confidence that Casuarina Prison is a better, more secure prison and one about which we can more easily guarantee that that riot cannot be repeated.

Members need to bear in mind the huge space available at Casuarina. I do not know if the farmers here have ever tried to catch sheep in a large paddock, but it is a lot easier to catch sheep in a holding yard. A major problem with Casuarina is that it is such a large, open area that keeping people under control in that area is extremely difficult. We want to ensure that we have the control we did not have previously.

Forest Management - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [5.15 pm]: The Attorney General talked about the cathartic experience of the rioting prisoners at Casuarina. I note that in the recent past there has been cathartic shift in the positions of various parties in this Parliament on the forest issue. That has culminated in the current situation, whereby we are looking at a vast improvement in forest management in this State.

Hon Derrick Tomlinson interjected.

Hon J.A. SCOTT: Hon Derrick Tomlinson does not believe there has been a cathartic shift. There certainly has been in the Liberal Party and the Labor Party.

Hon Derrick Tomlinson: I have no idea what you are talking about.

The PRESIDENT: There is limited time in this debate.

Hon J.A. SCOTT: The National Party did not shift far, but it did a very good job of convincing its partner in the coalition to shift its position in the right direction. I would like to thank a couple of people who have done more to achieve that shift than anyone else; that is, Wilson Tuckey, who has done more with his mismanagement of his position -

Hon Derrick Tomlinson: He is not cathartic; he is a scourge.

Hon J.A. SCOTT: He has done more to assist the conservation movement -

Hon Barry House: He would be insulted.

Hon J.A. SCOTT: I suggested to some of my colleagues that we send him application forms to join the party because he had done such a good job. They thought it might not be a good idea just in case he joined.

A former member of this Parliament, Bob Pearce, has done an equally good job of misreading public opinion. Instead of using rational argument, he has attacked people and organisations. He has not bothered to deal with the issues. Both men have done a very good job.

In fact, I was pleased to see Wilson Tuckey appointed to the forestry portfolio. When he was first appointed, as he put it, to look after the interests of the timber industry, I said to my colleagues who were worried that it was a very good thing and it was probably John Howard having a dark joke at the expense of the WA Liberal Party.

Hon Barry House: You do not like it when someone else uses your sabotage tactics and puts the arguments back to you.

Hon J.A. SCOTT: Bob and Wilson should be congratulated for the good work they have done so far. We hope they put as much good work into ensuring that a proper structural adjustment package is implemented to assist the industry. I believe the job situation has been grossly overestimated. People who have studied it know that we have a significant amount of timber and that growing timber creates more jobs than knocking it down. The new arrangement should create twice as many jobs. I am looking forward to a very good structural package in the future.

Question put and passed.

House adjourned at 5.18 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BUNBURY REGIONAL HOSPITAL, CATERING EXPENDITURE

3. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

What was the expenditure in the following years for catering at the Bunbury Regional Hospital -

- (a) 1996/97;
- (b) 1997/98; and
- (c) 1998/99?

Hon MAX EVANS replied:

- (a) \$1,003,449.00.
- (b) \$1,038,786.00.
- (c) \$1,182,160.00.

ST JOHN OF GOD HEALTH SYSTEM, BUNBURY, FACILITIES MANAGEMENT COSTS

4. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

Will the Minister for Health explain why St John of God Health System (Bunbury) is paid \$247 800 plus consumables and third party costs by the Health Department for "Facilities management"?

Hon MAX EVANS replied:

Under the terms of the Combined Facilities Agreement for the collocated South West Health Campus, Bunbury Health Service has a contract with St John of God Health Care (SJOG) for the provision of Facilities Management support (by SJOG). This contract includes the management of 3rd party contractors by SJOG.

JANGARDUP MINERAL SANDS MINE, MONITORING

27. Hon BOB THOMAS to the Minister for Mines:

- (1) What monitoring does the Department of Minerals and Energy do at the Cable Sands Jangardup Mine?
- (2) When was the mine last monitored?
- (3) Is the mining operation contained completely within its approved boundaries?
- (4) If not, what action was taken to ensure that the company did not operate outside its leases?
- (5) Does the company's mining licence contain any conditions on the clearing of trees within the lease, and what are those conditions?
- (6) Has the company's operations complied with those conditions?
- (7) If not, what action was taken against the company?

Hon N.F. MOORE replied:

- (1) The Department of Minerals and Energy monitors the environmental performance of Cable Sands at the Jangardup Mine informally on an irregular basis, and formally once a year following the submission of the Annual Environmental Report for the minesite.
- (2) June 1999.
- (3) Yes.
- (4) Not applicable.
- (5) Yes. The following are the relevant conditions pertaining to the clearing of vegetation generally.

Unless the written approval of the District Mining Engineer, Department of Mines is first obtained, the use of scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface clearing or the excavation of costeans is prohibited. Following approval, all topsoil being removed ahead of mining operations and separately stockpiled for replacement after backfilling and/or completion of operations.

No developmental or productive mining or construction activity being commenced until the tenement holder has submitted a plan of the proposed operations and measures to safeguard the environment to the State Mining Engineer for assessment; and until his written approval has been obtained.

The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the documents titled "Jangardup Heavy Minerals Mine Environmental Review and Management Programme" dated June 1989 and retained on Mines Department File No. 1657/90 and "Environmental Management and Monitoring Programme for Heavy Minerals Mine at Jangardup" dated November 1990 and held on Mines Department File No. 1657/90 and "Revised Mining Schedule for the Heavy Minerals Mine at Jangardup" dated December 1991 and retained on Mines Department File No 1657/90.

The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform.

Any expansion of operations within the lease boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the State Mining Engineer for his assessment and until his written approval to proceed has been obtained.

The lessee giving the Executive Director, Department of Conservation and Land Management (CALM) three (3) months notice in writing of the intention to enter upon any uncleared area of State Forest for the purposes of mining or operations associated with mining. Rights to remove any marketable timber from such area in advance of mining operations being with the Executive Director.

- (6) Yes.
- (7) Not applicable.

SELECT COMMITTEE ON THE HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991, REPORT

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

- (1) With respect to the report of the Select Committee on the Human Reproductive Technology Act 1991, which of the recommendations are accepted by Government?
- (2) Which recommendations are not accepted?

Hon MAX EVANS replied:

- (1)-(2) The Government response to this report is still under consideration.

MINING, KANOWNNA GOLDEN FEATHER BLC OPEN PIT OPERATION

59. Hon TOM HELM to the Minister for Mines:

- (1) Does the Government recognise the seriousness of dangers related to a mine blasting operation regularly displaying incorrect, false and misleading information to the public on the public blasting schedule notice boards contrary to the *Mines Safety and Inspection Regulations 1995*?
- (2) Can the Minister confirm that on June 2, 1999 two departmental mines Inspectors (M Hanekom and R Straughn) visited the Kanownna Golden Feather BLC open pit operations and despite the Mining Manager being previously warned by M Hanekom (either verbally or in writing) of the incorrect, misleading nature of his public notice blasting notice board on May 25, 1999 (or any other time) then found on June 2, 1999 that the public display blasting schedule notice boards was not as required in accordance with the *Mines Safety and Inspection Regulations 1995* and the operation was on that day in breach of Regulation 8.26(2) of those safety regulations?
- (3) If not, why not?
- (4) Can the Minister state if this particular type of breach of the *Mines Safety and Inspection Regulations 1995* after the Registered Manager having been prior forewarned and yet, not acted on that warning is regarded by the department as a disregard for the safety of the public and the employee/contractors?
- (5) Will the Minister or his department ensure that if Kanownna Mines Ltd or the Registered Mine manager has breached Regulation 8.26(2) of the *Mines Safety and Inspection Regulations 1995* that prosecution proceedings are initiated or commenced well within 12 months from the date of the alleged offence?
- (6) If not, why not?

Hon N.F. MOORE replied:

- (1) The Government regards seriously any breach of the *Mines Safety and Inspection Regulations 1995*, including those relating to mine blasting operations.
- (2)-(6) At a meeting on 25 May 1999, District Inspector of Mines, Mr Hanekom advised the Mining Manager of the Kanownna Mines Ltd Golden Feather operation that the dates and times of blasts displayed on the public blasting notice boards were incorrect. On 2 June 1999, Mr Hanekom and Employees' Inspector of Mines R Strachan, found upon visiting the mine that incorrect information was again displayed on these boards. Prosecution action was then instituted by the Department of Minerals and Energy in relation to the matter. However, this action was subsequently withdrawn following receipt of legal advice that there was a less than reasonable chance of the charges succeeding. This was because the perimeter public notice boards do not constitute the "firing warning

notices" erected to prevent entry to a place where blasting is taking place and referred to in regulation 8.26(2) of the *Mines Safety and Inspection Regulations 1995*.

WEST KIMBERLEY TIDAL POWER PROJECT

76. Hon TOM STEPHENS to the to the Leader of the House representing the Minister for Regional Development:
In light of the additional jobs that would be created by the West Kimberley Tidal Power project, will the Minister for Regional Development support the addition of this project to the tendering short list?

Hon N.F. MOORE replied:

The Minister for Regional Development has already made his views known about the regional benefits, including additional jobs in the Kimberley, that would accrue from the West Kimberley Tidal Power Project.

QUESTIONS WITHOUT NOTICE

NUCLEAR WASTE DUMP, GOVERNMENT CONSIDERATION

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

Some notice of this question has been given.

- (1) Can the Premier guarantee that neither he nor any intermediary has indicated to Pangea Resources that its proposal for a nuclear waste dump would be given positive consideration by a coalition Government after the next state election?
- (2) Will the Premier table the briefing material supplied to the Government by Pangea Resources on its proposal for Western Australia. If not, why not?

Hon M.J. CRIDDLE replied:

- (1) To the best of the Premier's knowledge, no-one from the Government has given Pangea Resources any indication that its proposal for a nuclear waste dump would be given favourable consideration.
- (2) In regard to briefing and promotional material supplied by Pangea Resources, the Premier has no idea to whom it supplied this material.

FUEL LEVY, EXPLANATION TO WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION

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

I refer to the Premier's decision to divest almost \$80m in fuel levy revenue into the consolidated fund despite promising to spend every cent of it on roads.

- (1) Why has the Premier not yet provided an explanation to the Western Australian Municipal Association, which wrote to the Premier on 30 July to complain that councils have been denied \$12m in road funding as a result of the Premier's actions?
- (2) Does the Premier intend to refund to local government the road funding of which it has been deprived, and does the Premier intend to honour his promise to the WA public by refunding the \$80m to the transport trust fund?

Hon M.J. CRIDDLE replied:

- (1)-(2) As the member may be aware, the President of the Western Australian Municipal Association sent a copy of this letter to a number of people, including me as Minister for Transport. I have responded and clearly outlined the situation. I wish to table a copy of my reply to the President of WAMA dated 18 August 1999, and I recommend that members opposite take the opportunity to read it in order to form a better understanding of the matter.

[See paper No 108.]

GOODS AND SERVICES TAX, TRANSPORT FARES

101. **Hon N.D. GRIFFITHS to the Minister for Transport:**

- (1) By what percentage will bus, train and taxi fares need to increase as a result of the introduction of a GST?
- (2) What are the percentages?
- (3) What is the expected cost of increasing public transport subsidies following the anticipated 3.5 per cent drop in patronage following the GST fare hike and fuel price offsets?

Hon M.J. CRIDDLE replied:

- (1)-(3) Terms of reference have been developed for independent consultants to be appointed to establish the precise impact the GST will have on a range of transport cost structures, including buses, trains and taxis.

WASTE CONTROL SOLVENT RECYCLING PLANT, BELMONT

102. Hon J.A. SCOTT to the minister representing the Minister for the Environment:

In regard to the recent solvent pollution incident at the waste control solvent recycling plant in Bellevue, I ask -

- (1) Is this industry classed as noxious, and are solvent recycling industries required to submit environmental impact assessment reports to the Department of Environmental Protection; and, if so, will the minister table a copy of the assessment of the Bellevue plant, and DEP audits of the Bellevue plant?
- (2) What action has been taken by the DEP in regard to the solvent pollution incident?
- (3) Given the proximity of this plant to the Midland Markets, the Bellevue Primary School and residential areas, what contingency measures are in place to protect the public in the event of a fire or explosion at the solvent recycling plant?

Hon MAX EVANS replied:

- (1) This operation is a prescribed premises under the Environmental Protection Act 1986. The planning classification of this industry is a matter which should be referred to the local shire. This operation is not required to prepare environmental impact assessment reports.
- (2) The Department of Environmental Protection issued a section 73 direction to Waste Control Pty Ltd on 27 July 1999, the date of the incident, to ensure immediate and effective management of the potentially contaminated stormwater.
- (3) This matter should be referred to the Fire and Emergency Services Authority.

OLD SWAN BREWERY SITE, EXTERNAL BUILDING WORKS

103. Hon HELEN HODGSON to the minister representing the Minister for Works:

I refer to question without notice 110 of 17 March 1998.

- (1) Has the lessee of the old Swan Brewery site, Bluegate Nominees Pty Ltd, completed external building works - including landscaping, car park, vehicle access tunnel and pedestrian overpass - and fit-out work at the site?
- (2) If so, has the public been allowed access to the crown land which is the subject of the lease?
- (3) If no to (2), why not, and when will the public have access to the crown land which is the subject of the lease?
- (4) If no to (1), when will works be completed?

Hon MAX EVANS replied:

- (1) Yes, this work was completed in December 1998.
- (2) No.
- (3) Public access has not been provided because of security and safety concerns. At this stage, the site remains untenanted. Bluegate Nominees currently has the relevant plans with the relevant authorities and is keen to proceed with the internal fit-out and tenancing as soon as possible. It is anticipated that public access will be provided once the site is tenanted.
- (4) Not applicable.

ALBANY WATER SUPPLY

104. Hon MURIEL PATTERSON to the minister representing the Minister for Water Resources:

- (1) Can the minister confirm that the Albany water supply is sufficient for expected growth in the region?
- (2) What is the current level of salinity in the water, and is this expected to change?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Albany is supplied with water from the lower great southern town water supply. The scheme provides water to Albany, Narrikup, Mt Barker and Kendenup. The Water Corporation has commenced a capital program to drill and equip additional bores to the west of the existing south coast borefield. Completion of the new bores is scheduled to provide benefit to the scheme during the summer of 1999-2000. In addition, the Water Corporation is negotiating with the Water and Rivers Commission to increase the allocation for abstraction from the Angove River source at Two Peoples Bay. These additions to the source will increase scheme capacity by approximately 20 per cent. This is expected to satisfy the growth of the scheme for the next five years.
- (2) The current level of salinity in the south cost borefield averages 400 milligrams a litre. The borefield is managed and monitored to ensure that this does not increase. The salinity from the Two Peoples Bay source is 250 milligrams a litre. It is not expected that the salinity levels will change.

DEPARTMENT OF EMPLOYMENT AND TRAINING, DATA PROCESSING SYSTEMS

105. Hon LJILJANNA RAVLICH to the Acting Leader of the House representing the Minister for Employment and Training:

- (1) What data processing systems does the Western Australian Department of Employment and Training have in place to record the training progress of technical and further education college students and apprentices?
- (2) Which of these systems have been certified as year 2000 compliant?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The college management information system is the data processing system used by TAFE colleges to record the results of TAFE college students, including apprentices.
- (2) CMIS is scheduled to be year 2000 compliant by the end of August 1999, and is currently on schedule to meet that deadline.

CHIEF JUSTICE, SATISFACTION WITH COURT SECURITY AND CUSTODIAL SERVICES BILL

106. Hon JOHN HALDEN to the Minister for Justice:

- (1) Will the minister assure the House that the Chief Justice is now totally satisfied with the content of the Court Security and Custodial Services Bill 1998?
- (2) If the Chief Justice is not, what particular concerns has he relayed to the minister that remain outstanding?

Hon PETER FOSS replied:

- (1)-(2) There were things the Chief Justice did not like, on which the ministry has been able to satisfy him. There are other things he does not like but accepts are matters about which the Government must make a decision. We have either satisfied his concerns or he accepts that it is a matter for the Government to make a decision.

SCHOOLS, LOW-INTEREST LOANS

107. Hon J.A. COWDELL to the Acting Leader of the House representing the Minister for Education:

- (1) Has the waiting period for low-interest loans blown out to four or five years?
- (2) How many schools currently have approved loan applications awaiting funding, and what is the value of these loans?
- (3) Which are these schools, and in which financial year would each expect funding?
- (4) How many schools have applied for loans but are yet to have their application accessed or approved, and what is the total sum sought in these applications?
- (5) What was the value of loans extended to non-government schools in the 1997-98 and 1998-99 financial years?
- (6) What is the estimated value of loans to non-government schools in the 1999-2000 and 2001-02 financial years?
- (7) Does the allocation of loan funds adequately meet demand from a sector that is expanding at 4 per cent per annum?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Currently, there are 127 applications for loans from non-government schools awaiting approval. Applications are not given final approval until the minister is able to provide the loan funds. The total value of the loans requested is \$98m. On the basis of known availability of loan funds over the period of the budget forward estimates, \$24.5m of the \$98m required will be allocated in the 1999-2000 year, \$25m will be allocated in 2000-01 and \$25m will be allocated in 2001-02. The outstanding balance will be managed in subsequent years.
- (3)-(4) Due to the amount of time necessary to obtain an answer to this question, the Minister for Education will provide the information to the member when it is available.
- (5) \$35.5m was allocated in 1997-98 and \$39m was allocated in 1998-99. These amounts reflect the Government's decision to provide supplementary loan funds in acknowledgment of the previous backlog of loans.
- (6) The budget and forward estimates provide for allocations to non-government schools of \$24.5m in 1999-2000 and \$25m for 2000-01.
- (7) In recognition of the demand from the non-government sector, the Government is further considering provision of additional funds for the LILS scheme.

HARDWOOD ROYALTIES

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

Some notice of this question has been given. In reference to the Department of Conservation and Land Management's schedule of base hardwood royalties -

- (1) Will the minister explain why, between 1 July 1998 and 1 January 1999, the base royalty charged for jarrah charcoal logs supplied to the Simcoa silicon smelter reduced from \$6.62 to \$5.71 per tonne for green logs, and from \$8.44 to \$7.28 per tonne for dry logs?
- (2) Who made this decision to reduce royalties by 13.7 per cent, and on what basis was this decision made?
- (3) If this decision had anything to do with timber price indexes, why was the charcoal log category the only product type to be affected in this period?
- (4) Is this decision in contravention of the Government's stated policy of increasing native hardwood royalties?
- (5) What are the current base royalties for supplying green and dry jarrah charcoal logs to the Simcoa silicon smelter?

Hon MAX EVANS replied:

Providing the information in the time available is impossible and I request that the question be placed on notice.

ROAD FUNDING

109. Hon TOM STEPHENS to the Minister for Transport:

In the Legislative Council on Tuesday the minister claimed that the total federal government road funding for the current financial year was \$65m, whereas the commonwealth budget documents show a road grant allocation to the State Government of \$108m. Can the minister explain what he has done with the \$43m of commonwealth money he has not acknowledged?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The total of road grant allocation to Western Australia for 1999-2000 is \$109.05m, excluding \$59.37m for road grants to local government. The \$65m referred to earlier related only to budget allocations for national highways, roads of national importance, black spots and interstate road transport funding. The current allocations from the Commonwealth are: National highways, \$55.94m; roads of national importance, \$10m; the black spots program, \$4.23m; interstate road transport, \$700 000; and untied road grants, \$38.18m. That is a total of \$109.05m. The additional \$38.18m comes to Western Australia as financial assistance grants and it is allocated to Main Roads for road purposes through the consolidated fund. All commonwealth road funds provided to Western Australia are allocated to roadworks.

GREAT EASTERN HIGHWAY, TAMMIN, FORMER MINISTER FOR TRANSPORT'S INVOLVEMENT

110. Hon KIM CHANCE to the Minister for Transport:

- (1) Is the Minister for Transport aware that the former Minister for Transport has a direct financial interest in the early completion of the realignment of the Great Eastern Highway at Tammin as it will service a roadhouse he is building?
- (2) In the light of an apparent conflict of interest, is it appropriate that the former Minister for Transport be involved in advising the minister and/or Main Roads Western Australia on the early reinstatement of these works?

Hon M.J. CRIDDLE replied:

I guess I have to give -

The PRESIDENT: The words "is it appropriate" obviously seek an opinion. However, had the question been framed slightly differently -

Hon M.J. CRIDDLE: I accept that. As I explained in response to a previous question, the former minister was involved in a meeting with Main Roads personnel which I did not attend because I had other duties to attend to. He has explained the situation. I understand that he was involved in the meeting as a member of the community and a grain grower, and he wanted to see the issue of the grain receival point progressed as quickly as possible. As I have explained previously, it is entirely appropriate for him to be involved in that forum. If that road had not been progressed, the facilities would not have been completed for the next harvest and I am sure people in that area would have been disadvantaged in delivering their grain.

Hon Kim Chance: The CBH site can be accessed from the south and it did not need the realignment.

Hon M.J. CRIDDLE: Co-operative Bulk Handling wrote to me requesting that that work go ahead.

BUNBURY BACK BEACH, FUNDING

111. Hon BOB THOMAS to the minister representing the Minister for Commerce and Trade:

- (1) Will the minister table information on the amount of money allocated to the Bunbury back beach project in each of the years -
 - (a) 1995-96;
 - (b) 1996-97;
 - (c) 1997-98; and
 - (d) 1998-99?
- (2) Will the minister table information on how much of that allocation was spent in each of the following years -
 - (a) 1995-96;
 - (b) 1996-97;
 - (c) 1997-98; and
 - (d) 1998-99?
- (3) Will the minister table information on how much was spent in each of those years?
- (4) Will the minister table information on how much of the funding in each of those years was spent on the back beach enhancement committee?
- (5) If the answer to any of the above questions is no, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)
 - (a) An amount of \$50 000 was allocated to the City of Bunbury;
 - (b) \$50 000;
 - (c) Nil; and
 - (d) \$450 000.
- (2)
 - (a) An amount of \$50 000 was allocated to the City of Bunbury;
 - (b) \$13 031;
 - (c) Nil; and
 - (d) \$217 137.
- (3)
 - (a) Planning, public consultation and literature;
 - (b) Planning, public consultation and storm damage;
 - (c) Not applicable; and
 - (d) Planning, detailed design, survey, geotechnical work.
- (4)
 - (a)-(c) Nil; and
 - (d) An amount of \$1 211 to meet expenses.
- (5) Not applicable.

SYNTROLEUM GAS-TO-LIQUID PROJECT

112. Hon TOM HELM to the minister representing the Minister for Energy:

I refer to media reports of a proposal by a United States based company, Syntroleum Corporation, to construct a \$500m gas-to-liquid project in the Pilbara, and ask -

- (1) What discussions has the Minister for Energy had with Syntroleum in relation to this proposal?
- (2) If none, why not and when will the Minister for Energy have those discussions?
- (3) Given that the region reportedly faces intense competition from other sites overseas, has the minister discussed possible incentives with Syntroleum to persuade it to choose the Pilbara?
- (4) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question..

- (1) The minister has met with representatives of Syntroleum to be briefed on the project and to discuss relevant matters.
- (2) Not applicable.
- (3) The minister has discussed with the company areas where the State could assist the project, in particular through common user infrastructure.
- (4) Not applicable.

WESTRAIL, CARDIFF LINE

113. Hon CHERYL DAVENPORT to the Minister for Transport:

- (1) Will the minister vest the Cardiff line in the Shire of Collie for use by the Collie heritage railway station group for the purpose of a tourist railway to the old Western II mine and the proposed new motor sports centre?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) Westrail has not received a request to vest the line with the shire of Collie for use by the Collie heritage railway station group as a tourist railway. Until a formal process is received and the matter is properly considered, I am unable to inform the member whether or not vestment of the Collie Western No 2 railway can occur.

ROAD TRAINS TRIAL, ARMADALE-KELMSCOTT

114. Hon TOM STEPHENS to the Minister for Transport:

I refer to the trial in the Armadale-Kelmscott area involving road trains up to 36.5 metres in length, and ask -

- (1) What road modifications have taken place to accommodate road trains up to 36.5 metres in length, and when will these modifications be completed?
- (2) What is the cost of these modifications?
- (3) When will the first permits be issued for the use of these road trains?
- (4) What is the proposed review period of this trial?
- (5) Are there similar proposals for other areas?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No road modifications have taken place to accommodate road trains up to 36.5 metres in length. However, work will take place at the intersections of Albany Highway with the Tonkin Highway and the South Western Highway. It is expected that these works will be completed in mid November.
- (2) The estimated cost is \$260 000.
- (3) Mid November.
- (4) Six months.
- (5) Industry wants to run road trains to Kwinana. A study will be carried out before a decision is made on this proposal.

GREAT EASTERN HIGHWAY, TAMMIN, FORMER MINISTER FOR TRANSPORT'S INVOLVEMENT

115. Hon KEN TRAVERS to the Minister for Transport:

The minister said that the former Minister for Transport, Hon Eric Charlton, had input into the decision to reinstate work on the Great Eastern Highway at Tammin as a representative of local farmers. How was Mr Charlton selected as the representative of local farmers?

Hon M.J. CRIDDLE replied:

He certainly did not have input into the final decision, but he had an opportunity to express his opinion to Main Roads when they met on site.

CONVENTION AND EXHIBITION CENTRE, CAR PARKING BAYS

116. Hon NORM KELLY to the Minister for Transport:

- (1) Does the minister support the mandatory requirement for a minimum of 600-car parking bays in the proposed Perth convention and exhibition centre?

- (2) Is this mandatory requirement in accordance with the Government's alleged policy of reducing private vehicle usage within the central business district?

Hon M.J. CRIDDLE replied:

- (1)-(2) I am not sure the convention centre comes within my portfolio. In fact, I am sure the issue is being dealt with by the Minister for Tourism.

Hon Norm Kelly: Transport in the city does.

GOODS AND SERVICES TAX, COMPENSTION FOR THE LOTTERIES COMMISSION

117. Hon N.D. GRIFFITHS to the Minister for Finance:

- (1) Has a decision been made on whether specific goods and services tax compensation for the Lotteries Commission will be met by the Federal Government?
- (2) If yes, what amount is anticipated for the financial year commencing 1 July 2000?
- (3) If no, has the minister made representations to the Federal Government and when is it anticipated that a decision will be made?

Hon MAX EVANS replied:

- (1)-(3) The answer to the first question is no, and I will elaborate on that. I answered this question a few weeks ago, but I will answer it again. A deal has been made and we worked out that to arrive at the GST figure the total profit of the Lotteries Commission must be divided by 11, which gives an amount of \$16m. The Lotteries Commission would have to pay \$16m in GST from the profit from gambling organisations. That amount will go to the GST and the Western Australian Government will pay it. It has nothing to do with the Federal Government. Otherwise this year, as I said a few weeks ago, \$43m would be distributed, less \$16m, which would leave only \$27m for the public organisations. The Government's proposal will bring the amount for public organisations back to \$43m.

Hon N.D. Griffiths: A few weeks ago you did not know.

Hon MAX EVANS: I knew that that was the exact figure.

CULTURE, LIBRARIES AND THE ARTS BILL, QUESTIONS ASKED AT PUBLIC FORUM

118. Hon TOM STEPHENS to the Minister for the Arts:

I refer to the minister's answer to my question last Thursday, in which he said that a public forum had recently been held to discuss the Culture, Libraries and the Arts Bill, and that no questions were asked about the legislation, and ask -

- (1) Is it correct that the questions were read to the minister at the beginning of the forum by the ArtsVoice president, including a question about amendments that had been made to the Bill supposedly after it had been withdrawn? At that point did the minister clarify the situation and say the Bill had not been withdrawn, and he would see how the debate went in each House before making any amendments?
- (2) Is it also correct that there was at least one question from the floor about the new Bill, to which the minister responded that the Minister for the Arts currently effectively has censorship of the Arts and the new Bill will not change that?
- (3) Given the comments in (1) and (2), will the minister now apologise for misleading the House?

Hon PETER FOSS replied:

- (1)-(3) I made it quite clear that very few people were interested in asking questions about the Bill. That was the extraordinary thing about the forum. Some questions were asked. One of the first questions related to ARX, which is an excellent project supported by this Government. The questioner tried to connect it to the Bill and asked if it was funded outside the panel and whether it was an indication of how I would behave under the provisions of the Bill. I had to say it was not funded outside the panel, but was funded within the panel and, therefore, the attempt to ask a question about funding and make it relevant to the purpose of the forum was a total failure.

Hon Tom Stephens: You said "nor were any questions asked about the legislation".

Hon PETER FOSS: I did not say no questions were asked about the Bill.

Hon Tom Stephens: That was in the uncorrected version of *Hansard*.

Hon PETER FOSS: It may be in the uncorrected version but I did not say that. I said very few people were interested in asking questions about the legislation. That is a fact. They did not.

Hon N.D. Griffiths: That is not what you said.

Hon PETER FOSS: That is what I said.

Hon Tom Stephens: It is not what I heard the minister say.

Hon PETER FOSS: It is what I said.

The PRESIDENT: Order! We can argue about who heard what and who did what -

Hon PETER FOSS: I said no-one was interested in asking questions about it. Not one single question was asked about it on that day. That was the extraordinary thing about it.

Hon N.D. Griffiths: You have been caught out again!

Hon PETER FOSS: I have not been caught out. I made it quite clear that that forum turned out not to be a forum about the arts legislation. They could not have been less interested in the arts legislation. In fact, from what I could ascertain, there was no-one there who was interested in the arts legislation. The people who were there were all interested in funding. It was full of arts administrators and people who asked about the performing arts, none of which comes under the arts legislation, which is quite interesting.

Hon Tom Stephens: Have you got Alzheimer's disease?

Hon PETER FOSS: No.

Hon Bob Thomas: The first question was about the Bill. The second question was about the arts.

Hon PETER FOSS: The first question was not about the Bill. The first question tried to ask about the arts.

Hon Bob Thomas: No. That was the second question.

Hon PETER FOSS: All right. The first question that was asked was, "Was it withdrawn?" I said it was proceeded with on the basis that it had been withdrawn.

Hon N.D. Griffiths: Aha!

Hon PETER FOSS: I am sorry. I do not agree that I said there were no questions about it. I said no-one was interested in asking questions about the arts. Read what it does say.

Hon Tom Stephens: It says, "and nor were any questions asked about the legislation." That is what the minister said.

Hon PETER FOSS: No. I said no-one was interested in asking questions about the legislation.

Hon Tom Stephens: *Hansard* does not lie!

Hon PETER FOSS: *Hansard* does occasionally get it wrong.

Hon N.D. Griffiths: But you never get it wrong!

Hon PETER FOSS: People were not interested in asking questions about the legislation. The whole thing proceeded on the basis that they wanted to know about funding; and if the member had been there - and I had hoped that someone who was interested in the arts would be there -

Hon Tom Stephens: We were there!

The PRESIDENT: Order! The question -

Hon PETER FOSS: No-one was there.

The PRESIDENT: Order! The Minister for the Arts will cease answering for a moment. The question was wide-ranging. The Minister for the Arts is, as I understand it, making his way through the answer. Members should please not interject, because all they are doing is adding more questions to the already lengthy question that we have.

Hon PETER FOSS: The matter that I made clear - and I think the House understands it - is we had a forum, which was called for the purpose of explaining the legislation and addressing people's concerns. Unfortunately, no-one came along with any of those concerns. We did have some pre-written questions. The first one was based on the misconception that we had withdrawn the legislation. The second one was an attempt to sound like it was to do with the legislation but in fact was about funding. Thereafter, we got question after question about funding. I was the one who had to try to bring it back to the legislation, because unfortunately there has been a tremendous amount of fuss about this which is not justified. The people who are supposedly concerned about this legislation are not concerned about it. We are talking about the Museum of Western Australia, the Art Gallery of Western Australia and the Library and Information Service of Western Australia, but who turned up but the performing arts!

The point I made to them was that if they were concerned about the performing arts, the fact is that right now, the minister has total control of the funding for the arts, and if I were so minded to censor, I could, but I am not, which is the point I made when the member asked the question. I have put that in the hands of panels and beyond my control. However, I could decide tomorrow that I would sign all the letters, as was the case under Labor, because when I became the minister responsible, I found that all the approval letters had to come to the minister and departments could not get their funding unless it had been to the minister and the minister had given it a tick! I actually changed that process so that after the panels had given their views, the departments were the ones who wrote to the people to tell them the funding had been approved. What members opposite should do is find out whether there is any real opposition to it, because the main person who was quoted to me last time was Mr Forrest from the Association of Western Australian Art Galleries Inc, and I told the Leader of the Opposition what his gripe was.

Hon Tom Stephens: I had a meeting with every interest group that expressed its opposition to your legislation!

Hon PETER FOSS: Good on you! Has anyone told the Leader of the Opposition why no-one turned up to ask a lot of questions about the legislation? No-one turned up. It was performing arts people who turned up to ask questions about funding. No-one asked me about censorship in the Art Gallery. No-one asked me about the terrible situation when the Percy Markham collection was sold under Labor, although I would have been very pleased to have the opportunity to go into that, because that is one of the things I am trying to guard against with this legislation. No-one asked me about the problems that the Art Gallery had financially when it was under Labor. No-one asked me about the fact that a Labor Government did not provide enough books to cater for the increase in population, or even to replace books. The book stock under Labor was insufficient to provide even replacement books. That is the capacity that a Government always has. The difference is that a Labor Government allowed the Art Gallery, the Museum and the Library and Information Service of Western Australia to run out of money. It was because of that they were forced into those actions.

GOVERNMENT-FUNDED BODIES, INDEPENDENCE

119. Hon TOM STEPHENS to the Minister for the Arts:

I refer to media reports in which the minister is quoted as alleging that Healthway is involved in censorship and propaganda and has too much independence.

- (1) What other independent government-funded bodies that the minister is aware of are using taxpayers' funds in a propaganda or censorship fashion?
- (2) Given that the minister stated that, in relation to the loss of independent status for the Art Gallery, the Museum and LISWA under the Culture, Libraries and the Arts Bill, the reality is that ministers can already impose their will, how can Healthway have too much independence?

Hon PETER FOSS replied:

- (1)-(2) I do not remember saying it had too much independence. I said the problem is that it is guilty of both censorship and propaganda. I sincerely hope that as opposition spokesperson for the Arts in this place, Hon Tom Stephens will join me in deploring the fact that part of the way in which Healthway imposes its will on the arts is that it will not fund any artistic production in which there is smoking. In fact, Healthway does not even like the depiction and representation of smoking. I deplore that. However, I do not know whether we can do anything about it because it is independent. The point I am making is that because something is in the hands of an independent body does not guarantee that we will not have censorship. That is the point the Opposition is missing about this legislation. The Opposition says if we put things in the hands of an independent board we will not have censorship. If the Opposition believes that, it should look at Healthway. Healthway is independent and it is guilty of both propaganda and censorship. That shows us the problem. Those people who think that putting things in the hands of ministers will mean more censorship should look to Healthway, because at least if I censor something I am responsible to this Parliament and members can ask me questions about it. What can members opposite do about Healthway? Every day Healthway is imposing its will on the artistic community by refusing to subsidise them or to give them grants if they have any depiction of smoking. That gives us ludicrous results. Healthway could not sponsor *Carmen* or *The Blue Room*. Healthway will not sponsor anything in which it is authentic for someone to have a cigarette in their hand or to smoke it. A production could have the clothes and the hats and be set in the 1940s, but what would be wrong? Nobody would be smoking. How can we have an authentic period play set in the 1940s with nobody smoking? That is what Healthway, an independent body, insists upon. So much for independent bodies and independent boards not imposing censorship. We are talking about the theoretical imposition of censorship by a minister. I am talking about the everyday imposition of censorship and the requirement for propaganda currently being imposed by an independent body. What more do I need to say to that argument, when on the one side an independent body is creating censorship and, on the other side, a minister has put further away from him any form of control over the content of the arts. That proves my case.
-