



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Thursday, 23 September 1999

Legislative Council

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

PRAYER FOR RELIEF

Petition

Hon Derrick Tomlinson presented a petition from two persons praying for relief.

[See paper No 198.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Shire of Denmark's Signs Local Law 1999, Report

Hon Ray Halligan presented the forty-second report of the Joint Standing Committee on Delegated Legislation in relation to the Shire of Denmark's Signs Local Law 1999, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 199.]

GOVERNMENT PRIORITIES AND FUNDING COMMITMENTS

Motion

Resumed from 16 September 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 N.F. MOORE (Mining and Pastoral - Leader of the House) [11.05 am]: When this debate was interrupted last week -

Hon N.D. Griffiths: When you would not agree to allow yourself to speak!

The PRESIDENT: Order! Let us get a few rules straight: There is no need to interject. Let us listen to the member on his feet and conduct this place with reasonable decorum.

Hon Tom Stephens: He is trying to conclude his remarks.

Hon N.F. MOORE: I am concluding my introductory comments, and will then move to the substance of the debate. I am sure members are waiting with bated breath!

The motion is an attack on the Government's spending priorities. Earlier I was outlining why the Government decided to spend money in certain areas which the Opposition does not regard as high priority. I indicated the degree of inconsistency in the Labor Party's position on some of these issues. I suspect that the opposition to the belltower results from the Labor Party's view that no votes will be gained among campanologists in Western Australia. Labor members then suggested that the maritime museum proposal in Fremantle should be supported because Mr McGinty wanted it. Interestingly, Hon Tom Stephens told us that the maritime museum should be built in the country. I will be interested to know in which country town the Labor Party believes the maritime museum should be built.

Hon Tom Stephens: Bolgan wants a belltower.

Hon N.F. MOORE: Bolgan?

Hon Tom Stephens: I mean Bolgart.

Hon N.F. MOORE: That comes from an easternstater, who would not know where Bolgart is. We should help Bolgart to get a belltower.

Hon Kim Chance: Funded by Labor Party MPs!

Hon N.F. MOORE: I am pleased to hear that. I know how much money Labor members will be required to pay from their pockets next week. As well as paying for the Labor Party, they can pay for a belltower in Bolgart! The collection of funds from members opposite states to the people of Western Australia that they cannot manage their party's finances, let alone Western Australia's chequebook. In government they sent the State broke, and they have sent their party broke, yet they ask the people of Western Australia to support them in the contention that they should be in government. Labor members must pay \$5 000 - this is not the first time - to get their party out of the mess it has got itself into. If it cannot manage its own

affairs, it cannot manage the public's affairs, as was demonstrated the last time they had the chequebook. Nothing will change.

The PRESIDENT: Let us get back to the motion before the Chair.

Hon N.F. MOORE: The Labor Party took the political view to support the maritime museum proposal because Mr McGinty wanted it in Fremantle. I cannot see why a maritime museum is more important than the belltower in the expenditure of government money. What is different? They will both be great tourist attractions and be unique buildings in their construction and architecture. Why the difference of views about the two proposals? Of course, one happens to be in the electorate of Mr McGinty.

Hon B.M. Scott: Perhaps you could explain to them what a social dividend means.

Hon N.F. MOORE: Members opposite think that the social dividend means that they can give money to their friends. The social dividend under the previous Labor Government was giving money to the four-on-the-floor mob, who had a fantastic social dividend from the Burke Government. In fact, we are still trying to get some of that money back. When we came to government, we paid \$11m in debts on the Petrochemical Industries Co Ltd property. The bit of ground was still there, but rates had not been paid for some time and we had to pay to get the land back. We could have built two belltowers for the price of that blue sky in Kwinana. Talk about a social dividend!

Hon B.M. Scott: Who got that social dividend?

Hon N.F. MOORE: Indeed.

The PRESIDENT: Order! We have one member speaking. Perhaps members might like to read *Hansard* occasionally and see the smart alec interjections recorded against members' names to see the way some members carry on in this House.

Hon N.F. MOORE: Members of the Opposition oppose the convention-exhibition centre because they do not see the tourism industry as being important to Western Australia. They have not worked out that conventions and exhibitions are very important for the future of the State's tourism industry. However, they have indicated that somehow or other, because Burswood will spend some money, that will meet our needs, whereas it has already been demonstrated that is not the case. I ask them in all sincerity to rethink their attitude to the convention-exhibition centre. If at the end of the day they want to score political points, they should at least take the trouble to talk seriously to people involved in the industry and ask them what they think. They should get some figures, get briefed and then at least make an informed decision about what this State needs, what Burswood will offer and what the Government is seeking to do by way of this proposal. They can then argue from a sensible point of view. Too often their shadow minister's comments do not make any sense.

We believe that we can get a stadium for soccer and rugby as part of the convention-exhibition centre project. We have offered an incentive of up to \$10m. If it turns out that we can get a stadium for up to \$10m on crown land, it will be a marvellous facility for Western Australia. The Labor Party is opposing the convention-exhibition centre, which may deliver the stadium. I can only assume, therefore, that if it is supporting the stadium, it is supporting the taxpayers of Western Australia paying for the whole lot. The cost of an approximately 20 000 seat stadium is anywhere between \$40m and \$60m depending on where it is built. I am assuming the Labor Party supports the stadium but I am not absolutely sure. Assuming it is, the taxpayers will be up for between \$40m and \$60m plus land. Dr Gallop keeps including the value of the land in the cost of the convention-exhibition centre, so I will include the cost of the land in the cost of the stadium. Under the Labor Party's proposition, we may be looking at a cost of anything between \$60m and \$100m for a soccer stadium. The time has come for the Labor Party to tell us where it stands on that matter and to indicate whether it supports the expenditure of that level of taxpayers' money on the provision of a soccer stadium for Western Australia.

Hon Tom Stephens: We on this side stand for justice, freedom and the Australian way of life.

Hon N.F. MOORE: And apple pie and cream!

It is incumbent upon the Labor Party to tell the public of Western Australia whether it believes that the taxpayers should pay the total dollars required for a soccer stadium. It may be helpful if Labor Party members told us where they would put it. It may be helpful also to tell us why they would put money into that and not into a convention-exhibition centre. Will they make more money out of a soccer stadium than a convention and exhibition centre? Why would they do it? The reason is obviously that they have worked out that the soccer players and fans of Western Australia want a stadium. Here we are: Mr McGinty wants something, so he will get it; the soccer fans want something, so they will get it; the tourism industry wants something and it will not get it; and the campanologists want something and they will not get it. This is because the Labor Party has worked out where it thinks the votes are in all of this. There is a significant degree of hypocrisy in the Labor Party's attitude to some of these projects.

The time has come, in my humble opinion, for the media to ask the Leader of the Opposition some hard questions on these issues. When the Deputy Premier made some comments about his attitude to these projects, I listened to Dr Gallop come onto the radio and give his opinion. I was waiting for the interviewer to ask, "Where do you stand on these four projects?" Dr Gallop half said that he supported the maritime museum and the stadium but he did not elaborate on that, but he was totally opposed to the belltower, which will cost \$5m out of a capital works budget of millions, and he opposed the convention-exhibition centre because Burswood would do it anyway. The time has come for some very hard questions to be asked of the Opposition. Instead of members opposite shooting their mouths off and making generalised comments, we as a community should know where they stand and where the money would come from to deliver these sorts of projects. I am looking forward to that happening one of these days.

Last night during question time and during the adjournment debate, the issue of Dr Gallop's comments about the belltower and a swimming pool were raised. I had made an assumption that Dr Gallop had said certain things. I had been told by reporters that Dr Gallop had said certain things. However, Hon Ken Travers read out to the House last night what Dr Gallop had said in his press release.

Hon Kim Chance: Is this an apology?

Hon N.F. MOORE: No, not at all. I am now asking Dr Gallop to do something to demonstrate whether he has the credibility that Hon Ken Travers told us last night that he has. I will tell the House what was said on at least one television station the night before last so that we all know exactly why the matter was raised yesterday in the House. I refer to the Channel 7 news presented at six o'clock on 21 September. It reads -

NEWSREADER

WA taxpayers, who will pay millions for the construction of Richard Court's belltower, will be slugged again for admission when the tower's finished.

That's the claim of the Opposition tonight. They also say that the belltower's being built with money meant for sporting and community groups.

REPORTER

The \$20m first stage is already under way, but Labor says Perth's massive new belltower and Barrack Square redevelopment is set to blow the budget.

GALLOP

We now find that the trust fund, -

I assume he meant the CSR fund -

which has been set up to fund communities all throughout Western Australia, is going to be raided to allow this pet project of the Premier.

REPORTER

Mr Gallop says he's been told in a private briefing by the Premier that extra money to pay for the belltower will come from the Community Sport and Recreation Fund, cash that normally goes to sporting clubs and community groups.

And the Opposition is claiming that belltower visitors will have to fork out an admission fee.

That was from the Channel 7 news. If it is a fact that Dr Gallop did not say that and did not mean it, I am looking forward to his saying so.

Hon Kim Chance: Do you have the press release?

Hon N.F. MOORE: The press release is what started all this. I have not got the transcript for the Channel 2 presentation, but I heard the Channel 2 coverage as well which basically said the same thing. This is what Dr Gallop actually said on television -

We now find that the trust fund, which has been set up to fund communities all throughout Western Australia, is going to be raided to allow this pet project of the Premier.

If he is not at least trying to create the impression that this CSRF money is being used to fund the belltower project, I do not know what he is trying to do. It is very clear, but what he should do now is say publicly -

Hon Kim Chance: Are you sure he is not talking about Barrack Square?

Hon N.F. MOORE: I will give the member the transcript. He said it, not me. It was his face on television saying it. If he did not mean to mislead the public and did not mean what was said on at least Channel 7, he should say so. He should say, "I did not mean that at all. What I meant was that I do not think the Government should use one-third of the cost of a swimming pool from the CSRF." He should then say, "I do not think that the people who live or work in the central business district should have access to any sporting or recreational facilities at all because they live in that area." The Leader of the Opposition's tactic was very clever; he went along to a briefing and then came out and sought to misrepresent what he was told at the briefing. If he is the honourable man that we were told last night he is, he should say to the public that what was said on Channel 7 news - I think 30 per cent of the population watch Channel 7 news - was not right and the reporters misrepresented what he had said. It would make a big difference if he did that. I invite him to do so.

I was going through a number of reasons that this State has done well, in my view, under the management of the current Government. I have explained our priorities and gone through the capital works budget, the debt servicing arrangements, the sale of assets -

Hon Tom Stephens: Tell us more about the sale of assets.

Hon N.F. MOORE: I am happy to.

Hon Tom Stephens: What are you not going to sell off?

Hon N.F. MOORE: We have sold off the gas pipeline, the R & I Bank, which is now BankWest, and we are talking about selling Westrail freight and AlintaGas.

Hon Tom Stephens: Is there anything else you are proposing to sell?

Hon N.F. MOORE: Not that I am aware of.

Hon Tom Stephens: Is there anything you will not sell?

Hon N.F. MOORE: If we were about to sell everything it would have been sold by now.

Hon Greg Smith interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: At least members on this side say that we believe in privatisation of those assets which are not core government business and which can be done better by the private sector. We have used the money from the sale of those assets to pay off the debt those opposite created. That is what we are prepared to say.

Hon Kim Chance: Is the TAB core government business?

Hon N.F. MOORE: We are not selling off the Totalisator Agency Board at all.

Hon Kim Chance: Why don't you sell it? You will keep the TAB, but you are selling Westrail.

Hon N.F. MOORE: We do not intend to sell it. We probably make enough money out of it to keep it. Does the member think we should sell the TAB?

Hon Kim Chance: Which is core government business?

Hon N.F. MOORE: Will the member tell me whether he thinks we should? Let us contrast the approach of this Government to this issue, with that of the Labor Party. Those opposite say that they do not support privatisation, that they are opposed to it, that they believe in government ownership of all sorts of things. At the federal level, when they became the Government, what did they do with Qantas Airways Ltd and the Commonwealth Bank? They will do for a start.

Hon Kim Chance: Were they core business?

Hon N.F. MOORE: Hon Kim Chance is telling us that we should not be selling things that are not core business; yet, when his federal colleagues are in office, they adopt exactly the same approach that we have. His hypocrisy is breathtaking! Nobody knows where those opposite stand on this issue. They go out into the electorate and say that they do not believe in privatisation.

Hon Kim Chance: I am interested in what your definition of core business is?

Hon N.F. MOORE: His federal colleagues do it, but members of the Labor Party keep saying that they do not believe in it, and criticise us for doing it. I do not know where they stand.

Hon Kim Chance: You didn't believe in it before 1993 as well.

Hon N.F. MOORE: We are prepared to stand up and say that we will privatise where it is appropriate and that the money will be used to retire debt. In respect of the gas pipeline, we set aside money for a convention-exhibition centre which we believe is in the best interests of employment in Western Australia. That is a social dividend in my view. We set aside money for the computers in schools program - a social dividend in my view. We provided an extra \$10m for the community sport and recreation facilities fund - a social dividend in my view. The rest of the money was used to retire debt, which is now at a very manageable level. We should get credit for that, and we do from those who think about these things seriously, unlike our opponents who want to throw around the one-liners that get media attention, but which mean absolutely nothing in the long term. I have talked about the long list of capital works that have been undertaken in Western Australia over the past seven years, and which continue. I have no doubt people who belong to the construction unions will be very pleased they are happening.

Let us look at comparative figures between what this Government has done in the areas of health, education and law and order and what our predecessors did. It is important for members to get these figures firmly entrenched in their mind. It is my belief, and these figures substantiate it, that in the three years ending 1999-2000, expenditure on health, education and law and order has been, and will be, substantially more from this Government than was spent in those areas in the last three years of the previous Labor Government. Australian Bureau of Statistics data indicates that in the three years ended 1990-2000 spending on health will increase, on average, by 6.5 per cent annum in real terms; on education by 4.9 per cent per annum; and on public order and safety - that includes the areas of police, justice and emergency services - by 5.2 per cent per annum. This compares with increases of 3.1 per cent, 2.1 per cent and 2.1 per cent per annum, respectively, in the last three years of the former Labor Government.

Hon Greg Smith: That is not counting the inflation rate.

Hon N.F. MOORE: That is exactly right. I will give those figures again, and I hope members will commit this to memory: In the three years ending this financial year, expenditure on the health area under this Government has gone up 6.5 per cent. In the last three years of the Labor Government, it went up by 3.1 per cent. Education funding has gone up by 4.9 per cent,

compared with 2.1 per cent under the Labor Government, and the funding for public order and safety was increased by 5.2 per cent by this Government, compared with 2.1 per cent in the last three years of the previous Labor Government.

Hon Tom Helm: How many schools did we close?

Hon Kim Chance: Is that for the last three years of your Government, compared with the figures when we were in office?

Hon N.F. MOORE: Yes. This data compares the figures for the last three years of the previous Labor Government with the past three years of this Government. Let us compare apples with apples.

Hon Bob Thomas: We were in recession.

Hon N.F. MOORE: Was that the recession we had to have?

Hon Bob Thomas: How many wards have been closed under you lot?

Hon N.F. MOORE: Is that the one the member is talking about, or is it the L-A-W law tax cuts?

The PRESIDENT: Order! I call Hon Bob Thomas to order.

Hon N.F. MOORE: I think the member is trying to defend the indefensible.

The PRESIDENT: Order! If the Leader of the House directs his comments to me, I will not object. I have a problem when the members who are speaking start to direct their comments to other members. I then have to step in and ask the member being addressed not to comment. I ask the Leader of the House to address his comments to me.

Hon N.F. MOORE: Those figures are for the last three years of the last term of the Labor Party, compared with last three years of our term. I say that in the historical context of being the past three years, not the last three years of this Government because it has a long history yet to go.

Hon Tom Helm: You were right the first time.

Hon N.F. MOORE: There was a 6.5 per cent increase in health funding. That level of increase in expenditure is very significant.

Hon Kim Chance: Why are the outcomes so poor?

Hon N.F. MOORE: They are not poor.

Hon Kim Chance: The outcomes are terrible.

Hon N.F. MOORE: The member should go to the hospitals one day. I am happy to take him along one day to show him.

Hon Kim Chance: People cannot get in because the waiting lists have grown so much.

The PRESIDENT: Order! I have looked at my records, and I notice that Hon Kim Chance has already spoken on this issue. He will have to wait until the next time it comes around.

Hon N.F. MOORE: I have already mentioned this in an anecdotal sense: I have just spent a bit of time in a public hospital, and I did not have any trouble getting in. I was driven in an ambulance to the hospital and was wheeled up a corridor to a room. The staff dealt with my problem, and I went home. It was absolutely marvellous service. I also said that I took my son to a private hospital a few months ago, and the same situation arose - absolutely superb service was provided by both public and private hospitals.

Hon Tom Helm: Then what is everybody complaining about?

Hon N.F. MOORE: The problem is this: People such as Hon Kim Chance continue to knock everything that is going on in Western Australia when, in fact, the vast majority is very happy with the services being provided. The Government has demonstrated that these are its priority areas by increasing the level of expenditure by the amounts I have indicated. I have compared those figures with what the Labor Party did. There is no point in comparing what we have done with what everybody in the world might like to happen; it must be compared with what happened when the last alternative Government had a go with the cheque book. We saw what those opposite did. Collectively in the those areas of health, education and law and order, the real spending increase will average 5.5 per cent per annum in the three years to 1999-2000, which is more than double the collective increase of 2.7 per cent in those three areas during the last three years of the former Labor Government. We have spent 5.5 per cent in those three priority areas identified in the motion. There has been a 5.5 per cent collective increase per annum over the past three years, compared to an increase under the previous Labor Government of 2.7 per cent per annum. At the same time as the Labor Government was doing that, it was getting us into more and more debt - we were spending more than we were earning. It was increasing the debt every year. Even at a time when those opposite were increasing the debt at that rate, they still were not spending as much on health, education and law and order as we are. The funding in those areas did not increase as much as it has under this Government.

Hon Bob Thomas: You have just borrowed \$800m.

The PRESIDENT: Order! Hon Bob Thomas has already spoken on this motion.

Hon N.F. MOORE: I would love to know where all the money went when those opposite were in office. We do know that it went on the PICL plant and Bell shares and all that sort of stuff.

On a consolidated fund basis, total recurrent funding provided to Justice in the three years to 1999-2000 will be 72 per cent higher, in real terms, than in the last years of the former Government; similarly recurrent funding to Education and Health will be 29 per cent and 31 per cent higher, respectively. That is right across the board. This Government has the right priorities. We have dealt with the health, education, law and order areas in the funding we have provided. Everybody knows that not enough money can be spent on these three areas to satisfy everybody. However, we can easily compare the expenditure levels of one Government with those of another to provide an indication of their priority areas for expenditure. I said that a good comparison was the last three years of the Labor Government and the past three years of the current Government. There has been a significant variation in the level of expenditure in those two areas. However, because we have been good financial managers we have been able to increase our capital works budget dramatically. A great deal of money is being spent in Western Australia on a range of projects which are good for employment and good for our State.

It is interesting, if not surprising, that a motion like this should appear on the Notice Paper from the Opposition. Every time the Opposition does something like this it gives us a chance to tell the world what we have been doing. The only problem is that the only people who know what is being said in this House are the people who are currently sitting in the Chamber or those who read *Hansard*; and one can count those who read *Hansard* on the fingers of one hand. However, if I were to make an outrageous statement, it would be all over the newspapers because that is the way in which newspapers tend to operate. I am sure that by standing up here and quietly going through the Government's record at length, not one word will appear in the Press and not one sound will be heard on the radio. That is the nature, regrettably, of the media in Western Australia these days; it is interested only in headlines of an outrageous nature, not in writing good-news stories.

Hon Kim Chance: Print another glossy brochure.

Hon N.F. MOORE: It is a pity really because people are entitled to know what is occurring and of the good things that are happening. The previous Government recognised that it had difficulty at times with the media, although Brian Burke had the media in his pocket for years. Every time Brian said anything it was a front-page story. If there was a front-page story that he did not like, he would ring the newspaper and say, "Change it" and it was changed. That was the nature of the relationship back in those days. However, as the Labor Party's term continued and it became more and more on the nose, it found the need to get its message out in other ways and that is when it learnt all about glossy brochures and all that sort of stuff. I will never forget the glossy brochure promotion campaign associated with the opening of the northern suburbs railway line.

Hon Kim Chance: It was a momentous event.

Hon N.F. MOORE: They held competitions for school children, and glossy brochures were given to every citizen of the northern suburbs. They then had an official opening of every railway station up the track.

Hon Kim Chance: You should not throw stones; there is too much glass in your house.

Hon N.F. MOORE: We might have learnt a few things from the Labor Party about having to get messages out.

Hon Kim Chance: Remember the half a million dollars you wasted on the salinity action plan.

The PRESIDENT: Order, members! One at a time.

Hon N.F. MOORE: It would be helpful, in my humble judgment, if at least half the time the media uses to comment on public affairs was used to comment on the positive things that are occurring in our community. There are many good things happening in Western Australia and many good things that this Government is doing. People are entitled to know what they are and on what their money is being spent.

Hon Kim Chance: That is true; we agree.

Hon Bob Thomas interjected.

Hon N.D. Griffiths: But you don't tell us.

Hon N.F. MOORE: We do.

The PRESIDENT: Order, members! Three of the longest serving members on my left who know the rules - that is the bit that worries me - obviously do not want to abide by them. The Leader of the House.

Hon N.F. MOORE: Governments of all persuasions do positive things with the money that they spend on behalf of taxpayers, and taxpayers are entitled to know what is occurring.

I conclude my comments on this basis: It is a good thing that the Labor Party moved this motion because it gives the Government a chance to do a bit of reminiscing about its achievements. They are significant and there are reasons for us to be proud of what we have achieved in Western Australia.

Hon Greg Smith interjected.

Hon N.F. MOORE: Exactly. I am happy at any time to give a long list of all the things on which we have spent money in regional Western Australia especially, but also in the metropolitan area. It is a very good record. I thank the Leader of the Opposition for moving the motion and giving us the chance to tell the world what we have done. I just hope the world will eventually know as I hope that the people who sit up in our gallery and report on this place will write at least one word down about the good things this Government has done for Western Australia.

HON TOM HELM (Mining and Pastoral) [11.34 am]: It is good to join in this debate after the Leader of the House has thanked our leader, the Leader of the Australian Labor Party, for moving this motion, because I endorse his thanks. I will make a quick comment on the leader's speech as I fail to understand the relevance of more money being spent in this State when we have more problems than we had in the last three years of the Labor Administration, which goes without question. Is the Leader of the House blaming the population of this State? Is he blaming the Press? Why is he saying the Government is increasing funding, when we are in a bigger mess in that crime has increased and waiting lists and overcrowding in hospitals have increased. There are problems in the school system; we cannot get an education Bill through. The Government has a problem in those three core areas. It is not just the Labor Party that is to blame.

Hon N.F. Moore: It is.

Hon TOM HELM: The Leader of the House also wants to blame the Labor Party. The Leader of the House says we have increased spending and that major problems are the fault of either the population of the State or the Opposition. He is at a loss to understand why the Press do not quote him as often as he would like. A layperson like me does not need to look very far to understand why if it is true. Statistics can say anything, of course, but let us say the leader believes what he says, and I believe what he says, we still have this problem. Is it because privatisation, contracting out and the use of consultants has eaten up the budget? In other words, if he is spending twice as much money and we have a problem twice as large as we had in 1993, what has gone wrong? Do we have more sick people? I do not think so. Do we have more criminals? It looks like we have but I wonder about that.

Hon N.F. Moore: We are just catching them all.

Hon TOM HELM: Catching more criminals?

Hon N.F. Moore: That is right.

Hon TOM HELM: That brings me exactly to the topic I want to address on this motion when looking at the Government's priorities. Obviously, one of the priorities, as the minister said, is to put more people in jail.

Hon N.F. Moore: That is not a priority at all. I did not say that. When did I say that?

Hon TOM HELM: The Leader of the House said the Government is catching more criminals.

Hon N.F. Moore: There are more criminals in jail because more are being caught. However, I did not say we have a priority to put people in jail. The member should get his facts straight and stop misrepresenting me. He is as bad as his leader.

Hon TOM HELM: I stand corrected. If the Leader of the House never said that the Government is putting more people in jail, why did he say it is catching more? Is it because there are more or because there is more crime?

Hon N.F. Moore: More people are going to jail because more people are being caught breaking the law.

Hon TOM HELM: Is it because the Government is bringing in inappropriate sentencing? That is the issue on which I want to dwell during this debate.

Hon Greg Smith: So you don't think we should get tough on law and order?

Hon N.F. Moore: He thinks we should let them all out.

Hon TOM HELM: The member should tell me what is tough. Let us say a person of 18 or 19 has lost his or her 12 points for driving offences - not drug or drinking offences but driving offences. What is tough?

Hon N.F. Moore: Lost his licence at 18?

Hon TOM HELM: Yes, 18.

Hon N.F. Moore: Lost 12 points at the age of 18? You think that's all right?

Hon TOM HELM: I see! It does not happen? Air to Norman, air to Norman!

Hon N.F. Moore: You are talking about an 18-year-old driving at 150 kilometres an hour and endangering people?

The PRESIDENT: Order, Leader of the House! Hon Tom Helm is trying to develop an argument.

Hon TOM HELM: I hope that people have not been punished for losing their licence before they have driven for 12 months but I suspect some might have. Let us say some have. What does this Government do? It passes a law that sends them to jail. They go to jail because they have already lost their licence and reoffended. Which is tougher?

Hon Greg Smith: How many 18-year-olds are in jail for driving offences - not for stealing vehicles but just for driving offences?

Hon TOM HELM: There are no statistics on that. I have tried to find that out; however, in the past they were in the hundreds.

I am sorry, the person was 19 years old. He was 20 years old when he was in East Perth lockup, and he was in there with six others who were less than 20 years old. He was in the East Perth lockup for offences under the Road Traffic Act - not drink offences, drug offences or anything like that. They were offences for speeding, going through red lights, driving in the outside lane when he should not have been, and so on. He had 12 demerit points and lost his licence.

Hon Simon O'Brien: And driving while under suspension.

Hon TOM HELM: Yes, and people get a jail sentence for that. Let me deal with what is tough. Is it tough to make these people spend six months in East Perth lockup, or should they serve some time in a casualty ward?

Hon Greg Smith: The majority of deaths on our roads are caused by people in that age group who are not obeying the law.

Hon TOM HELM: I love Hon Greg Smith. If he were not here I would invent him. Hon Greg Smith is a lovely person. All that has been said about him is untrue. He is delicious! That is exactly the point I am trying to make. What is tough? If they are all getting locked up in East Perth, Casuarina or wherever and they are still offending, we are not stopping them from committing these offences. Therefore, should they be sent to a casualty ward so they can see the results of their stupidity or should they be sent with the State Emergency Service to a road traffic accident and help to pull out the mangled bodies? Hon Greg Smith can tell me what is tough.

Hon Greg Smith: That would be an option.

Hon TOM HELM: That is what we are discussing in this motion. We are talking about priorities and what we will do. How do members feel when they watch the television news and see cars and people when they have been mangled? I do not want to overemphasise it; it does not happen night after night. However, Hon Greg Smith must agree that it occurs far too often. Hon Greg Smith was probably here when I ranted and raved about the young fellow who was a friend of my stepson. I know this sounds insulting, but he was a typical mother's boy. He did not have long hair, tattoos, rings, piercing - nothing. He was doing well at the technical and further education college and wanted to be a civil engineer. However, like we all were when we were 16 to 24 years old - maybe I am still the same; I do not know - he was irresponsible. Therefore, he is in East Perth lockup. Now he realises he has done something wrong and society is punishing him. However, society does not say to him, "This is wrong because this is what happens as a result of your stupidity."

Hon Greg Smith: If he watched television he would probably realise that. I mean, we have run out of advertising campaigns.

Hon TOM HELM: When Hon Greg Smith was 18 years old, was he inside watching a lot of television? I do not think so. I do not think there are many people in this Chamber who, at 18 years of age, would have been sitting at home saying, "Wow, look at that advertisement." No, we were not doing that, were we? We were out doing other things. Therefore, the advertisements that we see, which are pointed and important, they do not see. The minister raised that point, and it is a valid point. However, we do not lose our licences very often - some of us might, but others do not.

Hon Greg Smith: I have not lost mine yet.

Hon TOM HELM: I am lucky too; I have not lost mine. However, I see those advertisements, and they are important. My point is that while we talk about achievements of this Government and how much money is being spent on various items, we still see other things that, frankly, I do not understand, with people sleeping in alleyways and so on. I also do not understand why more and more people are going to jail. However, I understand that since 1994 this Government has promised us some radical changes to the Road Traffic Act and the Sentencing Act that will reflect the concerns of our society about road traffic accidents. These changes have not yet taken place. We have Multanovas and we have seen traffic fines doubled, but we have not seen measures introduced to change the law to stop people killing themselves.

I have seen Grant Dorrington, who is the Chairman of the Road Safety Council, on the television. An article in the *Sunday Times* of 22 August this year quoted Grant Dorrington. He is obliged to reflect the Government's view, and he is certainly doing that in this case because the headline says "Call to jail speeders to cut road toll". We are doing that now. What is he talking about? Is he saying we should jail people for longer?

Hon Greg Smith: Ask Grant Dorrington. He runs his own agenda, not the Government's.

Hon TOM HELM: Is Hon Greg Smith sure? Why do the Government's agenda and his agenda appear to be in accord? I wonder why that would be the case. Anyway, let us say he is running his own agenda. His agenda clearly reflects the view that this Government holds; that is, that jail and increased fines are a good idea.

Hon Greg Smith: It is a last resort.

Hon TOM HELM: I agree completely with the Hon Greg Smith - he could make this speech for me. It should be a last resort. In the meantime, we should take every other step that is possible.

One of my sons was involved in a drink-driving accident and nearly died. The gravity of his actions has come home to him. Now he is a "no-alcohol Nazi". He does not go with anyone who has been drinking, he does not drink and drive himself, and he stops his mates from drinking and driving, because he could have killed someone, as well as himself. The thing that brought it home to him was that he did not know whether he had killed anybody else because he blacked out behind the wheel. Even if a person has lost only six or eight points, the Act should allow for the minister, the police, the Road Safety Council or someone else to say to that person, "Come and watch a video of the latest road crash that we attended. The driver is now dead." These people should be exposed to that type of video.

I recall that when I was at training school before I joined the merchant navy, I had to do a three-month training course to learn how to climb masts and things like that. However, there was an important induction about the effects of venereal disease. After seeing that presentation at 16 years of age, it is a wonder I did not join the priesthood. It was effective for about two days - but it was effective. That was in 1957, and the stupid part was that we did not get condoms issued to us when we were at sea. One ship did, but that is all. Therefore, although we were told of the dangers, we were not told how to prevent the things that could happen as a result of unsafe sex practices.

That is just an example of the way in which young people, as well as those who are not so young, are flouting the law. Most of these people are not drunk or on drugs; they are just flouting the law. A similar situation is when the President brings members to order. Members flout the rules, and they know they are doing it. The President corrects and checks us when necessary. Members offend against the standing orders, but these people put their own and other people's lives at risk. They should be advised that that is what they are doing. We are not trying to restrict them from doing what they want to do; we are trying to save their lives and other people's lives.

Hon Greg Smith: How do you do that? Tell us how you would do it.

Hon TOM HELM: Before telling them that they will be put in jail or fined, they should be told that they will attend such and such a place to watch a video of the latest crash that the authorities attended.

Hon Greg Smith: I believe we have a program like that now.

The PRESIDENT: Order! Hon Greg Smith will have an opportunity in due course to make his contribution. I assume that at the moment Hon Tom Helm is dealing with misplaced priorities.

Hon TOM HELM: Exactly. I am following on from what the Leader of the House said, and rather than talking about icons and -

The PRESIDENT: I was trying to connect your comments to the motion.

Hon TOM HELM: My comments refer to both parts of the motion; that is, community safety and public transport and the priority given to hospitals, police and public transport. If those resources are to be used to give the State a belltower, convention centre and soccer field, I stand full square. I do not care how long those things are delayed as long as there are changes to the Road Traffic Act and the Sentencing Act that reflect our concern for road safety. Evidence shows that we are going down a totally inappropriate track. Increased fines and jail sentences are not reducing the crimes. The statistics are there. We know these things are not reducing the number of accidents on our roads. If we spent some time and money on a parliamentary task group, and if this Government had the will, the Act could be changed to give us another weapon. It is only a weapon. There is no need to take the other weapons away. However, at the present, a road traffic offender cannot get a community service order. It cannot be done. We galloped into this Parliament with the latest Bill from the Attorney General - the Acts Amendment (Fines Enforcement) Bill - so that instead of paying a fine, it can be worked off on a community service order. That is exactly what I am talking about. Maybe we can keep the fine and the jail sentence. If it is still needed, then it is still needed. However, there should also be the provision to send people to watch videos or see pictures, visit casualty wards or go out with the State Emergency Service.

I do not know what goes on in the Liberal Party rooms, but I have a feeling that too many people in the party room agree with the Grant Dorringtons of this world. I have never seen Mr Dorrington play football, but I imagine that with such a famous name he was a good footballer.

Hon N.F. Moore: Is the member saying that too many Liberal Party members agree with Grant Dorrington?

Hon TOM HELM: They agree with him, yes.

Hon B.M. Scott: He delivers a safety message. What is wrong with that?

Hon TOM HELM: He wants to jail more people.

Hon N.F. Moore: You were criticising us for not doing what he says.

Hon TOM HELM: No, I am not criticising. I am just making the points.

The PRESIDENT: Order!

Hon TOM HELM: I quote Mr Dorrington because he reflects what the Liberal Party is doing. The Liberal Party has only fines or imprisonment for road traffic offences. Grant Dorrington says there should be more fines and imprisonments. If the Liberal Party had some intestinal fortitude, it would say that other things could be done to prevent road traffic accidents.

Hon Peter Foss: It is not just fines and enforcements. If one cannot pay the fine, it can be worked off.

Hon TOM HELM: I apologise for my accent. I am sure that people misunderstand some of the things I say. Maybe they do it deliberately. I find it very frustrating, which is why I talk much more slowly now than when I first came into this Chamber. So that the record is clear, I am saying that there should be the ability for people, rather than working off a fine or being given a prison sentence, to be exposed to other weapons in the fight against road traffic accidents. People - I use the term "young people", but I am probably incorrect in that - should be obliged by law to be exposed to videos on the results of these accidents, rather than pay off fines or lose their licence, as the case may be.

Hon Peter Foss: People can be exposed to that so long as it is not a minimum sentence. If it says there is a fine or imprisonment, there can be a conditional release order. It is up to the magistrate.

Hon TOM HELM: The Attorney General gives me some comfort in saying that. However, in practical terms, when I visited that bloke in East Perth lockup there were six other young people - less than 20 years of age - serving time for driving while their licence was suspended.

Hon Peter Foss: Some magistrates do that. They do not have to unless they think it is appropriate. The point that needs to be overcome is that people sometimes impose punishments that we may not think are correct. However, the magistrates think they are obliged to do that. They are not obliged to do it.

Hon TOM HELM: I do not make a judgment about the rightness or wrongness of fines or jail. I am not saying it should be taken away. I am saying that there is no guidance from this Government by way of legislation or regulation to tell people that the magistrate or a police sergeant or whoever must impose -

Hon Peter Foss interjected.

Hon TOM HELM: The Attorney General went the way of the Labor Party and wanted to put minimum sentencing together.

Hon Peter Foss: I prefer the matrix.

Hon TOM HELM: That is cool, but that is not the way it is coming over to the public. However, it is beside the point. I was sure that the Minister for Transport and the Attorney General agreed that there would be legislation before this House that reflected the use of other weapons in the war against these accidents.

Hon Peter Foss: That is for the third time that somebody offends. The member should keep in mind that if someone offends for the third time, they are showing a fairly flagrant disregard for the law. It is not the first or second time, but the third time or more. That is a tough call because people are showing that blatant disregard for the law.

Hon Greg Smith interjects.

Hon TOM HELM: If the member wants to be tough about that, I make no comment about it. I am saying that before it gets to that stage -

Hon Greg Smith: Does the member want more strings in the bow?

Hon TOM HELM: Exactly, let us see that.

Hon Peter Foss: That is happening anyway. Some magistrates think they only have those two choices. If people cannot afford the fine, they must be jailed. However, if they cannot afford the fine, they can carry out a work and development order.

The PRESIDENT: Order!

Hon TOM HELM: Too many offenders get a prison sentence rather than a fine. However, that is beside the point. If that is the way the law is applied, I make no comment about that either. I am just saying that it appears not to be working and that we have other ways of addressing the issue.

Hon Peter Foss: We should put the matrix in place.

Hon TOM HELM: Whatever it takes, I do not care. Since 1994, since about the time of this Government's inception, there has been a promise. I made a note of it. Questions without notice 55, 72 and 975 were asked by Hon Tom Stephens, our leader. The second reading speech is on page 1012 of the *Hansard*.

Hon Peter Foss: What year?

Hon TOM HELM: On 17 August, 1999.

Hon Peter Foss: Is the member saying that from 17 August 1999 to now is a long time? He should try to get legislation through!

Hon TOM HELM: The Attorney General should not get funny because it is not something to be funny about. I know that he was outside on parliamentary business, but had he been here he would have heard me say what I will repeat now: In 1994 the Government promised legislation that would address this problem. I emphasise that between then and now these questions reflect that -

Hon Greg Smith: What problem is the member referring to?

Hon TOM HELM: The problem of people dying on the roads.

The PRESIDENT: Order! Hon Tom Helm has the floor.

Hon TOM HELM: There were to be amendments to the Road Safety Act that were to be additional strings to the bow, additional activities that the Government would propose that would help to reduce the road traffic trauma.

Hon Greg Smith: We doubled the fines.

The PRESIDENT: Order!

Hon Greg Smith: We could double the fines.

Hon TOM HELM: Exactly. Grant Dorrington said we should double the fines and double the jail sentence as occurs in California or Singapore. If we were all in jail we could not drive cars, so the roads would be safe! That measure would be less effective than forcing people to feel sick to their stomachs looking at the mess of people's bodies after they have been in a road traffic accident. I do not like to see people's bodies messed up, so I think that would be more of a deterrent to

offenders than serving time in the East Perth lockup, watching television or twiddling their thumbs in a prison cell. We must consider using the alternatives that we have been promising for so long and that we are anxious to see implemented.

Debate adjourned, pursuant to standing orders.

CONSIDERATION OF COMMITTEE REPORTS

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair.

Standing Committee on Public Administration - Administration of Environmental Complaints Relating to Public Health: A Case Study

Resumed from 16 September on the following motion moved by Hon Kim Chance -

That the report be noted.

Hon KIM CHANCE: When we began dealing with this matter last Thursday Hon Barry House explained adequately the circumstances of the initial undertaking of the inquiry by the committee. At the time, the committee was confronted with evidence from a group of residents in the Wagerup area adjacent to the Alcoa of Australia Ltd refinery, and worker representatives of employees on site, who had formed the Wagerup Community Health Action Group. Their concern was that the issues they raised about the effect on people's health of emissions allegedly rising from the plant were being ignored. We were approached by the group essentially as a matter of last resort. The group was able to satisfy the committee that it had done everything it could be reasonably expected to do to raise the issues through the appropriate channels.

The committee spent months making initial inquiries before agreeing to undertake a formal inquiry into the matter. As a result we considered that on the surface there seemed to be at least a case to answer that the response of the appropriate agencies to the group's concerns had been inadequate. Specifically, it seemed to the committee that the group's principal complaint was that whenever it raised a matter with what it thought to be the appropriate agency, the agency would defer to another agency on the basis that the matter was not its responsibility. In effect, its complaints seemed to be falling between chairs.

The Standing Committee on Public Administration, by title and by standing orders, is specifically not a scientific committee and does not pretend to be one. Our concerns are clearly defined within standing orders. It seemed appropriate to the committee that it should examine the response made to the complaints by the agencies to determine whether it was adequate and good administration. However, it is impossible to decide whether the committee should devote its resources to the complaint without learning something of the scientific processes. If my recollection serves me correctly, Hon Barry House also referred to that issue.

The cause of the difficulties seems to arise from the industrial processes used at the Wagerup refinery - at least, that is the allegation. The complaints surround an unusual worldwide manufacturing process of bauxite and alumina processing. The reserve of ore that is treated at the Wagerup refinery is very large. It is also a low-yielding ore body. In its discussions with us Alcoa indicated that it was well and truly a commercial ore body, notwithstanding its relatively low yield. It is commercial because it is close to a major industrial area. It has a port nearby and has good transport, power and infrastructure facilities available to it. It is also within a stable political area. One of the characteristics of bauxite ore bodies worldwide is that they tend to be in the most inaccessible, high cost and politically unstable areas in the world. For that reason, the ore body processed at Wagerup is attractive to the company.

The difficulties with the ore body are that the bauxite lies within a medium that is basically degenerated granite. Within the ore body are high levels of organic compounds that I understand are the result of forest wastes leached into the ore over eons. The means of stripping the element out of the crushed ore is very simple. It is dissolved into a caustic stream. However, that caustic stream is continually polluted by the organic compounds that form such an important part of the ore body. Those organic compounds must be taken out of the caustic stream in order for the caustic to continue to work effectively in dissolving the bauxite from the crushed ore. The analogy which Alcoa gave us is that the process within that stream is similar to the process within a dialysis machine, where as the caustic stream passes through the machine, it removes the organic compounds and continually keeps purifying the refining stream. Like a dialysis machine, it does not need to operate all the time, but if it is switched off for too long, the levels of organic pollution within the stream become so high as to render the processing system inoperative.

Once the organic compounds - the liquor - have been removed from the stream, the problem that remains is how to dispose of it, and that will be an ongoing problem at Wagerup, because of the high levels of organic compound, and because the ore body is so extensive and will in future be exploited at a much higher level than it is now. Alcoa has faced that problem by installing a liquor burning process. It is at that stage that this process and treatment plant at Wagerup become unusual, because I believe only one other liquor burner of this type exists worldwide, and Alcoa has only one other liquor burner of this type. That means that the amount of available scientific data in respect of the measurement of emissions from liquor burners is relatively unknown and there is not much scientific data on which Alcoa or anyone else can draw to even know what to look for. Obviously a range of standards is provided in respect of industrial emissions, and Alcoa used as a guideline, in order to determine which of the possible elements was being discharged, the research which had been done on another facility in Kwinana. That other facility is not exactly the same as the liquor burning facility, but nonetheless it gave Alcoa a benchmark against which to measure things.

The difficulty for Alcoa is that in measuring the output from the liquor burning facility at Wagerup, it has been able to measure only about 30 of the possible 200 elements that are being discharged from the stack, and those 30 elements which are being measured fall so far within what is accepted by health authorities and industry worldwide as being safe levels as to be laughable. Not one single element in those discharge measurements should cause anyone any concern at all, and that is the confusing thing for both Alcoa and its scientists and the other scientists who have looked at this issue, because it is so hard to determine why there should be a problem at all. That raises a heap of questions, and at this point we walk away from science and start to purely speculate, which is dangerous. If it were the outfall from the plant at Wagerup - and even this is speculative to a degree - is it one of the possibly 170 elements which are being discharged but not measured which is causing the problem, or is it a combination of two or more of those elements which are being measured which is causing the problem? We are all aware, even those of us with a rudimentary knowledge of science, that two harmless substances in combination can form a harmful substance, and, vice versa, two harmful substances in combination can form a harmless substance. Common salt is an example of that, where an explosive metal - metallic sodium - is combined with a poisonous gas - chloride - to form sodium chloride, which becomes the relatively harmless compound of common salt. Is that the issue, or perhaps is it the combination of one of the unknown substances and one of the known substances? We just do not know, and that remains a question which will require further research.

Again, that was not an issue for the committee. The issue for the committee was, firstly, to determine whether a problem exists and whether the resources of the appropriate state agencies have been appropriately deployed to determine whether a problem exists; secondly, to examine whether the appropriate state agencies have sought to determine whether that problem comes from Alcoa or another source; and thirdly, to determine whether the appropriate state agencies have been able to effectively ensure that the complaints are dealt with in an appropriate way. That was the task the committee set itself.

Our task involved speaking to Alcoa at an early stage in our preliminary investigations. We asked Alcoa whether it recognised that there was a problem, and it said there did appear to be a problem. We asked it what its response had been, and its answer to that question covered a wide field, but the core element of its answer was that it had installed, at a cost of some \$5m, a catalytic thermal oxidiser, which has the effect of cleaning the emissions from the stack. My understanding is that initially the operation of that catalytic thermal oxidiser was quite successful. It certainly eliminated the odours, which were the cause of many of the complaints, and it appeared to eliminate some of the reported health effects. However, after a period, it became less effective than it had been originally. When the CTO was stripped down for examination, it was found that it was not working as well as it should have been because it had become clogged with arsenic. It is interesting that arsenic is not one of the 30 compounds which has been identified as being measured, so that raises a lot of questions about what may be in those 170 compounds. We actually asked whether there was a compound X among those 170 compounds that had not been properly identified that might be causing the problem, and that was obviously something to which the Alcoa scientists had given a great deal of thought. They said they believed there was not, because if one specific compound were causing the problem, they would somehow have been able to identify it, and so far they had not. However, they did not disallow the possibility that there was such a compound.

The committee then decided, having gone past that point, that there was a case which we needed to investigate. Our function then was to determine whether the state agencies had responded correctly. In short, the committee found that that was not the case and the state agencies which have responsibility for this area had provided at best an inarticulate and disjointed response which had clearly failed to serve the interests of the Wagerup community and the people of Western Australia, not as a matter of policy as far as we could see, but simply as a matter of the agencies not being effectively coordinated. The prescription laid down in this very simple and short report to fix the problem is similarly simple and inexpensive. It simply requires a little planning. Above all, it appears to require that one agency in particular be identified as the agency in charge of the process. That is the source of the problem.

When the committee members speculated at the preliminary investigation stage which should be the lead agency, the majority probably considered that the Department of Minerals and Energy would be the agency with the key responsibility in this matter. My view differed from the majority view; I felt that the Department of Health should be the key agency given that this was a matter relating to human health. In the end, the committee determined that everyone was wrong. It became apparent from its investigations, and members ultimately agreed unanimously, that the key agency was neither the Department of Minerals and Energy nor the Department of Health but the Department of Environmental Protection, and the DEP agreed. It was a difficult issue. I understand why other members took the view that the Department of Minerals and Energy should be the lead agency.

A refinery treating mineral ore is a mine site under the Mines Act. Therefore, the application of the law covering a mine site - including the work safety laws that obviously apply to the health and wellbeing of employees on site - becomes a function of the Department of Minerals and Energy. It would otherwise have been a function of WorkSafe. In this case neither was appropriate. The cross-functioning of agencies meant that we were not talking about the health of employees on site or the health of residents nearby but a combination of the two. The key issue is not who is being affected in the purely administrative sense, but the source of the problem and who has the ultimate responsibility. That clearly lies with the DEP, which has sweeping powers relating to the investigations it can undertake and the investigations it can order.

The committee's key recommendation in this matter is that the DEP be clearly identified as the coordinating agency in this area. Obviously we cannot expect the DEP to carry out roles for which it is not equipped, and that is accepted by everyone. The DEP is not responsible for carrying out epidemiological research; that is a function of the Department of Health. However, it is the DEP's responsibility to ensure that the Department of Health is aware of the need for epidemiological research in that area.

That points to another issue, and it is something I suspect Hon Jim Scott will want to raise, so I will not refer to it in detail. It appears to me - this was not necessarily a committee recommendation so I will not refer to it to any great extent - that we do not have adequate epidemiology facilities in Western Australia. I make it clear that this report is not about Wagerup or Alcoa; it is about industrial emissions and their effect on human health generally. It has the same application to the problems of Midland, to the goldfields and the industrial outfall from Kambalda and to Cockburn Sound as it has to Wagerup. This is about industrial pollution affecting people.

The issue for the committee was that no single agency seemed to be able to say to the other agencies, "This is work that must be done." It did not become apparent to the DEP either that it had that primary role until about a week before the Public Administration Committee began its public hearings. Then it all seemed to fall into place. As far as the committee could determine, for five or six years there has been no formal process by which the DEP, the EPA, the Department of Minerals and Energy and the Department of Health ever get together at CEO or deputy-CEO level to discuss issues relating to human health and industrial outfall. One of the committee's recommendations is that that formal structure at CEO or deputy-CEO level be reinstated. It was in place in the past, but for the past five or six years that practice has been dispensed with for whatever reason, but that is not important. However, it is important that the process be reinstated.

More importantly, the DEP and the other agencies concerned should be very clear in their understanding of what the committee has recommended; that is, that whenever this occurs, first, the complaints must be channelled through the DEP. There is no reason that they cannot be made initially to Alcoa, the Department of Health, or the Department of Minerals and Energy. However, they must get to the DEP so that one agency can then determine that a coordinated response is required and then decide how it will be implemented.

I will not touch on the Wagerup issue too closely because it was used only as a case study by the committee. However, there appears to be an acceptance by the Department of Health that a problem exists, and that is referred to in the report. The frustration for the group, and initially for the committee in its preliminary investigations, was the reaction when it went to the Department of Health to ask what it was doing about the problem. The problem seemed to be serious; there were reports of widespread respiratory problems, multiple-chemical sensitivity and other human health problems that were so severe as to be crippling for those affected. One must always be careful not to sensationalise issues of this kind, but those complaints were aired. It seemed reasonable to me for the committee to ask the Department of Health whether there was a problem in the area and whether it was unusual. For example, would we normally expect to see this percentage of respiratory problems in a rural community of this kind? Were we seeing an over-representation of these problems by comparison with a nearby community? For example, were the figures the same for Brunswick Junction, Harvey or some similar dairy industry-based community which, while agriculturally based, is not a big chemical user? There did not seem to be much information to lead the committee to expect to see this level of apparently industrially-related diseases. Was there no problem at all? Was the representation of respiratory problems no higher than one would expect to see in a community of that kind? As the Parliament has responsibility for agencies such as the Department of Environmental Protection and the Health Department, it should have access to the means to determine whether the answers are positive or negative. In other words, where is our capacity to access epidemiological data?

Hon J.A. Scott: We could speak with Frank Murray of Murdoch University.

Hon KIM CHANCE: Quite. I promised I would not tread on the areas that Hon Jim Scott will raise, but that is the issue. We still do not have an epidemiological picture of what is going on at Wagerup. When the Standing Committee on Public Administration asked the Health Department to provide that information, essentially, the answer was that it was not appropriate to do this epidemiological work because the department does not have the people who can do that work and even if it did it could not tell the committee what was causing the problem. That was not the question. The department was trying to jump the second hurdle before it jumped the first hurdle. It should first determine the problem and then try to work out what caused the problem. It is pointless jumping the second hurdle unless it can get over the first.

There was a problem with the State's ability to respond through its agencies to problems of this nature, but there are relatively simple ways to fix that problem. The committee has made recommendations in this report that will adequately address the problems, to the extent that the Standing Committee on Public Administration is able to recommend that solution. The scientific and health related issues are still waiting to be resolved. However, the committee has pointed to the manner in which those solutions can be sought.

Hon TOM HELM: I congratulate the committee on its work. On behalf of my fellow trade unionists at Wagerup, I welcome the committee's report and the work that has been done by the committee. As the chairman said, no-one was listening when the people there were complaining and they were becoming paranoid. I note from the report that the local member of Parliament, the member for Murray-Wellington, Mr Bradshaw, also became involved, but we were getting nowhere fast. By taking an interest in the matter, the committee has offered a great deal of comfort to not only my fellow trade unionists but also the residents of Wagerup.

The Department of Environmental Protection responded to the concerns the committee and others raised. Its eight page response is incorporated in the report.

Hon Kim Chance: Its action plan is also appendix 3 in the report.

Hon TOM HELM: The DEP took a great deal of trouble with its response, and we should be grateful for that. I know how serious the matter is, and the department has tried to do something about it. Members should compare the DEP's response to the letter from L.C. Ranford, the Director General of the Department of Minerals and Energy dated 11 December 1998. It is indicative of the culture of the DME, which I have been complaining about in this place for a long time. The response

from the DME is a four-page letter on what it proposes to do about the matter that the committee brought to its attention. Members should take into account that the DEP is called on regularly by the DME to do some of the work that the DME is not geared up to do. Although I do not criticise the department's modus operandi, I draw the attention of the House to the contents of the letter that was written to the chairman of the Standing Committee on Public Administration by Mr L. Ranford about this matter. Mr Ranford's letter asks more questions than it answers. Mr Ranford refers to the questions that the committee asked as follows -

1. The Position Taken by the Department of Minerals and Energy (DME) in Relation to the Issue.
...
2. Has DMA Taken Any Steps to Respond to the Issue?
...
3. Is DME Conducting or Involved in an Epidemiological Study and/or Survey into Both the On-Site Workers and the General Public in and Around the Wagerup Refinery . . .

There are four or five questions of that ilk, which are answered in four pages. It is a real *Yes Minister* letter: The department will set up a committee and monitor what the committee does! I was prompted to ask a number of questions which I will pose during this debate, and maybe we will get answers somewhere down the track. The department's response to query 2 was that it had requested that Alcoa Australia Ltd establish a committee to resolve issues and to undertake gas and vapour monitoring. Has that committee been established? Have members of the committee been elected? Is the composition of the committee public knowledge? Is a record kept of the discussions between Alcoa site employees and the department? Will that record be made available? The DME letter also refers to 41 health and safety representatives. Are they elected? Are their discussions on the public record and publicly available? What is the modus operandi of those committees and what do they do?

I refer to the DME response to query 3 and ask whether the State Mining Engineer has ever considered using section 45 of the Mines Safety and Inspection Act 1994? Without the committee's involvement, the position at Wagerup would still be as frustrated as the people at Hamersley Iron were when I worked there. I am not commenting on the work of the inspectors who are there to look after the health and safety of employees; this is a comment on the culture of the department which exists from the top down.

While we are on this subject, the culture of the department is not coincidental but is a reflection on this minister. I refer to the minister's lack of reaction when Hon Tom Stephens asked a question without notice about the ministerial office being opened in Kalgoorlie. The minister answered the question at length and suggested that the Labor Party was unhappy with the ministerial office being opened in Kalgoorlie. I am pleased that the minister's office has opened in Kalgoorlie. Issues such as this which occur not only in Wagerup and around the south west but elsewhere in the State will benefit from someone with ministerial authority acting as a backup. The minister might be pleased to hear that one of those people to whom he referred by innuendo in the answer to the question without notice as giving his departmental officers a hard time at the DME office in Kalgoorlie has been given a lease. The minister accused Eric Stein of being a puppet of me and of others.

Hon N.F. Moore: I have never mentioned his name.

Hon TOM HELM: No, but you wrote him a very insulting letter, comrade.

Hon N.F. Moore: Do not call me comrade. I find it offensive coming from you.

The DEPUTY PRESIDENT: Order! The Leader of the House has made a proper objection, and I ask Hon Tom Helm to observe that. Hon Tom Helm is moving a long way from the motion that the report be noted, and I suggest that he bring himself back to it.

Hon TOM HELM: I am sorry; I will do that. The letter from the DME is a reflection of the sort of things that people have been complaining about, and the opening of the minister's office in Kalgoorlie will go some way towards correcting that. I do not share the view that it should not be there. I am comforted that one of the people who may be employed at that office, according to *The Kalgoorlie Miner* of Thursday, 16 September, will be the daughter of Ross Atkins. Mr Ross Atkins has a record of saying things about the -

Point of Order

Hon N.F. MOORE: I fail to see the relevance of an office in Kalgoorlie and the employees in that office, to the report the Committee is contemplating.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The Leader of the House has raised a relevant point of order. I asked Hon Tom Helm to bring his comments back to the matter under consideration. I remind the member that the matter under consideration is the twelfth report of the Standing Committee on Public Administration relating to the administration of environmental health. Will the member please direct his comments to that topic.

Debate Resumed

Hon TOM HELM: I apologise, Mr Deputy Chairman. I accept your ruling and will do as I am told. The Committee needs to know that the letter contained in that report is a reflection of what I and others believe to be a cultural problem within the department. I think the minister - I am praising him - is taking steps to redress those matters. I hope so. Only time will tell. I hope the office to be opened in Kalgoorlie will result in the workers at Wagerup feeling that they do not have to go to a

committee of the Parliament with their problems, but that government departments will look after their wellbeing in a way that appears so far not to have happened. Everybody, including the chairman of the committee, said that no-one was doing anything about their dilemma until the committee became involved. The DME, by any stretch of the imagination, should have some -

Hon N.F. Moore: That is an inaccurate assessment of what has been said in the report.

Hon TOM HELM: I can only say what they told me. I will bring the people along.

Hon N.F. Moore: Just read the report.

Hon TOM HELM: I have read and quoted from the report. What is wrong with the minister? Where is the minister? He should come back to earth. I will not offend the Deputy Chairman's ruling, but that is the reason I raised it. I congratulate the committee on its report.

Hon J.A. SCOTT: I also congratulate the committee on its report. It is a very important report and Wagerup is a very good place in which to undertake such a study. As Hon Kim Chance pointed out, it is an area in which there are few impacts on health and the environment, other than a timber works, a timber mill and farming practices. Certainly, many chemicals are used in farming, some of which I am sure have detrimental effects on people's health, but they are seasonal. Therefore, those studying impacts on the health of the community have an opportunity to examine the situation over a longer period, during which those seasonal impacts can be discounted. The problem then comes back to one source which can be seriously implicated. Also, the item suspected by most people of creating the emissions causing their health problems is the liquor plant, and similar plants are planned to be established in a number of other refineries. Therefore, it is important to find the source of the problem so that it can be tackled at a technical level. Of course, the committee was looking at the role of government departments in this matter.

Although it is an excellent report, if there is an omission it is that it did not look at the planning aspects. Both the position of the plant in relation to the community and the layout of the plant had significant effects. I know, for instance, that the workers most affected at the plant worked in a shed which had doors opening towards the liquor plant, and the prevailing winds blew the offending chemicals through the door. Some people became seriously ill as a result of that. I would like something to have been done about the planning and layout of the plant. I do not know whether local government or the Ministry for Planning would be involved in that.

Hon Cheryl Davenport: It is local government which should inquire into that.

Hon J.A. SCOTT: It should be inquired into from a statewide point of view because these issues will arise more and more in the future.

Another important aspect is that it provides a model of how to evaluate the health risks, monitor the emissions and assess the line of responsibility. Although Hon Kim Chance pointed out that in the end this inquiry discovered that the Department of Environmental Protection had the overall authority, it does not seem to work that way in practice, particularly on mining sites. They tend to be handballed to the Department of Minerals and Energy. I do not think that is the appropriate body to deal with emissions outside the borders of the working area.

Hon Kim Chance was spot on when he pointed to the failure of the Health Department to understand the importance of epidemiology as a tool in these cases. I have heard it said by officials of the Health Department that it is an expensive operation. It is not necessarily expensive, if the work is done on the basis that it is not necessary to rush in a specialist team. Use should be made of known information. The local medicos should be asked to compile data on people in that area, and that information should be combined with other information about wind direction, and pollutants and emissions in the area. In these matters it is necessary to gain the confidence of the community and to involve them in the monitoring process. I know the people of Wagerup are doing that at the moment. They are carrying out their own epidemiology studies by measuring the unpleasantness of odours on a gradient between one and 10; how the emissions are affecting their health on certain days; and the wind direction on those days. They are then compiling the information.

In the Health Department there seems to be some fear about believing information provided by communities. I have seen that not only in this instance but in a range of different polluted areas in this State. Furthermore, because these epidemiology studies have not been carried out, there is very little understanding of which pollutants are causing most problems and to which people.

I have recently been given information about the brickworks in the Shire of Swan indicating no monitoring is being done of the dust particles which are known asthma triggers. I shall ask a question in the House today on that matter. This monitoring is not going on even though part of the conditions is that these levels be kept to 0.15 parts per cubic metre. We are seeing big health impacts on the community. Rather than costing the Health Department money, if we set up a Department of Environmental Health - of course, there is such a department - to carry out the monitoring and epidemiology, it would save the State a fortune.

This would impact positively on the cost of workers compensation. When we look at the data from the eastern States, we see that the health cost of chemical injuries in workplaces is six times the health cost of injuries caused by physical accidents. One need only look at the problems we have in hospitals today. Today on the radio I heard about wards that are filled with people who have influenza. A lot of those people have asthmatic problems. They go to hospital because their asthmatic condition is aggravated by the flu. Of course, many of those asthmatic conditions are likely to have been caused by some industrial impact. If proper studies were carried out, rather than their costing us, they would save us millions of dollars per

annum. It is very remiss of the Health Department not to be looking at this way of dealing with the health budget apart from the human health impacts and tragedies that environmental problems are having on people's lives.

Hon CHERYL DAVENPORT: I also support the committee's report. Members of the committee were only yesterday saying how this inquiry has been of relevance. We have managed to undertake and complete this inquiry in a relatively short time. We were able to highlight the fact that issues of public administration were not being attended to, and later I will talk about our recommendations which show that.

At the outset, when we were deciding whether we would take up this inquiry, I sensed that there was a reluctance to investigate on the part of some members of the committee, and that may have been because the committee had such a big workload. However, I felt some personal responsibility for this area as it is close to where I grew up. I remember in 1961 and 1962 when the dairy farmers along the Darling scarp, particularly around the Pinjarra area, were being given compensation so that the Alcoa mining facility at Pinjarra could go ahead. Of course, the Wagerup plant was a later addition to the Alcoa business, and that has been operating in that area at the foot of the Darling scarp for about 15 or 16 years. I know that the local community would not have raised these issues if it were not genuine. Hon Jim Scott, when speaking to his urgency motion during the middle of last year, raised concerns in relation to both the workers and the community. Rather than conducting a major inquiry into Alcoa, as a committee we had to confine ourselves to looking at where the public administration mechanisms that people had to access were failing, and we did that. I commend Hon Kim Chance for his handling of the debate on this issue. He has gone into far more technical detail than I could ever hope to.

One matter, however, that concerns me is the operation of the liquor burning unit at Alcoa and the burnt organics that are perceived by many to be causing the respiratory problems and skin irritations among the people in the area. It became clear to me, particularly in the discussions we had at Alcoa, that plans are afoot to construct another liquor burning unit at the Pinjarra plant. These units must become part of the process because the ore body is degrading; that is, the company must go further into the scarp to find the bauxite product. The process of burning off to get at the ore is part of the problem. I want to see this pinned down, if possible, before the other liquor burning plant comes on stream at the Pinjarra site. In paragraphs 1.3.1 and 1.3.2 of the report, the committee has attempted to explain the progressively larger proportions of organics that are found as the ore body is extracted. The Wagerup ore body has a lesser content of bauxite ore. It is about 18 per cent in comparison with the Pinjarra and former Jarrahdale sites, which had a higher yield of ore in what was being extracted. There are problems, and the sooner the relevant departments and the Alcoa company can get to the bottom of them, the better. I believe Alcoa has a genuine commitment to finding the problems. As an aside to one of the committee members when we were at Alcoa, a representative said that if the problems could be pinned down, they would be delighted. Obviously it does not reflect well on the company as a whole that people in the general area are becoming ill as a result of what is perceived to be coming out of that liquor burning plant.

I also congratulate the members of the local community in Wagerup for their tenacity.

Hon Jim Scott interjected.

Hon CHERYL DAVENPORT: When our committee took up the issue, the departments started to respond. When we took evidence from those three agencies, there had already been a significant turnaround in the way they were approaching the issue. There was a combination of the community's activism, the workers' activism and the committee's being prepared to look at this as an issue which needed sorting out.

Debate adjourned, pursuant to standing orders.

Report

Progress reported and the report adopted.

Sitting suspended from 1.00 to 2.00 pm

ADDRESS-IN-REPLY

Motion, as Further Amended

Resumed from 22 September.

HON MARK NEVILL (Mining and Pastoral) [2.01 pm]: Since becoming an Independent I have had time to reflect on my new position and in some ways I am grateful that I am out of the turmoil that goes on within the political parties. I have always felt uncomfortable getting up in Parliament and calling on the bureaucracy to be accountable for everything it does, to make sure that justice is extended to everyone and that all the proper processes have been gone through. We often go through what the bureaucrats have done in fine, nit-picking detail, looking for anything it has done that might be slightly remiss. Within our own political parties there is little or no accountability. Whoever has the numbers usually runs things. All sorts of practices are indulged in by all political parties which any normal, transparent corporation or entity registered under the Associations Incorporation Act would never be allowed to do. There is no external scrutiny of what goes on inside the political parties. The parties are extremely important for the nation. It is the parties that run our Federal and State Governments. We take little notice of what goes on inside the parties. They are funded by the Federal Government through funding from the election funding scheme. They use the resources of members of Parliament to conduct their election campaigns. It is no secret that senators' offices and members' offices are used extensively during campaigns. Members use their air charters for scrutineering of election campaigns. There are all sorts of public moneys involved in the political process yet there is no public scrutiny of it. A sort of winner-takes-all process goes on inside the parties, where whoever has the numbers has complete hegemony. That is great if one is on that side; if one is on the other side one gets kicked to

death. It does not matter how much ability one has, one can lose one's seat and be kicked out. I am not reflecting on my own position by making those comments. It is about time we had some external scrutiny of what goes on inside political parties. As it happens now we just have cover-ups. I have seen a few things in the Labor Party, such as when a member has spied on a house and frightened the daylights out of people living there. I have seen activities which I think should have been investigated by the police, not by the party. I presume there is a lot I do not know about in both political parties.

I believe in a strong two-party system. It is needed to run a country. I am an Independent and I think there is room for Independents within a strong two-party system. We should be assured that the two parties are run properly because of the public interest and public money involved, and that the parties are run ethically. A recent decision in the South Australian Supreme Court, *Clarke v ALP South Australian branch*, was quite interesting. A Labor member took an internal party matter to the South Australian Supreme Court; it concerned branch stacking. In February of this year the South Australian branch of the ALP purported to admit 2 000 persons as new members. They were signed up in the previous month. Before that happened the total membership of the state party was 3 500 people. It increased by 80 per cent overnight.

Hon Ken Travers: Did members of the Gnowangerup football club join?

Hon MARK NEVILL: Does the member want me to outline to the House the circumstances behind the person sitting outside a house, photographing who came and went?

Hon Ken Travers: Yes.

Hon MARK NEVILL: I am sure he would! Hon Ken Travers is quite at liberty to get up in the House and tell us what goes on inside the Left, if he has the stomach to do that. I am sure that some people do not want me to make this speech but I will push on anyway. The membership fees for the new members were paid by eight to 10 persons by a combination of cheques, cash and credit cards, and the total amount was \$41 937. That is what goes on in political parties. There is branch stacking and memberships being paid by unions or other wealthy benefactors. Often people are members of political parties and do not even know it. They might have gone to the local Liberal Party sausage sizzle and not realised that the \$2 entry fee actually gave them membership of the party.

The Leader of the Opposition, Geoff Gallop, said in the Press the other day that the Labor Party is not for sale. It is obvious that one can buy 80 per cent of it in South Australia for \$41 000 if one is paying for the membership of a certain faction. The South Australian Supreme Court decision found that internal party disputes were part of the court's jurisdiction. The court said it would intervene where appropriate. A number of press articles said that it created a precedent. It did not really, because in 1980 Bill Hayden, who was then the leader of the federal ALP, was trying to clean up some of the state branches and he put the federal executive into the Queensland branch which was being run by a corrupt group called "the old guard". That group challenged the intervention in the courts; I think it was the Queensland Supreme Court.

The court found that the federal executive was within its powers to intervene because the Australian Labor Party was a national party, not a group of separate state branches. That case was slightly different because the old guard was inviting the court to intervene, but it did not intervene; whereas the South Australian situation is the reverse. Nevertheless, it indicates that in the earlier case, the courts saw it as an avenue by which they could intervene.

Bill Hayden was a courageous leader of the Labor Party. I greatly regret that he did not lead the party in government. While he was trying to clean up the old guard right faction, if I remember correctly, in the Queensland branch, Bob Hawke was in Geneva effectively encouraging the old guard to fight Hayden, not because he did not want to clean up the Queensland branch but because he saw it as being in his political interest to destabilise Bill Hayden's efforts. The recent South Australian case is not new.

We need someone like the Electoral Commissioner to be given the jurisdiction to investigate major complaints within the parties, or a political ombudsman to examine internal party problems. I do not think that, realistically, that can be done through the courts because it costs too much money. It is no secret that the parties do not have the money to fight in the courts issues raised by members concerning branch rotting. The solution would be a non-legalistic approach.

I will give members a taste of the hypocrisy and the activities in some of the branches here which I think demonstrate that party branches should be open to scrutiny by an independent person. I refer to Hon Ljiljana Ravlich, a new, young and high-profile member who, although members opposite may not like what she has to say, works very hard, but whose preselection is under threat.

Hon Kim Chance: No it's not. How can you possibly know that in any case?

Hon MARK NEVILL: I read the papers.

The PRESIDENT: Order, members! I want one member speaking and that is Hon Mark Nevill.

Hon MARK NEVILL: Unless the situation has been sewn up in the past day or so, it is under threat. Does Hon Kim Chance not even agree with that?

Hon Kim Chance: No.

Hon MARK NEVILL: Was his preselection ever under threat?

Hon Kim Chance: Always.

Hon MARK NEVILL: They are very circumspect answers.

With regard to the balance of power among the ALP factions, the Left has about 85 faction members, the Centre has about 60 and I think the Right has about 60. However, in this House I think there are about six left-faction members, three Right members - I have vacated one of the Centre's positions - and three Centre representatives. The Labor Party talks about proportional representation in the upper House; yet internally it does not take much direct interest in ensuring that proportionality is reflected in its preselections.

I understand that Hon Ken Travers' left faction wants to reduce the centre faction from two to one. If that occurred there would be room for only Tom Stephens or Hon Ljiljanna Ravlich. If Hon Kim Chance can tell me whose seat is under threat I will be even more enlightened.

Hon Ken Travers interjected.

The PRESIDENT: Hon Ken Travers should come to order.

Hon MARK NEVILL: I do not think they will have them any more, not after this speech.

Hon Ken Travers: I feel sorry for you.

Hon MARK NEVILL: Hon Ken Travers can feel sorry for me, but I can look after myself. My understanding is that basically the Left was threatening Hon Ljiljanna Ravlich's position in the East Metropolitan Region. If that is not the case I will take it all back and apologise to Hon Ken Travers. However, it was the case a week ago. In any case, I have lost interest in the internal goings on of the ALP. I am raising this as an issue only because ALP members are seeking proportionality in the upper House but internally it is another matter. People should be consistent.

The Liberal Party is not much better! I always feel I must be even handed in these matters. A document recently came into my possession containing information on the internal workings of the Liberal Party. It is the determination of the Liberal Party's appeals and disciplinary committee. It deals with an internal problem in the Liberal Party which has not been addressed and is in the process of being covered up. It is just being papered over. Possibly some criminal charges should be laid.

From time to time criminal charges should be laid concerning activities in other parties, but there is no proper mechanism to have them investigated. They are usually covered up and eventually evaporate. This report, of which I have a copy, relates to the allegations by Senator Sue Knowles against Senator Noel Crichton-Browne. The proposal at the end of this report is that Senator Knowles be expelled for being found guilty of conduct and acts prejudicial to the Liberal Party.

Four grounds are listed in this report suggesting that she indulged in such conduct. The first is that she made false allegations of criminal conduct against Senator Noel Crichton-Browne. I do not know what they were. I think they were in the order of threats to kill her and her dog. The second ground was that Senator Knowles conspired with the Leader of the Opposition at the time, Hon Jim McGinty, to have the allegations published. There is no doubt about that. The third ground is that she misled her preselection committee by denying involvement in the conspiracy with the ALP. The fourth ground is that she deceived the public by demanding that one of the terms of settlement of the writ taken out by Senator Noel Crichton-Browne against her, in which she admitted making false allegations, not be disclosed to the public until after polling day; that is, until after she was elected. That is beyond the pale. If allegations of criminal conduct are made against people and they are guilty, they should pay the price.

In the report, two of the three members found her guilty of each of those matters and recommended that she be expelled from the Liberal Party. The third member found her guilty of only the first complaint; that is, of making false allegations of criminal conduct against a senator. The third member found only the first complaint to be proved and his dissenting report was that she should be censured. He did not agree with the first three allegations.

The committee is elected annually, and I understand that this matter was the last item of business to be cleaned up before the new committee was put in place. The third member of the committee was a lawyer from Kalgoorlie called Alan Dungey. The committee was to meet on the Saturday morning to resolve the matter. However, I understand that he was contacted by the President of the Liberal Party (WA Branch) Incorporated, David Johnston, who asked Mr Dungey not to attend the meeting so a quorum was not present. Mr Dungey works for Mr David Johnston's legal practice, so I suppose he was susceptible to being advised about what and what not to do. That meeting did not proceed because of a lack of a quorum.

The newly elected committee is fortuitously chaired by the Liberal Party President, David Johnston. I understand that the express purpose of his being on the new committee was to ensure that Senator Knowles was not expelled from the Liberal Party. A proper internal process has been undertaken, which was frustrated at its end by a lack of a quorum. A new committee was elected which set about re-writing the history of that event. It is galling to look at the comparison of the pursuit of someone like Dr Carmen Lawrence in a royal commission and the nobbling of the Liberal Party's own committee to prevent a serious adverse finding against one of its members coming to light. At the end of day, they would not want Senator Knowles expelled at any cost because of the ramifications of that action.

Whatever the rights or wrongs of this case, it shows that one cannot afford to allow these matters to be dealt with internally by the party. If one is not in the part of the party which is in control, one usually gets screwed; that is, it depends upon whether one is on the winning or losing side as it becomes a numbers game. There is no justice in it. If we are to have a party system, with the internal workings that entails, in which people have confidence, we need some independent scrutiny.

I have been through all the main findings of this report, which I seek leave to table.

Leave denied.

Hon MARK NEVILL: This is only one example of what I would call the internal corruption, I suppose, of the party processes. Someone external is needed to ensure that the constitutions of the parties are carried out. Political parties should be no different from incorporated bodies under the Associations Incorporation Act so some transparency and scrutiny is provided. Until that is done, we will see situations like that which arose in Victoria. I do not know the result of the recent Victorian poll - it is hung as far as I know. However, the Labor Party, which has horrific internal problems, may soon be in charge of running that State. I do not know what the Liberal Party is like in Victoria, but no external scrutiny of that party takes place.

It is disappointing that the Leader of the House refused to agree to the document being tabled.

Hon N.F. Moore: Documents are tabled not so people can take a look at them, but so they have privilege.

Hon MARK NEVILL: I still have 25 minutes of my speech time left.

Hon N.F. Moore: There is nothing wrong with your giving a copy for members to see. Hon Giz Watson on radio said that by denying her a right to table a document, I denied the opportunity for people to see it. That was stupid. If you want people to get a copy, give them one. It will not be covered by privilege.

Hon MARK NEVILL: The alternative is to stand here for 25 minutes and read it into *Hansard*. I will not inflict that upon the House. However, it is a pity that the Leader of the House does not want this document tabled.

Hon N.F. Moore: You can make it as public as you like.

Hon MARK NEVILL: Right.

Hon N.F. Moore: And you will wear the consequences of making it public, as we all do if we want to defame people.

Hon MARK NEVILL: I am not defaming anyone, am I?

Hon N.F. Moore: No - then why seek privilege for it?

Hon MARK NEVILL: It is an internal Liberal Party report. It is a professional and well laid out report.

Hon N.F. Moore: So give everyone a copy.

Hon MARK NEVILL: I am not sure who was on the committee. It was obviously a very competently put together document. Quotes are provided from different parties, and it quotes rules from different commonwealth law courts. It features Mr Alan Carpenter, who was then a well-known ABC reporter of the *7.30 Report*. It features Mr Jim McGinty, Mr John Kobelke and Dr Geoff Gallop. It is probably the stuff of a soap, as it has everything in it. I now read the final decision straight from the report so no-one is in any doubt -

The disciplinary measures which the Committee can impose are limited to the following:

- (i) censure
- (ii) suspension
- (iii) expulsion

Given the nature and gravity of the charges which have been found against the Respondent, the Appeals and Disciplinary Committee expels the Respondent.

That was the decision in the report.

Point of Order

Hon BOB THOMAS: I ask the member to identify the document from which he quoted.

The PRESIDENT: Under Standing Order No 48, the member is required to identify the document having quoted from it.

Hon MARK NEVILL: The document does not have a cover sheet, Mr President. The title page reads: In the matter of a complaint under clause 17 of the Constitution of the Liberal Party of Australia (WA Division) Incorporated, and in the matter of a complaint by Moore division (complainant) against Senator Sue Knowles (respondent) and in the matter of a complaint under clause 17 of the Constitution of the Liberal Party (WA Division) Incorporated, and in the matter of a complaint by the Yallingup branch (complainant) against Senator Sue Knowles -

The PRESIDENT: That is sufficient identification.

Debate Resumed

Hon MARK NEVILL: With those few comments, I hope that the major parties in this State will start to look at some independent means of looking into improper affairs and activities in the parties. The courts are not the way to go as they are too costly. The Labor Party would be bankrupt after the first such case.

Hon Greg Smith: I thought it was already.

Hon MARK NEVILL: I do not know how much money the Liberal Party has. However, I have been a member of the Labor Party for 25 years, and it has always struggled for money and always battled on. These days one must pay for television

advertisements, which we did not worry about in the past, which places extra stresses on parties. I have always raised my own election campaign funds, and I am sure I will do so again at the next election. I support the motion.

Hon BOB THOMAS: Under Standing Order No 48 I request that the document that was identified be tabled.

The PRESIDENT: Standing Order No 48 provides that after a document has been identified by the member quoting from it, another member can seek to have it tabled. That having occurred, Hon Mark Nevill is required to table the document.

[See paper No 200.]

Debate adjourned, on motion by Hon Ken Travers.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL 1997

Assembly's Message

Message from the Assembly acquainting the Council that it had agreed to the further amendment made by the Council as an alternative to the Assembly's substituted new amendment No 3, subject to the amendments made by the Assembly, now considered.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

The amendments made by the Assembly were as follows -

No. 1

Heading to clause 32 — To delete “, **84ZH, 84ZR and 192**” and substitute the following —

“ **and 193** ”.

No. 2

Clause 32(5), proposed section 93D(1) — To delete the subsection and substitute the following subsection —

“

(1) In this section —

“**relevant level**”, in relation to a question as to the degree of disability of the worker, means —

- (a) if the question arises for the purposes of section 93E(3)(a), (9) or (12), a degree of disability of 30%; or
- (b) if the question arises for the purposes of section 93E(4), a degree of disability of 16%.

”.

No. 3

Clause 32(5), after proposed section 93D(2) — To insert the following subsection —

“

(2a) For the purposes of section 93E(4) only, if item 36A of Schedule 2 applies to the disability, subsection (2)(a) applies as if the percentage of the prescribed amount provided for by that item were 100% instead of 60%.

”.

No. 4

Clause 32(5), after Example 2 in proposed section 93D(3) — To insert the following example —

“

Example 3

A worker loses 10% of the full efficient use of the back (including thoracic and lumbar spine) and 15% of the full efficient use of the neck (including cervical spine). The percentage under subsection (2)(a) (for the purposes of section 93E(4) only) is:

$$\left[\frac{10}{100} \times 100 \right] + \left[\frac{15}{100} \times 40 \right] = 10 + 6 = 16$$

”.

No. 5

Clause 32(5), proposed section 93E(3)(b) — To insert after “worker” the following —

“ has a significant disability and ”.

No. 6

Clause 32(5), proposed section 93E(4) to (16) — To delete the subsections and substitute the following subsection —

“

(4) For the purposes of subsection (3)(b) the worker has a significant disability if it is agreed or determined that the degree of disability is not less than 16% and that agreement or determination is recorded in accordance with the regulations.

”.

No. 7

Clause 32(5), proposed section 93E(19) — To insert after “day” the following —

“

(not being a day that is more than 6 months after the termination day)

”.

No. 8

Clause 32(12) — To delete “7(4)” and substitute the following —

“ 7(2) ”.

Hon PETER FOSS: I move -

That the Assembly's amendments be agreed to.

Hon N.D. GRIFFITHS: I want to make a few brief observations. This is the end of this Government's current attempt to stop the blow-out in workers compensation premiums. The Australian Labor Party has at all times been concerned to stop the blow-out in workers compensation premiums. We have put forward positive measures to do it and will continue to put forward positive measures to do it. These problems were created by this Government through its 1993 changes, particularly those to do with redemptions. The Government set up the Pearson review committee, which recommended dealing with this issue in a number of ways. This Government has failed to do so. It has failed to come up with proposals to regulate insurers; it has failed to reform WorkCover; and it has failed to come up with any measures to reduce medical costs. Its only target has been to reduce costs by attacking the benefits and rights available to injured workers. The ALP has consistently urged the Government to create savings by reforming many of those areas, particularly those areas pointed out in the Pearson report. The Government has failed to do so.

This Government is solely responsible for the recent increase in stamp duty imposed on workers compensation insurance premiums. This Government has consistently failed to acknowledge and tackle the adverse effect on workers compensation premiums as a result of the impact of the Howard-Lees goods and services tax package. The Australian Labor Party wants greater compliance so that all employers pay correct premiums, so that more are contributing and so that we have an opportunity for the premiums to be driven down. We hope that this package will lower workers compensation premiums. We have done what we can to improve it to make sure that it lowers workers compensation premiums even further than it seeks to do. I note, however, that the capacity to lower workers compensation premiums is somewhat in doubt when one considers what the actuaries have had to say and when the minister and her representative in this Chamber have refused to provide any guarantees, which of course they cannot do.

What this Government has done, frankly, is to produce a number of measures. We have assisted the Government in arriving at a package because we want workers compensation premiums lowered because they were unsustainable the way they were going. From day one we have sought to work with the Government to create cost savings. We have negotiated with the Government and had the assistance of other parties in this place. I acknowledge their assistance and cooperation. That has secured a number of improvements to what would otherwise be the case for injured workers. I shall quickly mention them, and then I shall conclude my remarks. Compared with the draconian measures that the Government proposed, we have increased access to common law for workers with less than a 30 per cent disability; we have to a degree extended the period in which election to take a common law action can be made; we have removed a somewhat draconian requirement concerning the consequences of injury, which in their trite, easygoing way, those who serve the interests of major payers of dividends call psychological overlay; and we have increased the maximum payout under common law to \$250 000 for cases with less than a 30 per cent disability. We have done all that is proper and appropriate on the part of an Opposition to lower workers compensation premiums.

That this Government has failed to pick up other areas in the Pearson report is a matter of great regret. Those areas have been around a long time for driving down costs. The Government continues to drive up workers compensation premiums through its stamp duty policies. Through its absolute neglect, the Government continues to fail to tackle the consequences

of the GST, particularly the consequences of it on workers compensation premiums. I regret that the focus of this Government has been to drive down workers compensation premiums by attacking workers' rights.

Hon HELEN HODGSON: This message is really dealing with one area where we did not manage to reach agreement last week. It is to do with whether there should be a threshold versus a deductible applied in respect of when people can make an election to enter into the common law system. In this Chamber last week we made it clear that we believed that a deductible was the fairer way to go. Members in the other place have reverted to a threshold, although I acknowledge that the threshold is lower than was originally proposed, it being a 16 per cent injury. I also acknowledge that the modifications made in respect of back injuries deal with one of the most severe provisions related to the original proposal. Because of the way back injuries are treated under the schedule, it is very difficult for people to reach a 25 per cent disability level without being very severely disabled. That is being dealt with in the proposal before us.

One of the key points on which we are still disagreeing is the issue of threshold versus deductible. I still cannot support a threshold, even the modified threshold that is in place. I have run this proposal past people who work in the actuarial field. The comments I have received make it quite clear that a relatively minor disability can cause somebody to be simply unemployable, and the use of a disability threshold can work very harshly against these employees. A \$20 000 deductible would be much fairer to such persons, as well as being comparable with what is in the motor vehicle insurance industry at the moment. I acknowledge that the Government considers that this would not add enough stability to the system in the short term, but this proposal is expected to do that anyway. All the actuarial costings, from the date of the original Pearson report onwards, talk about an immediate impact and then the steady-state impact. When I asked when the steady-state impact is supposed to be in place, I was told that it is supposed to be a couple of years; therefore, it is only a medium-term prospect. In all the scenarios and costings we have seen, the steady-state impact is considerably less than the initial impact.

I do not think anybody is pretending we will fix the system by doing that. All we are doing is buying more time. I hope the Government will use this time to do further fundamental reviews of the basic premise on which the workers compensation system is built; that is, ensuring workers have a safety net, adequate access to income support and proper compensation for an injury where negligence is involved. I acknowledge the cost to employers is becoming exorbitant and cannot be supported any more, particularly by the small business sector; however, I do not think this will fix it. If we pretend it will, we are deceiving not only ourselves, but also those whom we are intending to help.

The next issue with which I cannot agree is one to which I referred in this House last week; that is, when an extension of time will be allowed, it is basically at the discretion of the director of WorkCover Western Australia. I think that is fundamentally wrong. There is nothing which gives any guidance or direction. It was my understanding that, when this issue was discussed with the minister, some guidelines for this exercise of discretion were to be incorporated in the legislation. I understand it was debated in the Legislative Assembly last night, but those guidelines are still not incorporated in the message before us. That is fundamentally wrong. We are saying there is a six-month extension. What is being proposed today limits what was suggested last week. At that time the extension was unlimited, at the discretion of the director. This week it is unlimited for a further six months, at the discretion of the director. That places far too much emphasis on the head of one agency, who can basically establish whether a person can have this extension of time.

It has been put to me that, in practice, it will work in this way: If the person has a back injury and is looking at an operation that may reduce the level of disability, the extension will be granted. The injured person must wait until after the laminectomy to see what happens. Surprise, surprise, those people have now dropped from the 17 per cent injured category to the 12 per cent injured category; therefore, they will no longer have access to common law anyway. I hope the director will ensure that those people, who have an injury that has not stabilised but does not look like it will improve, at least get extra time to make sure that the injury has stabilised. At the moment, it is totally in the director's hands, and that is unconscionable.

I now turn to my third point of concern. I would like to hear the comments of the Attorney General on this issue, given that I supported it last week. In the time since we last debated this issue and its coming back to us today, it has been put to me that because the transitional provision will allow a three-month period for an election, we are running at a very difficult time of the year. If the legislation receives royal assent immediately - today is 23 September - we are running into the period when the courts go into recess. That means that for three months this provision will severely impact on those people who may have the three-month transitional time shortened. If proclamation takes place this week, they will lose time from the end of the three months. I note the Attorney General is looking at the Interpretation Act, and I hope he is checking to see whether there is any reference to court closures, as opposed to public holidays.

Hon Peter Foss: No, there is not; there is always a duty judge.

Hon HELEN HODGSON: I would like to hear his comments as to whether the transitional period running into court closures will cause a problem and how that can be dealt with on a practical level. With those comments, I acknowledge the need to do something with the system. The proposal before us has eroded the fundamental principle of the protection of workers' rights just a little further than I am prepared to wear. I much prefer the option of a deductible that was put forward last week. I understand the process of the extensive negotiations and discussions between the various parties that has gone on. I also understand that the Australian Labor Party is now accepting that this legislation is as good as it will get. At this point, I do not think I can support the message before the Chamber.

Hon J.A. SCOTT: Hon Nick Griffiths commented earlier about the way in which the combined opposition parties had moved to an agreement on amendments when the previous message came into this place. Despite some misgivings, those parties and I were part of an agreement about those amendments at that time. Since then, we have seen a further erosion of the common law rights of injured workers. Originally I spelt out very clearly that I believe access to common law is a basic

human right, and is not limited for anyone else in our society. It is fundamental in any system of justice for all people to have that access. Now, as Hon Helen Hodgson has said, we have seen a change back to the threshold from having a deductible amount, which I think previously was \$20 000. I think a mistake has been made.

That threshold is one reason we had a failure of the system previously. In fact, because the second gateway, which I think was introduced for all the right motives, gave rise to a whole range of legal interpretation, it created much more legal expense than was expected. There were also other reasons that was the case, but that contributed to the rise in legal costs at that time. Introducing thresholds invites that legal imagination to start to go wild again. We will see the same thing happen with this provision.

I also have a concern with the director's discretion. I am not too sure, and maybe the Attorney General can inform me, whether the discretion of the director is free from being challenged legally in any way in the courts. I do not know whether that can be challenged in courts. If it can, there may be a new range of legal costs imposed upon the system one way or another. Most of all, I oppose this amendment. I have had no indication from the Attorney General, although I have asked during previous debates, of the other areas of the system that were being considered and the measures the Government would take to rein in those other costs. My paramount concern relates to the poor management of the insurance companies. While we have a broken-down system, the prime villains are escaping scot-free. It is time for the Government to provide answers about how it will deal with bad management. There have been a great many examples of bad management. The Chamber of Commerce and Industry of Western Australia complained about the poor management of claims; injured people have complained about the poor management of claims and the lack of care that the insurance companies had for them when they were injured; and the legal representatives of those injured workers have also complained that huge amounts of money are being wasted by unnecessary challenges to cases where there is no doubt that the injured person would win the case. The insurance companies have tied up claims in the courts with many thousands of dollars being wasted when they should have settled cases.

The onus is on the Government to come clean about the concrete steps it will take to deal with the other outstanding issues in this crisis that we are told is occurring; I have no reason to believe that there is not a crisis. The Government's way of dealing with this crisis is to home in on the weakest link in an attempt to extract more blood from the stone. It has gone too far at this point and I cannot support this amendment because it is unjust and inhumane.

Hon PETER FOSS: It is not often that I agree with Hon Jim Scott but on this occasion I do. He quite rightly pointed out that the 1993 amendments to the legislation were correct in their intention. He shares that view with Mr John Kobelke, the member for Nollamara, who also believes they were well intentioned. However, one of the problems we always take into account in this Parliament, and one thing that we cannot always guard against, is the work of lawyers.

Hon N.D. Griffiths: You got it wrong.

Hon PETER FOSS: No, we got it right. The unfortunate aspect is the way in which the courts applied the amendments. Mr Kobelke is correct, Hon Jim Scott is correct and the intent was correct. The absolute furphy is that the 1993 amendments increased the common law claims. One thing we can say without any doubt whatsoever is it did not increase the common law claims. It might not have been effective in stopping them but it certainly did not increase them.

Hon N.D. Griffiths: How can you say that with a straight face?

Hon PETER FOSS: Because Mr Kobelke happens to agree with me, if the member bothers to read the debate in the other House.

Hon N.D. Griffiths: Are you alluding to a debate in the other House? You are breaching standing orders.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Order!

Hon PETER FOSS: The incredible furphy is that the Opposition is trying to explain why it has continually defeated this legislation and why, even now, when it is clear to everybody that something must be done, it has delayed it.

Hon Bob Thomas: You have delayed it. You have taken it out.

Hon PETER FOSS: It has delayed and diluted it. Hon Bob Thomas should just listen.

The DEPUTY CHAIRMAN: Order! The Attorney General is doing a very good job of keeping up the volume without competition from interjections.

Hon Bob Thomas: But he is wrong.

The DEPUTY CHAIRMAN: If members wish to object to anything that the Attorney General has to say, they will speak when they get their chance. In the meantime, desist from interjecting.

Hon PETER FOSS: The Opposition has delayed and diluted this legislation. I will explain why I say both of those things. Many of the things that have been agreed to in this place, in the multiple opportunities we have had to have a go at this legislation, are things that could have been agreed to when the Bill first came to this Chamber; more importantly, the Opposition has diluted it.

Hon Bob Thomas: But you kept tacking things onto it.

Hon N.D. Griffiths: This is the first time since this amendment.

Hon PETER FOSS: The reason I say "diluted" is because even now I do not believe that the Opposition has agreed to enough. The Government is in the unfortunate position of having to agree to this if we want to pass any legislation. However, I would like the Chamber to understand one thing: The Opposition will take the responsibility for the changes it has made.

Hon N.D. Griffiths: This is your package, your threshold, your goods and services tax, your stamp duty, your medical costs and your unfair procedures.

Hon PETER FOSS: Mr Deputy Chairman, I am very keen to pass this legislation.

The DEPUTY CHAIRMAN: Order! I have already invited those members who disagree to speak at the appropriate time. I have also instructed members to desist from interjecting. Please do so.

Hon PETER FOSS: I am very keen to get this legislation passed as it has already been delayed for weeks beyond the time in which it should have been dealt with; and it has been delayed by the Opposition.

Hon N.D. Griffiths: What rubbish!

Hon PETER FOSS: I know Hon Nick Griffiths does not like hearing that.

Hon N.D. Griffiths: Why don't you tell the truth?

Hon PETER FOSS: Hon Nick Griffiths did not like it when I pointed out that last year the Opposition defeated legislation that had the agreement of the Trades and Labor Council and the CCI and only one group of people approved of what it did. That group of people was sitting in this Chamber when the Opposition defeated the legislation this time. I am sure those people went away and ordered themselves some nice expensive French champagne, which I am sure they can afford from the legal fees that the Opposition guaranteed to them by the action they took at that time, because the only people whose interests the Opposition was looking after that time were those of the members of the Plaintiff Lawyers Association. The Opposition has been listening to those people for years instead of listening to its own constituencies. The Opposition's problem is that it is trying now to justify its actions to its own constituencies, to the public and to the business people whom it has cruelly disappointed by trying to blame it on the 1993 amendments.

Let us just get one thing right. The 1993 amendments did not cause an increase in common law actions. They failed to stop them in the way they were intended to and they failed to stop them for the very same people that the Opposition was looking after last year and earlier this year in the course of this debate. The Opposition has been looking after the Plaintiff Lawyers Association very well and has given it a few opportunities to earn legal costs. As Hon Jim Scott properly points out, there are still opportunities; I would prefer that there not be opportunities in the legislation. Hon Jim Scott is right in that as soon as there is something for a lawyer to rub up against, he will rub up against it and that will be a cause of legal costs. It is unfortunate but we are forced in this situation to either take this deal or take nothing at all. I would like to place it on the record that the Opposition's claims are a furphy and it is responsible for the delay that has occurred. The 1993 amendments did not cause any increase whatsoever.

Hon Bob Thomas interjected.

Hon PETER FOSS: One can always tell when the Labor Party is feeling a little guilty about things because Hon Bob Thomas has to interject all the time. One can hear him because he knows it is the truth and he does not like to hear the truth put on the record.

Hon Bob Thomas: I speak the truth; you don't.

Hon PETER FOSS: This is the truth. The Opposition is responsible for continually defeating this legislation; it has failed to live up to its responsibilities; it has continued to delay the legislation in this place; and it has diluted it. This legislation is a dilution of what it should be, but it must be accepted because the alternative is the loss of it all together. We believe that this legislation is better than nothing, but only fractionally better than nothing.

Hon Bob Thomas: Bring out the green coats; take him away.

Hon PETER FOSS: I know that Hon Bob Thomas has an awfully guilty conscience about the behaviour of the Labor Party. When I looked at the faces of Labor Party members during the debate, I could see the pain in their eyes when they knew that their constituents were sitting in the gallery and they knew that what I said was true about the Labor Party's failure to listen to the Trades and Labor Council a year ago, its failure to listen to its constituents, and the fact that it abandoned the workers and did not consider how many jobs could be lost. The Labor Party still has not listened properly to its constituency. However, time will tell.

This measure is considerably better than the current situation. I am sure, as Hon Jim Scott has so faithfully predicted, that the Australian Plaintiff Lawyers Association will seek to claw back what it thought it had kept that great celebratory night when it thought the Labor Party had done its will again and would give its money back to it. The Plaintiff Lawyers Association can probably afford to waste just a few bottles of French champagne, because I think it can afford a lot of money. However, I hope this will cost it a little bit, and I hope that the result of this is that we will have a system which is for the benefit of workers, employers and the State. I hope that it does not prove to be a suitable source of income for the Plaintiff Lawyers Association.

We need a statutory system which is fair. One of the things that this Government has been keen to do is to increase the statutory benefits. That was one of the signal things about 1993. An important factor in any workers compensation scheme

has always been to try to keep the statutory benefits ahead of common law. Unfortunately, the way common law has been changing, every time the statutory benefits are raised it seems to cause an equivalent rise in common law, so it is like a dog chasing its tail. We must try to break that nexus. I do not think we have fully succeeded. I would like to see more. However, we must take what we can get and do what we can to prevent business bankruptcies and unemployment in this State caused by the constant delay by the Labor Party refusing to accede to changes to this legislation. We will have to take something which is not what we would have preferred, but at least it is a diluted version of it.

Dealing with the other issues which were raised by Hon Helen Hodgson and Hon Jim Scott, the remaining matters raised in the Pearson report are being dealt with. That has been said by the minister in another place. In time they will all be dealt with.

Hon N.D. Griffiths: In time.

Hon PETER FOSS: I do not know how long it will take if the next time we bring something before this House we have to go through the constant delay caused by the Labor Party refusing to listen to its constituents. Hopefully, the next time some amendments come before this House which are agreed to by the Chamber of Commerce and Industry of Western Australia and the Trades and Labor Council, they will get a smooth passage through this House instead of the obdurate delay the Labor Party has given on this occasion. I do not know how many people have gone bankrupt in the last three weeks - I hope not too many. However, I will make sure that any people who have gone bankrupt in the last three weeks or have given up business because they cannot see a way out know exactly whom to blame for that predicament.

Another question raised by Hon Helen Hodgson related to the election. The election is done within the statutory system. Even if it were within the common law system, the registry will remain open at those times when the court is on vacation. Therefore, except on public holidays and so forth, which are dealt with in the Interpretation Act - that is the reason I was looking at it - people will be able to make their election in time, because all they will have to do is go to the registry and deal with it there by way of election. They will not have to go before a judge or any other judicial officer. The election will not be by way of some judicial process. Therefore, that concern has been dealt with.

I say with some relief at long last that we now have something that we can take to the employers and the concerned employees of Western Australia and say that we hope there will be relief for them in their workers compensation and employers' liability premiums. However, it is not the Government's preferred position. It has been diluted. It remains to be seen what little tricks can be got up to to try to get around that dilution. I am sure that some tricks will be got up to. I also have confidence that we will be back to deal not only with the remainder of the Pearson report but also with the latest stunt that will come out of the system to try to get around this legislation. I am sure that we all know what is intended by this legislation, and I think we have all said what is intended by this legislation. However, if it transpires that the courts interpret it contrary to our intent, I sincerely hope that the Opposition will rapidly join with the Government to make any necessary amendments to stop those loopholes opening up. This is the sort of legislation that gets regularly tested. We pass lots of legislation through this place which never goes anywhere near a court. Unfortunately, most of the legislation associated with my portfolio, by virtue of its very nature, probably gets tested every single day in the courts.

Hon N.D. Griffiths: It has probably got something to do with you.

Hon PETER FOSS: No. Hon Nick Griffiths knows perfectly well that the Criminal Code is carefully scrutinised every day, and a large amount of the Attorney General's legislation is under constant court scrutiny. Much of our legislation is passed, it happens, and never goes near a court. This is a piece of legislation which will be constantly scrutinised, and legislation which is constantly scrutinised and has fine hair cutting going on generally needs constant attention. Whenever one gets people splitting the hair lengthways, it frequently needs cutting off horizontally. We may very well need to come back and do some more horizontal cutting on this. However, the important thing is that we have the Labor Party's assurance. I should put on the record that my understanding is that the assurance was given in another place on this question of psychological overlay.

Hon N.D. Griffiths: I thought I gave it first, or weren't you listening?

Hon PETER FOSS: I am sorry. I understand that the Labor Party has given the assurance that if psychological overlay proves to be a problem, it will cooperate. I sincerely hope that it will have the same form of cooperation on any other part of this legislation should problems arise as a result of the constant attempts by some people to split hairs. It is a matter of some pleasure that we have reached this stage, because this will be very important to the people of Western Australia. Although it is perhaps a slightly not unalloyed pleasure, at long last we can take some satisfaction from the fact that this matter has been concluded.

Hon BOB THOMAS: I have endured more than my fair share of pain and suffering. I sat in this Chamber and listened to every speech that Hon Ross Lightfoot and Hon Bob Pike gave after 1993. I went overseas with the then Hon Iain McLean. I even watched one episode of *Brideshead Revisited* with my wife on black and white television. However, nothing prepared me for the pain and suffering I experienced when I listened to Hon Peter Foss a minute ago. I have heard a lot of tripe in this place, but the Attorney General takes the cake. I sat here and asked myself where it was going. I thought that it was the passionate views of a former insurance company lawyer.

Hon N.D. Griffiths: Serving his old masters, as always.

Hon BOB THOMAS: That is correct. However, then I realised that it was not that particular master he was serving; he was serving the power brokers within the Liberal Party. Nothing the Attorney General has said today will save him. He will not

save his ministry in the reshuffle next month and he will not save his position on the East Metropolitan ticket at the next election. Goodbye.

Hon N.D. GRIFFITHS: Hon Bob Thomas was absolutely spot on. What we have had to listen to from the Attorney General is probably one of the most painful, knowingly mistaken commentaries since Joseph Goebbels was at his height. He keeps telling us about 1993, and in doing so he rewrites history. Evidence has been presented by his masters at the Chamber of Commerce and Industry to the Legislation Committee about the evils of the 1993 removal of redemptions, but he does not remember that. The Attorney General could not even remember the undertaking I gave on behalf of the Australian Labor Party last week with regard to so-called psychological overlay. Such is his memory. It seems to me that the Attorney General has achieved only one thing with his comments; that is, I regret to say he has brought the director of WorkCover Western Australia closer to managing a 30 per cent disability by virtue of the industrial deafness he has inflicted on him by his usual shouting.

Hon PETER FOSS: I will not be replying to either Hon Bob Thomas or Hon Nick Griffiths because I do not think their remarks were anything other than abuse and they did not deal with the substance of the remarks.

Question put and a division taken with the following result -

Ayes (22)

Hon Kim Chance	Hon N.D. Griffiths	Hon M.D. Nixon	Hon Bob Thomas
Hon M.J. Criddle	Hon Ray Halligan	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Cheryl Davenport	Hon Tom Helm	Hon Ljiljana Ravlich	Hon Ken Travers
Hon Dexter Davies	Hon Murray Montgomery	Hon B.M. Scott	Hon Bruce Donaldson
Hon E.R.J. Dermer	Hon N.F. Moore	Hon Greg Smith	(Teller)
Hon Peter Foss	Hon Mark Nevill	Hon Tom Stephens	

Noes (5)

Hon Norm Kelly	Hon Christine Sharp	Hon Helen Hodgson
Hon J.A. Scott	Hon Giz Watson	(Teller)

Question thus passed; Assembly's amendments to the Council's further amendment agreed to.

Report

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

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL 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) [3.15 pm]: I move -

That the Bill be now read a second time.

On 1 July 1996 the Guardianship and Administration Amendment Act was proclaimed. This Bill was designed to remedy some of the technical problems that were experienced in the first two and a half years of operation of the Act. At the time, I informed the House that the public advocate was in the process of preparing a broad community consultation process on more substantial proposals concerning changes to the legislation.

The Bill arises from that review process and addresses a range of issues which, in the consultation process, achieved broad community support from service-providing agencies and those representing the interests of adults with decision-making disabilities. Other complex matters canvassed in the community consultation process have been the subject of further stakeholder consultation. Recommendations emanating from this are currently being considered by the Guardianship and Administration Board and the public advocate.

The Bill seeks to make largely technical changes to the operation of the Act, though important changes are proposed in the areas of enduring powers of attorney and consent to medical treatment.

Experience has shown the need to allow for appointment of alternative conditional donees for enduring powers of attorney. This has been supported by community demand. The reforms proposed by the Bill will mean that a donor will be able to nominate a substitute donee in the event that the first donee is unable to act. For example, a man could nominate his wife to act as sole donee and his son or daughter as substitute donee. Additional changes will validate all currently existing enduring powers of attorney that contain conditional alternative appointments. The changes will maximise the choices available for those who want to complete an enduring power of attorney and may reduce the number of applications for administration.

The proposed change to the way in which consent for medical treatment is given follows the mechanism which has been successfully used in New South Wales. The Bill proposes a hierarchy of persons responsible who would be able to provide consent without the need to apply to the board for the appointment of a guardian. This change provides for the widely

accepted role that next of kin play in consent to medical treatment, while overcoming significant difficulties in the medical consent provision of the Act.

Despite these changes, all of the safeguards provided by the Act remain in place. Should the treatment be considered controversial, if the patient is refusing treatment or if there is conflict between the medical team and the "person responsible", application can be made for the appointment of a guardian.

The Act gives a plenary guardian similar authority to that of a person who has been vested with the responsibility for the long-term care, welfare and development of a child under the Family Court Act. It is proposed that four additional functions be specifically articulated in the Act. These are that a guardian could consent to education and training for a represented person, decide with whom a represented person is to associate, act as next friend, and act as guardian and litem in legal matters, excepting those matters relating to the estate of the represented person.

These additions will assist guardians to understand the scope of their authority if appointed in a plenary capacity. It will also allow the Guardianship and Administration Board to make limited rather than plenary orders, which is a major tenet of the Act.

The Bill seeks to have donees of enduring powers of attorney inform the board if they become subject to bankruptcy provisions. The Act currently provides that administrators inform the board if they become bankrupt. There is not an explicit expectation that donees undertake similar steps. This provision is a safeguard for people with decision-making disabilities who have donated an enduring power of attorney and emphasises the responsibility carried by a donee.

The Bill also proposes to include the principle of best interests as part of the considerations that must be undertaken by administrators in the performance of their functions. Similarly it is proposed that the board apply the principle of best interests when considering applications for revoking or varying an order. This change will bring consistency with application of the best interests principle currently in place when the board considers new applications.

The reforms proposed by the Bill will contribute significantly to ensuring that the interests of adults with decision-making disabilities are effectively represented. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

RAIL FREIGHT SYSTEM BILL 1999

Second Reading

Resumed from 22 September.

HON KIM CHANCE (Agricultural) [3.21 pm]: One of the great advantages of a debate of this kind being split over two or even more days is that we have been given a bit of time to consider, before we start again today, not only what was said yesterday but also what happened yesterday. Sometimes in a situation like this changes occur which radically alter the facts with which we are dealing, and this is one such occasion. I do not know when this change occurred. All I can say is that we heard about it; and by "we", I mean the Opposition and the general public. It became apparent yesterday, and I learnt a little more about the details quite late last night -

Hon M.J. Criddle: So did I. I heard about it just before question time at 4.50 pm.

Hon KIM CHANCE: I happily accept that that is the case. One way or the other, it became apparent to all of us here that a major offer has been made by the Australian Rail Track Corporation which radically alters the situation that is before us. The ARTC is a commonwealth agency and is the operator of the Commonwealth's rail and of certain parts of leased section of rail which form the national rail infrastructure. The ARTC does not operate above line but is an entirely below-line rail operator. The ARTC has made an offer, the details of which are not entirely available to me, but I understand that offer is to lease the east-west standard gauge line, which amounts to \$150m, and to upgrade the track to national standards, which will get rid of the considerable number of speed restrictions on the east-west standard gauge line. Further, and this is crucial to rail clients, the offer includes the reduction of all domestic prices on that line by 20 per cent.

Hon M.J. Criddle: Whoa!

Hon KIM CHANCE: Those are the details I have. That will bring down the domestic prices on that line to the same standard that applies currently on the national line. The effect of that 20 per cent reduction alone on the huge amount of grain that is transported on that line from Southern Cross to the Avon yard would represent a huge saving for grain growers. The offer goes further and will give Westrail the right to act as the agent for all domestic traffic on that line to ensure the continuation of a one-stop-shopping basis for all local users.

Hon M.J. Criddle: Can I ask what is your source?

Hon KIM CHANCE: The minister can ask, and I am happy to tell him, but I do not think it will be all that helpful, because my source is the member for Armadale, and the minister will need to ask her what is her source. The member for Armadale told me quite late last night.

This is momentous news, because I believe it completely alters the structure of this Bill, for two reasons. The first of those two reasons is more critical to how this House is dealing with this Bill than is the second of those reasons. The Bill in its current form specifically precludes an offer from any organisation which is part government owned. We have said before both formally and informally that we were uncomfortable with that aspect. The Minister's response - I do not remember whether it was formal or informal - when we raised that matter with him was that if our publicly owned corporation cannot

continue to raise sufficient investment capital to take Westrail where we want it to go, probably no other government instrumentality can do that either. I hope I have not misquoted the minister, but I think that was the general thrust of what he said. That is, of course, a position that the Government is welcome to put, but that has always sat uncomfortably with the Labor Party at least, and I am sure also with other opposition parties. The effect of restricting the offer by saying to the world's potential bidders that we are interested in copping a bid from them only if they are 100 per cent privately owned is that it will confine the regional spread of where those bids can come from to the continent of North America generally, and to the United States of America specifically, because rail corporations of that kind do not exist in Australia and the rest of the world. Therefore, we will cut out all of the bidders from around the world which may be interested in taking over this proposition for Westrail because they are partially or totally government owned.

From my point of view as a representative of Western Australian taxpayers I do not think that is particularly clever. I suppose that in this place I represent Westrail-user taxpayers more than I do non-Westrail-user taxpayers, but the constituency of the majority of members in this House, particularly if those members represent a north west or metropolitan electorate, has only one interest in this matter, and that is the price it will get for the sale of its asset. My constituency has a different interest, because my constituency is almost entirely a wheat-growing constituency that uses rail.

Hon M.J. Criddle: Are you saying we have said that? We have said quite the contrary.

Hon KIM CHANCE: Not at all. That is my view entirely. It is a matter of logic that those of us, including the Minister for Transport, who come from the Agricultural Region come from a different position because we represent grain growers in the main, and grain growers will always have a different interest in this matter. Grain growers will always be interested in how this service will continue to serve their industry, and it is quite legitimate that we should bear that in mind. However, if I were representing Hon Norm Kelly's electorate of East Metropolitan, for example, although I acknowledge that does have a rail interest, or Hon Jim Scott's electorate of South Metropolitan, my interest would also be the interest of my constituency, and I would be thinking in terms of how could I rationalise my vote on this matter with my constituency. The first thing I would need to consider for the sale of their asset - not mine - is how much money would they get, and would they get a fair deal.

They have, over generations, made a commitment to the building up of a major asset. Are they, the taxpayers of my constituency, going to get a fair deal out of this? Each of us will look at this in a slightly different way. Nobody can expect me to take the same view on the matter as Hon Jim Scott will, or Hon Norm Kelly will. We come from different directions; whether we end up in the same place is another matter. The price paid will be crucial to the bulk of Western Australians other than those who have a direct or major indirect interest in the freight industry. The Government's Bill means that we are saying to the whole range of bidders worldwide who may be interested in the proposition that we are not interested in taking bids unless they are from the United States. That is the effect of it. It gets worse because not every United States rail corporation is remotely interested in moving offshore. If they are interested in international operations, they have the whole of the continent of North America available. Not far away is the whole of South America and across the pond is the whole of Europe in which to operate. Why would they want to come into the South Pacific, particularly that part of it which fronts the Indian ocean? Not many American rail corporations will be interested. We have confined the pool. Worse than that, we have confined the pool to other Australian rail industry investors, because almost every other Australian rail industry investor is government owned, either partly or in full.

The Australian Rail Track Corporation is the classic example. It owns or controls the rest of the national network.

Hon M.J. Criddle: How long do you think the ARTC will be there?

Hon KIM CHANCE: I would hope-

Hon M.J. Criddle: It is not about hope.

Hon KIM CHANCE: All right. I am being asked to predict something over which I have no control. I imagine that the ARTC or an organisation with a similar form and function will be there virtually forever while we have a rail system. I believe it will be the case for a logical reason: It is good for Australia to have a national rail system which has common ownership and management. One of the key problems with the model the Government has presented to us is that it specifically denies the national network having any control over the Kalgoorlie-Kwinana portion of the national network. That portion of the line, to use a term from Mr Sutton, the former Westrail commercial manager, is the last couple of inches of the line. That is very much the case. We are not talking about all of the east-west standard gauge. Most of the east-west standard gauge in Western Australia is the Commonwealth's. We are talking about only the section between Kalgoorlie and Kwinana. Having a national network held up by the last section of the line is not a particularly good outcome. The ARTC, or whatever its replacement might be in the future, will need to have control of the whole network. Anything less than that is an unsatisfactory result. It follows that the prescription in the Government's Bill is an unsatisfactory result.

The offer is impressive. It is one which the people of Western Australia need to be apprised of. They need to have the offer considered extremely carefully by the decision makers.

Hon M.J. Criddle: Is the Opposition going to pass the legislation? We cannot accept any offers until the legislation goes through.

Hon KIM CHANCE: I thank the minister for that comment. The offer cannot be considered in the terms just put to me by the minister. If we pass the legislation we then cannot contemplate the ARTC offer. The ARTC is owned by the Government of the Commonwealth of Australia. It has government ownership.

Hon M.J. Criddle: That places the member in a dilemma.

Hon KIM CHANCE: I am not in a dilemma because I can advise the House that if it does as it is asked and passes the legislation, we cannot deal with the ARTC, on the basis that the legislation we will have just passed specifically prevents us from doing a deal with the ARTC or the Commonwealth in any of its forms. We cannot possibly pass the legislation if we want to consider the matter seriously. If we have any idea at all of passing the legislation we cannot deal with the ARTC because the Bill specifically prevents that from happening. I hope it is a matter that the minister will comment on in the interim.

I appreciate that the minister has raised a matter about the accuracy of what I have said in respect of at least one component of the offer, the 20 per cent domestic freight issue. I acknowledge that I could be wrong about that or any other part of the offer. I am advising the House of what I have been told. I am not party to the confidential negotiations which have been occurring. If I am wrong in any respect I hope the minister is not constrained-

Hon M.J. Criddle: I have not been involved in any negotiations at all. I have only two letters.

Hon KIM CHANCE: No, but the minister may be. If the minister is not constrained by confidentiality requirements I hope he will share the information with this place and the people of Western Australia to enable everybody to make a judgment about the value of the offer. I hope in particular that he makes the knowledge available to the grain industry. I am sure my constituency, particularly in my home town of Merredin, will be very interested in the possibility of a 20 per cent cut in grain freight rates.

The minister referred last night to a comment I had made about the attitude of Westrail's major mineral clients. He referred to the attitude of the major clients to the vertically-integrated model. Their opposition had been or may have been lifted as the result of the decision to include in the legislation the requirement for an independent regulator. I made a comment at the time that it is something that I hoped he would tell us more about. I said that to buy a little time because I had hoped to get some definitive response from something like the Integrated Supply Chain, as a representative of the major mineral clients, so that I could respond. Unfortunately I have not been able to get that. We do have time over the next few weeks for the situation to be more carefully defined. I cannot specifically deny what the minister said but at the appropriate time we ought to be able to clarify that. If it is the case I would be extremely surprised. The kind of companies that form the group of clients under the common banner of the Integrated Supply Chain are not to be easily swayed by a change of that nature. The ALP welcomes the change in the attitude of the Government on this matter, bearing in mind that it is something on which we attempted in another place to influence the Government. We attempted to ensure that the Government understood how important it was that the regulator be independent and not be the same person as the Director of Transport.

For some reason in the other place the Government did not want to know about the Opposition's point of view on that, and now we have this change of heart. Obviously we can only welcome a change of heart when that change of heart represents the point of view of the Opposition in another place. Whether the National Competition Council had anything to do with that change of heart, I cannot possibly say. I sincerely hope it did because it understood the quality of the argument we put in the other place.

Hon Norm Kelly: The point of view was originally put by the Democrats last year in the debate on the access Bill.

Hon KIM CHANCE: Did I forget to mention the Australian Democrats?

Hon Norm Kelly: I am not worried about that. The Government chose not to pursue it at that time.

Hon KIM CHANCE: As we ran out of time last night during my early introductory comments -

Hon N.F. Moore: These are the later introductory comments?

Hon KIM CHANCE: Yes. I expressed the view that the monopoly power which will be vested in a corporation, if it has a vertically-integrated structure - that is, control over track management and an entity as an above-rail operator simultaneously - is something the Labor Party feels extremely uncomfortable with. If the power is held in the hands of a private corporation rather than a public corporation, although it may amount to the same can of beans - basically the minister's argument is that they are the same thing - our position is that we would feel far more comfortable if that synergy of the two functions existed in the hands of a public corporation rather than a private corporation.

We must consider that a private track owner and rail user - that is, a single corporation with those two functions - has an immensely powerful commercial imperative to use the market power that it has or can obtain to the maximum extent possible. I referred last night to certain elements of corporate law which makes that a requirement. The use of that market power is, in anyone's hands, anti-competitive and, we argue, therefore a guarantee of a monopoly. The experience worldwide is that where corporations of that nature exist and where models of the vertically-integrated nature exist, they are almost universally consistent with monopoly and not competition. Vertical integration worldwide equals monopoly. It can be argued that sometimes it is appropriate and that it is the right thing to do. We do not necessarily contradict that argument because in most circumstances in our network it makes good sense to do it in that way. We must decide whether a prescription of that nature is appropriate to our whole network. We are only arguing about a relatively small portion of the total network and how it should be managed.

I revert to what I think is simple logic. If the market will pay more for the combination of the rights of track manager and operator than it will pay for those two roles separately, it can only be because a commercial advantage arises from the fact of the combination. That means therefore that the combination of the two roles has a value of its own. I know that this is commerce 101 but bear with me. The value has a name, and in economic terms it is called monopoly rental capacity; that is, the capacity to extract a return from the monopoly. Why would anyone pay more for the combination of those two

components than for the sum of those components? It can only be because when one adds the sum of the components - that is, two and two - one does not get four but five, because in the combination of the two components another quality is drawn from somewhere; it is, and that quality is called monopoly.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon KIM CHANCE: I need to record for the sake of accuracy, and because people may be reading this debate later in isolation from question time, that I have noted the answer given by the minister to the question asked by the Leader of the Opposition, in particular that part of the answer in respect of whether the exclusion of bidding parties with a government-ownership component is part of the Bill or part of government policy. I understand that the minister has said that it is not part of the Bill, as I said in my speech, but it is part of government policy, and I had inadvertently confused the two. That matter makes the issue of the ARTC offer even more interesting. If the Bill does not - and I accept the minister's assurance that it does not - preclude the Government from considering the ARTC offer within the context of this Bill, that means that we do not need to consider new legislation or even amended legislation.

Hon M.J. Criddle: You will find that at page 6 of the Bill.

Hon KIM CHANCE: That being the case, the ARTC offer becomes even more imperative, because it means that we can consider that offer in the context of this Bill, and I was wrong to say that we cannot. I hope that over the intervening few weeks, that situation will be clarified between the Government and the Opposition, because the member for Armadale will probably appreciate being brought up to date on the offer so that our position, and the Government's intention with regard to the offer, can also be clarified. While I am pleased to hear that the government policy of excluding bids from government-owned corporations is not part of the Bill, it is still government policy and thereby remains an issue. I do not know whether now that the Government has received an offer from the ARTC, it will reconsider the position that it has established publicly of excluding bids from government or partially government-owned corporations. If the Government were able to resolve that question before this debate resumed, it could well have an influence on the attitude of the Labor Party or other opposition parties. I promise nothing on that, but it is an important issue and may overcome many of the problems that have been identified. All I can say is that I sincerely hope that if the Government were to reach a position of greater clarity of intent than is possible now - and I acknowledge why that is not possible - before the debate resumed, it would talk to the Opposition about it.

Hon M.J. Criddle: You must realise that it would need to go to tender and expressions of interest and be considered along with everybody else's offer.

Hon KIM CHANCE: We understand that completely, but we would still be interested in knowing the Government's intent, and I would not dream of pressing the minister for an indication of that intent now, because I know that would not be practicable. Another way in which we could possibly use productively the intervening time between now and the resumption of this debate is by determining the attitude of the Westrail freight customers to the altered position vis-a-vis the independent regulator. The Government needs to talk to the Opposition about that matter before this debate proceeds too much further.

Hon M.J. Criddle: We will talk to everyone on that side.

Hon KIM CHANCE: I hope so. When I say "the Opposition", I mean the three opposition parties and the Independent. When I say "us", I am talking about the Labor Party. However, with four different entities on this side of the House, I sometimes get a bit confused.

The issue that is raised by this combination, this rolling arc of the package in a vertically-integrated model, raises another question; and if the minister had thought prior to now that I have contradicted myself, he will now think so even more, but I need to raise this question because it is important. It has been put that one of the reasons for the Government's rolling up the whole package into one deal has been to maximise the price that it can get for the goods it is offering. The minister can perhaps point to an inconsistency on our part by saying that I have just been arguing that we should try to get the maximum price, and of course there is an inconsistency there, but this question needs to be answered and people need to be satisfied with the answer they get. The question I would like the Government to answer in its ultimate response is whether the Government's insistence on the sale of the package as a vertically-integrated model is intended for no other reason than to maximise the price received; and, if that is so, will that be in Western Australia's long-term interests. That question is prompted by questions which the committee received from the rail industry and which I am sure have been part of the Minister's own negotiations. An argument has been put - and essentially this argument comes indirectly from the major Westrail clients as represented by the Integrated Supply Chain - that if the Government attempts to maximise the price of the assets which are being offered for sale, that may not necessarily be in their interests as future clients, because the higher the price that is paid by the incoming owner, the greater the amount of money the incoming owner will need to extract from the operation of the new corporation in order to make those payments.

Hon M.J. Criddle: We have made it clear that we want an operator who will be a good corporate citizen, or a good business operator, in Western Australia and for Western Australia.

Hon KIM CHANCE: Yes. I thank the minister. In pointing to those two different viewpoints, there is some level of dichotomy when we start to talk about what is the appropriate price, and I understand that. That is something we need to talk about and, if necessary, take a position on, because the interests of the constituencies of the majority of members in this Chamber will be advantaged directly by obtaining the highest possible price, but the commercial interests of Western Australia, and perhaps even our constituencies' longer term benefit, may not be served by obtaining the highest possible

price. Our constituencies in the broader sense may be better served in the longer term by having an economically viable heavy freight system than they will by obtaining the highest possible price. It is a dichotomy, and I honestly do not pretend to know the right answer to that question, but others may, and I hope it will become a matter for debate in this place.

That leads me to an issue that I had intended to cover later, but it is appropriate to touch on it now. That issue is referred to in the report, and it is one of the new issues that have so far not been debated in this context. That issue is why are we asking for an up-front figure at all. Why, in putting together the sale package, do we seem to be asking for a single figure at the point of changeover? Why are we not asking for a combination of periodic payments, or, and perhaps preferably, why are we not asking that all payments be periodic? I ask that question from both sides of the equation. From the point of view of the non-Westrail-freight-using component of our constituency, those electors will clearly benefit from a higher eventual return from periodic, or annual, up-front payments. I have used the word "periodic", because it may be better to use a different period. I return to the analogy I drew last night concerning the difference in price one would ask for the value of one's house - the difference between a freehold sale and a 50-year lease. I argued last night that the difference would probably not be very great.

Hon M.J. Criddle: For the price?

Hon KIM CHANCE: Yes, the price. Did I say "value"? The price to one is the value to another!

Hon M.J. Criddle: You are correct.

Hon KIM CHANCE: We looked at the direct sale and the 50-year lease. If we look at a third option, what is the eventual sum received over 50 years from a series of payments on an annual basis? If one goes through that proposition in a normal commercial way and takes a benchmark figure of about 5 per cent of the asset price, 5 per cent over 50 years is 250 per cent. If one received 100 per cent of value on freehold sale or 85 per cent of value on a 50-year lease, one receives 250 per cent of the value from an annual series of lease payments. The minister can argue all he likes about those figures because of amortisation, taxation and so on. However, it is an interesting question. It is not that part of the question that stands alone. There are other advantages in not asking for an upfront price or not asking for all of the price up front. One could argue that one would be required to get cash up front for some of the assets.

One of the issues relates to the amount of flexibility that a future Government might have. If we approve the Government's Bill, we have lost all future control of our rail network for 49 years - setting aside the complete collapse of the purchasing company. Whatever decisions we make in this Parliament will be binding on the next Government, the next Government, the next Government and the next nine Governments after that on a four-year cycle. Then, 12 Governments later, assuming we stick to a four-year term of government, the thirteenth Government will get the chance to do something else. It will not worry me a great deal, but I have children and one day I hope to have grandchildren, and I hope they are still living in regional Western Australia - in Westrail land.

Hon M.J. Criddle: We should look at the Bill and discuss that.

Hon KIM CHANCE: Of course. I am suggesting that another Government, perhaps two or three Governments along the line, may regret that it is locked into the position that this Parliament may well lock it into. We have discussed that issue in this place previously, but generally in terms of contracts covering 15 or 20 years. The Joondalup hospital contract is a good example.

Hon M.J. Criddle: This is a 20, 15, 14 arrangement.

Hon KIM CHANCE: But they are options in the hands of the bidder.

Hon M.J. Criddle: We can discuss that in Committee.

Hon KIM CHANCE: I would like members to think about, firstly, the fact that periodic payments may provide a higher eventual return to Western Australian taxpayers; secondly, that periodic payments may well provide a greater degree of flexibility for future Governments; and, thirdly, and most importantly, the level of the capital flexibility of the incoming buyer. One of the key reasons the Government has identified as justification for the sale is that it believes that an incoming buyer will be able to demonstrate that it has a greater capacity to invest in the Westrail infrastructure than the State of Western Australia and Westrail. Indeed, there is very little reason to do it otherwise. If we want to do something constructive with Westrail, whoever takes it over, whether it is a new private corporation or a restructured public corporation, it must be able to demonstrate that it has the capacity to improve the level of investment in the system over the next few years. I agree with the minister, as does the member for Armadale and our other colleagues, that unless we can do that, Westrail is doomed.

Hon M.J. Criddle: It needs to grow business to become viable.

Hon KIM CHANCE: Yes. It is facing intense competition from the road transport industry, which seems to get better and better at its job. While there is ample scope in rail technology to more than compete with the road transport industry, that improvement requires investment. We all agree that we need to pump that investment into Westrail. The Government has a solid and cogent argument that it cannot attract that sort of investment without going outside into private hands. Whether we need to do that as a private corporation or a public corporation is a matter of argument. However, we all agree on the main elements of that argument. We are asking this private company that will come in from the United States to buy Westrail to give us lots of money up-front. It must be lots of money, because we know that the total Westrail debt is \$1.1b - if my reading of the latest annual report is correct. The freight division's component of the \$1.1b was in the order of \$630m at the end of the last financial year. We will be looking for at least that amount from the incoming corporation.

Hon M.J. Criddle: The debt is growing rapidly.

Hon KIM CHANCE: The minister is dead right. We will be looking at rather more than that amount, because we want to do other things. That is why I speculated last night that the bid would be around \$800m. I have no indication whether that is right, but it is probably not a bad stab. We are asking this private corporation - some of these corporations in North America that have expressed an interest are not big businesses; they are quite small companies - to raise \$800m up-front, and then come in and take over an asset whose scale we already know is of the order of \$5b. That gives an idea not of the value but of the scale of the operation. The company will come into Western Australia \$800m down and the first thing we will ask of it is to demonstrate its capacity to invest. One of the companies which gave evidence to the committee was Genosee and Wyoming, which is a good railway operator in the United States and is currently active in Australia and four other jurisdictions outside of the USA and Australia. The paid-up capital on the balance sheet of Genosee and Wyoming is \$216m. This is not a big company. We are asking a company with a paid-up capital of \$216m to go to the finance brokers in the United States and try to raise on the US or Asian money market \$800m, plus whatever it needs to come in and immediately pump investment into the Westrail system. My private conversation with the CEO of that company indicated that it did not phase them at all. It seems to be a big ask for a relatively small company that is already spread over four or five different jurisdictions and appears to be a serious potential bidder for this operation. However, it comes from a base which is far smaller than the business that it is attempting to take over. We will take \$800m or thereabouts from it and then we will expect it to be able to invest \$100m or \$150m in the short term, which is a conservative estimate. That is roughly what needs to be pumped into the system in the first probably 12 months to 36 months. Would a company of that kind not have a much greater capacity to perform the kind of investment that we all agree is needed if we did not take the \$800m off it in the first instance? If we said, "This is the periodic amount that you will pay. You will pay it up-front. If you fail to pay it up-front you have three months after that to pay it and then you are out", it would have tenure while it kept paying that figure annually and up-front, whatever that figure might be. That corporation's capacity to invest in Westrail Private, or whatever it will be called, is increased by roundly \$800m. Why are we trying to present this bid as an up-front operation? I suggested earlier that some things will need to be traded up-front.

Hon M.J. Criddle: You are putting the point of view that we are going out there and insisting on up-front payments.

Hon KIM CHANCE: I am.

Hon M.J. Criddle: Who knows?

Hon KIM CHANCE: Perhaps the minister is not?

Hon M.J. Criddle: We must get to the stage of going through the expressions of interest and tenders and then talking to these people.

Hon KIM CHANCE: I am pleased to hear that it is a possibility.

Hon M.J. Criddle: The purchaser may come back with the idea that he wants to pay off the whole lot.

Hon KIM CHANCE: He may, yes. I understand that the balance between the two from the purchaser's point of view depends to a great extent on how it reads future United States' taxation requirements. That has a major bearing on this. It also has a major bearing on the cost of the purchaser's capital. One of the aspects that has interested me from the very beginning of this debate is the argument from the Government that the private sector is somehow able to access investment capital at a lower cost than the State of Western Australia with its AAA credit rating. I found that quite amazing and kept on pressing to try to determine how it could be so. How can a United States rail corporation gain access to investment funds at a lower cost than the sovereign State of Western Australia? When we pressed that further, the ultimate answer was that perhaps the straight cost of money will be lower to the State of Western Australia than to the private corporation, but by the time the private corporation has factored in the taxation elements relating to the United States Treasury, it becomes cheaper overall. That disturbed me a bit because it means that this corporation making its money in Western Australia will be paying its tax in the United States. That bothers me a little because it is another downside that we must finally look at. If the advantages lie in the United States Treasury, it strongly suggests that taxation will be paid in the United States.

Hon Greg Smith by way of interjection yesterday raised a question with me as to whether I thought that this matter turned on the question of ideology. I conceded to him that ideology plays a part in the positions adopted by each side in this matter. Of course, there are commercial matters, and we need to understand what they are, but at the end of the day probably the first position we adopt on a matter like this is ideological. We then start to look at the other issues.

An interesting point was made by the member for South Perth in a debate in another place. If members wish to look at it in more detail, I refer them to the *Hansard* of this year at page 9338. The member for South Perth was musing, as it were, about the old concepts of liberalism of which the adherents Menzies and Brand were mentioned as icons of that era. The member made the point that it was symptomatic of the adherence to the philosophy pursued by those two political leaders that core government business would remain in government hands; that there was a need for corporate Government. The Reserve Bank case in the Menzies era is, of course, a reflection of that. The member for South Perth claimed to be still an adherent of that philosophy. Indeed, many current Liberals probably are still adherents of that philosophy. He said if we try to define what should remain in government hands, we should look to the matter of core government functions and they should remain in government hands. That is why I asked the question by way of interjection earlier relating to the Totalisator Agency Board.

Debate adjourned, pursuant to standing orders.

SCHOOL EDUCATION BILL 1997*Assembly's Further Message*

Message from the Assembly received and read notifying that it had agreed to the further amendments made by the Council to the substituted new amendments Nos 65 to 74 and 99 made by the Assembly.

ADJOURNMENTS OF THE HOUSE*Special*

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 12 October.

Ordinary

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.01 pm]: I move -

That the House do now adjourn.

Answers to Questions - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.02 pm]: The House should not adjourn without first having considered the recent track record of the Government in this place with respect to the replies received from ministers to questions delivered during question time.

Hon N.F. Moore: What a whinger you are.

The PRESIDENT: Order! Allow the Leader of the Opposition to say what he wants to say before other members start replying.

Hon TOM STEPHENS: Increasingly members on this side of the House are being treated in a most shameful manner because their questions are not being answered by this Government. That does not matter essentially in terms of discourtesy to and maltreatment of the Opposition and other non-government members, but it matters for the people of Western Australia who no longer have a place in this House in which ministers can be held accountable for the answers they are required to provide to the people.

I beg all members on this side of the House to think seriously about this issue and the challenge it represents to us all in view of the processes being unleashed by the Government in this place. It is time to take the standing orders and shake them so that the Government of the day is held accountable for the answers it delivers in this place. I draw members' attention to the way in which ministers are replying to questions in this House. For example, I refer to the answer delivered to the question I asked today about Mr Weeks, the head of the Health Department, and the reply delivered in a shameful manner by the Leader of the House, representing the Minister for Health, indicating that somehow or other the question was so complicated that it could not be answered in the time available to the Government. What a disgraceful answer. On the face of it there seems to be evidence of the Government colluding in tax evasion in relation to the contracts that apply to that head of department.

Hon N.F. Moore: I beg your pardon.

Hon TOM STEPHENS: It has reorganised it so that the head of department -

Hon N.F. Moore: Would you care to repeat that?

Hon TOM STEPHENS: Yes. I have just said it, and I said it in the question.

Hon N.F. Moore: Repeat it somewhere else. It is a disgraceful comment. It is absolutely outrageous.

Hon TOM STEPHENS: The Leader of the Government had the opportunity -

The PRESIDENT: Order! Leader of the Opposition.

Hon N.F. Moore: You are a disgrace.

The PRESIDENT: Order! Leader of the Government. I do not need the interjections.

Hon TOM STEPHENS: If the concerns of the people in the community who brought this issue to the Opposition were unfounded, the Government had the opportunity to disabuse us of those concerns in question time today. Instead the Leader of the House chose to obfuscate and not answer the question.

Secondly, I refer to a question delivered in this House by Hon Tom Helm about the same gentleman. I remind members of the answer. I ask those who have been members for some time to listen to the words to see whether they resonate for any of us -

The Ministry of the Premier and Cabinet advises that there is an established mechanism for the member to obtain a copy of these documents through the freedom of information legislation.

What a disgraceful Government this is that comes into Parliament during question time and replies in that manner to a legitimate question. When the freedom of information legislation was passed through this place, who would have believed

it would be used in that manner by a minister in response to legitimate questions asked during question time? Members should keep in mind that another question and answer involving the Minister for the Arts, the Attorney General - a member who, while in opposition, paraded around talking about accountability and the obligations of ministers in this place - followed close on the heels of the one to which I have just referred. It is a question I asked about the West Australian Ballet Company, which is funded, in part, by the taxpayers of Western Australia through the Lotteries Commission and other grants through Arts WA. There has been discussion in the public domain about the ballet company, which is faced with financial difficulties. What was the answer of the Minister for the Arts who has responsibility for positioning before Cabinet the opportunities of responding to the needs of that important part of the fabric of the cultural life of Western Australia? He said no; it was getting late during question time and he was having discussions with the board of the ballet company.

Hon Peter Foss: What about the other two parts of the answer?

Hon TOM STEPHENS: He says that he wants to consider the Nugent report before he is even prepared to entertain the question. That is not good enough by the high standards that he set when in opposition, and it should not be good enough now that he is a minister.

Hon Peter Foss: Sit down and I will tell you why.

Hon TOM STEPHENS: I have referred to only three questions asked in this place today. Members should keep in mind another question asked of the Minister for Transport today about -

Hon Peter Foss: You are a nonsense.

The PRESIDENT: Order! I ask the Leader of the Opposition to address his comments to me, and I will not interject.

Hon TOM STEPHENS: I plead with all of the members of this House, most especially those on this side, to come together and fix the standing orders of this place relating to the way question time is being dealt with in a most cavalier manner. This Government is descending into the depths in the way it is handling its replies to our legitimate questions being asked in this place.

Hon Peter Foss: You ought to be ashamed.

Hon TOM STEPHENS: These are just three or four questions being asked in this place -

The PRESIDENT: Order! I will put the clock on pause, if necessary. Members are defeating the object of the adjournment debate. If they think they are assisting the Leader of the Opposition, they should think again because they are drowning him out. If they are trying some other tactic, it is not working anyway. I might say that the clock is on pause, so it is not costing the Leader of the Opposition any time at the moment, but it is costing other members speaking time. This debate will finish at a set time tonight, no matter who is speaking.

Hon TOM STEPHENS: During question time this week, a question was asked of the Minister for Sport and Recreation by a government backbencher about the use of community sporting and recreation facilities fund for the proposed Barrack Square swimming pool. The question referred to the Government's plan for the use of that fund. How does the Minister for Sport and Recreation explain his inconsistent statement that stage 2 of the development will involve a swimming pool - that is what he indicated to the member who asked that question - and his statement that if the Perth City Council wants a swimming pool for its constituents, it must provide the other two-thirds of the costs? Is it definite that stage 2 will involve a swimming pool, or does it depend on the Perth City Council? The minister might not have been told yet about the Treasurer's plans for the CSRF fund; however, it is incumbent on him to give consistent answers in this place. First, he says it will involve a swimming pool. In the next part of the reply, he indicates that this is entirely dependent on the Perth City Council. Which is it? Which of the minister's sentences is this House and the community of Western Australia to believe, or does it not matter what he says in the place anymore? Is he so confident -

Hon N.F. Moore: With you on the other side, I am supremely confident.

Hon TOM STEPHENS: - that he can get away with any manner of deception and deceit in the replies he gives in this place, even those to the Dorothy Dixers asked by his backbenchers to which he gives inconsistent answers? These answers to questions do not stack up. In one sentence the minister says one thing; in the next he says another. Which is it? Will this pool be built partly with community sporting and recreation facilities funds, or will it depend upon an application coming from the Perth City Council? What happens if the Perth City Council does not want to contribute to the costs? Will the Government bear all the costs, or will it obtain contributions from elsewhere; and if, so when?

In the process of this parliamentary session, this Government has effectively thwarted many questions by demanding that they be put on the Notice Paper to wait in the never-never for a reply, because it thinks it can get away with anything. It is time for members to tackle the standing orders in this place, to impose time limits on the replies that ministers give and, if those answers are not given appropriately by government ministers, provisions within the standing orders for this House should enable us to deal with those ministers. At the moment we have not taken that opportunity.

The PRESIDENT: Order! If the Leader of the Opposition wants to point his finger, he should point it at me because he is meant to be addressing me.

Hon TOM STEPHENS: The Leader of the Government, when he was in a strong situation in this House, threatened to use motions to throw out ministers of a different political persuasion. He almost went the whole hog in doing it. What is good enough for the goose, is good enough for the gander. We on this side of the House tend to be extremely conservative and respectful to the traditions of this place. Members on the other side of the House are basically constitutional vandals in the

way they treat the processes of this place; they think they are born to rule and need never answer or be held accountable to anyone. It is our job, on behalf of the people of Western Australia, to hold this rabble accountable to the people of Western Australia. If we do not, not only will those opposite be failing in their job, but also we will be failing in ours. It is time for all of us to rise to the challenge, get on with reforming the standing orders and make this lot accountable for what they do and do not do on behalf of the people of Western Australia.

HON PETER FOSS (East Metropolitan - Attorney General) [5.12 pm]: One of the problems is that we have, in the Leader of the Opposition, a person who has some qualifications in the Arts and who is very good at playing the clown.

Hon Tom Stephens: You were the one in the wig.

Hon PETER FOSS: He certainly has forgotten some fairly important things. Let us deal with the question about the Arts. It has become customary for him to ask me a question just before the President calls an end to question time, because he hopes I will give a nice long answer.

Hon J.A. Scott: You normally do.

Hon PETER FOSS: I do, but I resisted the temptation today for a very good reason. The Leader of the Opposition seems to think it is not reasonable for me to give him an answer about what will happen with the West Australian Ballet Company before the Nugent report comes down. He obviously does not know what the Nugent report is. The Nugent report will make or break what happens to the ballet company. The idea that the State can make decisions ignoring the Nugent report shows how unreal is the Leader of the Opposition. I assume he does not know what the Nugent report is.

I have been talking to the ballet company, and I do not know how grateful it will be to have the Leader of the Opposition airing some of its matters. I certainly do not believe it would be appropriate for me to air the discussions I have had with representatives of the ballet company, which I understand to be confidential and which should be kept confidential. If the Leader of the Opposition thinks I will start telling every man and his dog, he has no idea what are appropriate procedures. He complains about being told to use the freedom of information process. Does he recall that he did not have freedom of information when the Opposition was in government?

Hon Tom Stephens: We brought it in.

Hon PETER FOSS: The Opposition made sure FOI did not come in while it was in government. The Opposition only brought it in just before it lost power. The documents we had to table related to WA Inc. In the end, it was the disclosure to the public of the corrupt behaviour of the Opposition's Government which brought it down. Until such time as this House demanded those papers be tabled, the public of Western Australia was constantly deceived by the Opposition. We operated in a far more open way.

As far as questions are concerned, one of the problems is that members of the Opposition abuse questions.

Hon Tom Helm interjected.

The PRESIDENT: Order! A number of members have indicated they want to speak. The more interjections, the less chance anyone has of doing so.

Hon PETER FOSS: The Opposition asks almost all of its questions as questions of which some notice has been given; however, it asks about four times more questions on notice. It is wasting taxpayers' money absolutely atrociously. One of the things we should disclose to the public is the waste caused by the Opposition putting hundreds of questions on partial notice and never asking them. The Opposition wonders why occasionally we do not have the time to answer questions of which some notice has been given. It is because of the number of questions on notice that the Opposition does not actually ask in the House.

Hon N.F. Moore: They should all go on notice from now on, then there would be no arguments.

Hon PETER FOSS: Yes, then we would get through the whole lot of them. The Opposition's behaviour is a disgrace. It asks very few questions without notice which are even capable of being answered without notice. It asks detailed questions about money, dates and meetings and expects ministers -

Hon Tom Helm: How dare we!

Hon PETER FOSS: If we get one little thing wrong, the exaggerated lot of bullfrogs opposite bring in another blooming privilege motion. There have been privilege motions moved in this House that no-one has even understood. When the Leader of the Opposition had finished speaking on the last one he brought in, nobody knew what he was talking about. We could not even work out what it was that he said was wrong.

Hon Tom Stephens: That is your problem, isn't it?

Hon PETER FOSS: That is how bizarre he is. The Leader of the Opposition keeps asking me dorothy dixers and I am very grateful for them. He presents motions to this House which are dorothy dixers. He is so incompetent it is unbelievable. He thinks that he will make up for it today by standing and making unfounded allegations. He should check the record of the questions answered.

Hon N.F. Moore: On average there are 23 questions a day answered without notice.

Hon PETER FOSS: That is right. We answer a great number of questions and we go to a great deal of effort to get the information right.

Hon Kim Chance: There may be 23 questions but not 23 answers.

Hon N.F. Moore: There are 23 answers.

Hon Kim Chance: There are not.

Hon PETER FOSS: All the Opposition can do is split hairs and threaten everybody with privilege motions. I hope that the Leader of the Opposition will give an undertaking that he will not indulge in that stupidity any more.

Hon Tom Stephens: You are an incompetent minister. Your portfolio people don't like you. You are a despised and detested minister.

The PRESIDENT: Order!

Hon PETER FOSS: That is the only thing the Leader of the Opposition has shown himself capable of.

The PRESIDENT: Order, Attorney General! Leader of the Opposition, you have already spoken. Please do not interject.

Hon PETER FOSS: The only thing that the Leader of the Opposition has shown himself any good at is uttering unfounded abuse; that is all he can do. If there is a question that a member can answer, he is shown to be shallow, having no substance whatsoever. All he can do is stand and come up with his standard rubbish, making allegations that are not supported, that have absolutely no basis whatsoever, and indulging in abuse; beyond that, he has no facts. He is totally incompetent and all he does is constantly stand and accuse other people of being incompetent. He cannot give one single instance of incompetence; he is useless.

Lawley Pharmaceuticals - Adjournment Debate

HON NORM KELLY (East Metropolitan) [5.18 pm]: I want to spend a few minutes referring to a couple of questions I asked in this place last week which were also raised by Hon Mark Nevill during the adjournment debate on Tuesday evening. They relate to a company called Lawley Pharmaceuticals and the battle it is having to market its goods Australia-wide. The company is hamstrung by the lack of legislation being introduced into this Parliament. I gather that when that legislation is introduced into this place, it will have no trouble in rapidly passing through the Parliament. In those questions last week I asked whether the minister intended to introduce the legislation and, if not, why there had been a delay in its introduction. His response was that he would introduce therapeutic goods legislation as soon as possible after it was drafted. It is very difficult for a company trying to operate, while waiting for this legislation to be passed, to receive such a non-answer as that.

On Thursday of last week I tried to extract more information from the Minister for Health as there is another way in which Lawley Pharmaceuticals can pursue registration so that it can market its products Australia-wide; that is, through the federal therapeutic goods legislation. However, registration under that legislation is quite a time-consuming and expensive process. This is a pre-existing product and state-based legislation would enable this company to register its product under a grandfather clause which the Government has agreed will be in the legislation when it is introduced. The company has two alternatives. The federal option would probably take at least five years to complete so members can understand the company's hesitance to go down that path. The company hopes to get the state-based legislation in place through the State Parliament so it can utilise the grandfather clause and market its product nationally and overseas. I refer to a letter from the Minister for Health to Mr Michael Buckley of Lawley Pharmaceuticals which is dated 7 December 1998. In that letter the minister states -

. . . Cabinet has recently approved the drafting of complementary State therapeutic goods legislation . . . It is expected that the Bill will be available for Parliament in the spring session of 1999.

I intended to ask more questions today but I did not get the opportunity. However, during the afternoon I found out that this legislation has not even been drafted let alone put on the Government's list of priority legislation for introduction to Parliament.

Hon N.F. Moore: Have you had a look at the Notice Paper to see what has already been drafted, printed and is ready to go?

Hon NORM KELLY: The Leader of the House could talk to us about which Bills the Government wants to get through speedily. I have told him before that we could easily spend an afternoon knocking off six to 12 Bills. We are happy to agree to that. There are a number of Bills on the Notice Paper to which all parties agree and which could be passed through Parliament and enacted. That way we could let the bureaucracy get on with carrying out these much needed laws. The Water Services Coordination Amendment Bill is a perfect example. It will set up the plumbers registration board and we could knock it off in an afternoon and get it out of the way.

Hon N.F. Moore: My humble experience is that the easy ones are the ones which take the longest.

Hon NORM KELLY: I am sure our agreeing to finish these Bills would shorten the debate. However, I do not want to be diverted from my original topic. This company is marketing hormone treatment cream. The company apparently has one type of cream. It is a pharmaceutical company and it has based its products on a holistic regime of blending naturopathy practices with traditional pharmaceutical practices and uses natural hormones in its products. I understand that it is the only Australian company marketing these progesterone-based products, although there are testosterone and oestrogen-based products. United States companies can now infiltrate the Australian market and sell progesterone-based products while this

company in Western Australia cannot get beyond the Nullarbor to market its product. I have not researched this closely but it raises some arguments about the freedom of trade across borders and possible conflict with the Australian Constitution.

The proprietor of this company says he would expect a \$30m turnover of this product if he could market it fully. I do not know the product, but from what I can tell it is a reputable company with a reputable product which is simply trying to get out there and be progressive. However, this Government has been unable to get through what the minister has agreed is complementary legislation which will simply mirror what already exists at the federal level and in the other States. Western Australia is the only State in this country that does not have this complementary legislation. New South Wales and Victoria enacted their complementary legislation back in 1993 and 1994, yet here we are five years later and we cannot get the damn thing drafted, let alone introduced into and passed through the Parliament.

Hon Kim Chance: Is this the drug approval or drug registration legislation?

Hon NORM KELLY: It is therapeutic goods legislation.

I urge the Government at least to answer these questions honestly. I will not buy into Hon Tom Stephens' arguments. However, in this case, the minister has stated to the company the Government's expectation of when it will introduce the legislation, and the company has made a commercial decision about whether to proceed through the federal jurisdiction to register its product. Given that it has received this letter from the minister, the company should have a valid expectation that the Government will follow through on its commitment to progress the legislation. The company has now initiated action to take the federal route to register this product. However, as I said, that could take more than five years and be costly. Maybe in a few years we will see this legislation in Western Australia, and all that time and money will have been wasted. It is a pity that this Government is taking so long, because it is at the expense of these innovative Western Australian-based companies being able to market their products Australia-wide and internationally, thereby allowing overseas companies to come in and take what should be Western Australian markets.

Lynch Interiors Pty Ltd - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [5.26 pm]: I intended to use the same tactics that the Leader of the Opposition used concerning freedom of information, because I asked the question to which the Leader of the Opposition referred in his comments. I will use these 10 minutes to speak in support of a person who came to seek my assistance. He is the principal of a company called Lynch Interiors Pty Ltd, and he was in dispute with the Building Management Authority, as it was called in 1995. The matter went to conciliation, and since 1995 to the present time this person feels he has been treated rather badly. Before he came to see me and took his case further, he had retrieved 400 documents through FOI. Now he and I are being told by the minister responsible for the Department of Contract and Management Services, Hon Mike Board, or his advisers, that we can go to the Supreme Court to get satisfaction in this matter.

It really is a strange set of circumstances. I agree with my leader that this Parliament is supposed to be responsible to the people of Western Australia. Here is a Western Australian taxpayer who expects some justice. This man, Geoff Moran, who is a principal of Lynch Interiors and who was in dispute with the BMA in 1995, is asking for his conciliation-arbitration case to be reheard; that is all. He is not asking for compensation - not a cent, not a skerrick; he just wants the case to be heard so that he can continue the life he had before he ran into this problem with the BMA.

This issue has a lot to do with the fact that during the arbitration process a sum of \$23 000 was paid to somebody called John Foster to present a report to the minister on this dispute. It was \$23 000 worth of verbal report. It is nothing to which anyone can refer and it is nothing that goes on the record; it is a \$23 000 verbal report on this matter. Irrespective of what the verbal report said, it meant that Geoff Moran could no longer carry on his business; in fact, his business went bankrupt.

It also means that from that day to this he has not been awarded government work, not because his reputation has been soured, but because he does not have the wherewithal to go to the Supreme Court or the Appeals Tribunal to argue the case. He is skint. It cost him a fortune to obtain 400 documents under freedom of information that he was told in 1995 were not available through arbitration. He required those documents so that he could become informed and support his allegations that the whole arbitration, conciliation and disputes procedure had been abused. I have spoken to various ministerial advisers of the Minister for Works. I have tried my best, other than through this forum, to get some justice for Geoff Moran. I cannot help but be aware that his list of allegations can be supported by documents. Everything said by Mr Moran to me and in every other forum is supportable by documentation. The Leader of the House said that we should use the FOI system or whatever else, but we should not use the Westminster parliamentary system to seek justice.

Hon N.F. Moore: You misunderstood my remarks about FOI in the context of my reply today. I will explain it in a minute.

Hon TOM HELM: That is fine, but that is the type of answer that makes people's blood boil. This matter has a long and detailed history dating back to 1995. If I had more than 10 minutes within which to speak, I would reveal it all. Suffice to say, I asked 17 questions on notice. We are told that if we want answers to questions we should put them on notice, although the Attorney General might criticise us for doing that. We received 17 answers, 16 of which were incorrect. Only one answer was right, and that was because it could not be put down incorrectly. I am not saying the 16 incorrect answers were lies, but perhaps they were misleading.

I am not being unduly critical of this Government; I am being critical of government advisers, because the advisers who worked there in 1995 are still there today. I have met and spoken with them. Given that the questions were asked on notice, why was Geoff Moran of Lynch Interiors Pty Ltd told where he should go to purchase his supplies? We know about the local content policy and I support the concept. However, this supplier was going to supply goods to the contractor for \$6 000 more than he could get them from the regular supplier.

Hon Kim Chance: Was he told the name of the business?

Hon TOM HELM: He was told in writing.

Hon Kim Chance: By whom?

Hon TOM HELM: By the people who got the contract from the BMA. The supplier who did not get the order from the contractor was asked by the minister's department to report on the work that Lynch Interiors undertook at Pinjarra Hospital, among a number of other contracts. Members may recall some publicity about that case. Why was that the case? We asked, but we did not get an answer.

We asked about Mr John Foster, who made the \$23 000 verbal report. Who is he? Where is he? Why was he given that task? Why would anyone pay \$23 000 for a verbal report? I could buy somebody a carton of booze and get a decent answer if I wanted to know something. The obvious question is: Why did the BMA claim that little documentation was available on this issue, when a series of freedom of information applications turned up almost 400 documents on this case? He has done all the other research and now we cannot get the minister to reopen the matter. Geoff Moran certainly cannot go to court, because he has no money.

The other problem is that when we asked the minister about the matter, we were shown advice the minister received from the Crown Solicitor's Office, that the case should not be reopened. That is unusual. During the arbitration, conciliation and disputes procedures, generally speaking the Crown Solicitor or another solicitor is on hand to give advice on these matters. On this matter there was not a chance of that. Nobody was there. Four years later, all of a sudden, the minister went to the Crown Solicitor for advice and was advised not to reopen the case. I ask on behalf of Mr Moran: Why are people frightened? What are they afraid of?

Hon Derrick Tomlinson: The proper place for redress regarding agreements is the court.

Hon TOM HELM: That is right; there are disputes, conciliation, arbitration and FOI procedures. All of those avenues have been used. The next step for that person would be to go to the Supreme Court, but he came to see me because I have this forum in which I can try to address the wrongs that he has experienced. I thank the House for this opportunity and I apologise for taking up its time. However, I want to put matters like this on record. We have been through the proper channels and got nowhere. I hope somebody takes notice of my remarks.

Response to Comments - Adjournment Debate

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.36 pm]: I will respond to a couple of allegations made here this afternoon. The Leader of the Opposition said that because I asked that a question he asked of me representing the Minister for Health be put on notice, that was part of a Government collusion to assist in tax evasion. That is the most outrageous proposition I have ever heard. I suspect the Leader of the Opposition is talking to the media. If members of the media are listening I suggest they ask somebody about this before they write a story that says that the Government is involved in tax evasion.

The answer to a question asked by Hon Tom Helm about the same gentleman's salary package suggested that he might use the FOI process to gain the information because it provides some protection for third parties and individuals concerning personal information. The simple tabling of his contract may be a gross invasion of his privacy. I do not know the details of his contract. However, the answer I gave was on the basis that at least by going through FOI, which we are entitled to do, the person involved would receive some protection under legislation which the Labor Party introduced, but to which it was never subjected.

Hon Tom Helm interjected.

Hon N.F. MOORE: Parliament is not entitled to know everything about an individual's personal details.

Hon Tom Helm interjected.

Hon N.F. MOORE: I am trying to say to Hon Tom Helm that there may be some aspects of his contract which are none of anyone's business and which he is entitled to keep as his business. I suggest that if Hon Tom Helm wants to be such a stickybeak he go through the FOI process and he will get what he wants. I would love to ask questions about Hon Tom Helm's financial circumstances, but I cannot get them under FOI. That is the reason that I suspect the answer was given in that context. I suggest that the member take a bit of notice of what FOI means. It means that all people are entitled to privacy in respect of certain issues. That is part of the FOI process.

Hon Tom Helm: You are not!

Hon N.F. MOORE: Exactly right, but I do not have the same contract as that gentleman. That is what I am trying to say. I do not even have a contract! I just come to work every day! I believe that is the reason that answer was given in that fashion this afternoon, but I will follow that up because I am answering in a representative capacity.

In respect of the number of questions asked in this House, I understand that we deal with about 23 questions and answers every day, and that is very good indeed in comparison with other Parliaments. The process of questions in this House has changed dramatically over the years. There was a time when we did not get any questions without notice for week after week. We now get an average of 23, of which 20 are questions without notice of which some notice has been given. I would be very happy to contemplate a scenario in the future, if the Leader of the Opposition wanted to look at the standing orders again, where any question that was asked of a minister who is not in this House would need to be placed on notice and

ministers in this House would not answer any questions in a representative capacity. In that way, there would never be any problem and members opposite would never be able to blame us for giving the wrong answer. They would put the questions on notice, and we would make sure that the answers were provided to them in due course.

Hon Kim Chance: You know why we do not do that. It is because ministers in the other place can wait 10 months to answer them!

Hon N.F. MOORE: I cannot be responsible for what they do, but I can say now that the way in which members opposite ask questions, the number of them, and the huge amount of information that is required in respect of most of them, places a significant burden on ministers' offices and government departments.

I do not have a problem with that as we do our best to ensure every day that questions asked are answered. It is a pity that members give notice of many more questions than they actually ask. Answers sit in the files until they fall off into the rubbish bin. That is because members opposite do not ask the questions in here. I will look very hard at the standing orders as Hon Tom Stephens suggested regarding any problem in the future about answers provided not being liked by members opposite. Hon Tom Stephens suggested that we need to change the standing orders to deal with ministers who provide answers he does not like. I am not sure what that means. Maybe he believes that the relevant minister should be hanged, drawn and quartered as the appropriate penalty. That seems to be the man's attitude.

In response to Hon Norm Kelly, the Address-in-Reply has been amended twice, which has given members three goes at the Address-in-Reply. If members stopped doing that, we would get through business more quickly.

Question put and passed.

House adjourned at 5.41 pm

QUESTIONS ON NOTICE

Questions and answers appear as supplied to Hansard.

TOXIC CHEMICALS, TRAINING AND ACCREDITATION FOR COMMERCIAL OPERATORS

81. Hon KIM CHANCE to the Minister for Finance representing the Minister for Primary Industry:

With regard to the commercial use of 1080 and Pindone on farmlands and mine sites for pest control, can the Minister for Primary Industry advise -

- (1) Which agency has responsibility for the provision of training and/or accreditation for the use of these toxic agents?
- (2) What is the process whereby commercial operators can become accredited and/or authorised for the commercial use of these agents?
- (3) If there is accreditation or training available how much does it cost and how frequently is it made available?
- (4) Where can commercial operators receive such training and/or accreditation?
- (5) Is the Minister aware that commercial operators have reported being unable to find any agency who is prepared to provide such training, or even provide information about the training?
- (6) What does the Minister propose to do to ensure that persons handling such dangerous chemicals have adequate access to this information?

Hon MAX EVANS replied:

- (1) Licensed Pest Control Operators are required to be licensed to use 1080 products by the Health Department of WA, and training is a prerequisite of such licensing. Agriculture WA and Department of Conservation and Land Management provide training for staff when Agriculture WA and CALM officers are applying 1080 baits. Agriculture WA currently provides training to landholders where they are approved to apply baits on their own property.
- (2) The commercial operator must apply to the Pesticide Safety Section of the Health Department of WA for a license (or an addition to a current license) to apply 1080 products. The use of Pindone is controlled by the general licensing conditions for Licensed Pest Control Operators.
- (3) When training becomes available through private sector providers, it will be available as frequently as commercial demand dictates. The cost is not known.
- (4) No training program is available at this stage. However, the Health Department of WA has sought expressions of interest from commercial pest control firms and is negotiating with several private sectors training providers to develop approved training packages.
- (5) This has been answered in Question 4.
- (6) Under the requirements of the Poisons Act 1964 no untrained persons have been, nor will be handling 1080 poisons in this State. When the new arrangements for training have been finalised I will ensure that all potential commercial operators are advised. Training in best-practice techniques for Pindone application will also be promoted.

GOVERNMENT VEHICLES, NUMBER LEASED AND OWNED

87. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

As of June 30, 1999, for all agencies under the control of the Minister for the Environment -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

Botanic Gardens and Parks Authority:

- (1) 20
- (2) (a) 6
(b) 14

- (3) (a) 20
(b)-(c) Nil.

Perth Zoo:

- (1) 13
(2) (a) 4
(b) 9
(3) (a) 13
(b)-(c) Nil.

Department of Environmental Protection:

- (1) 51
(2) (a) 50
(b) 1
(3) (a) 37
(b) 14
(c) Nil.

Department of Conservation and Land Management:

- (1) 679 (excluding trucks, tractors and earthmoving equipment)
(2) (a) 129
(b) 550
(3) (a) 679
(b)-(c) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

166. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Parliamentary and Electoral Affairs' portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon N.F. MOORE replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

171. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Lands:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Lands' portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon MAX EVANS replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

172. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Fair Trading:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Fair Trading's portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon MAX EVANS replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based

and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

181. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Primary Industry's portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon M.J. CRIDDLE replied:

- (1)-(8) Please refer to the answer given to Question on Notice number 152.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

182. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Fisheries:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Fisheries' portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon M.J. CRIDDLE replied:

- (1)-(8) Please refer to the answer given to Question on Notice number 152.

GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF
THE ACT

191. Hon LJILJANNA RAVLICH to the Minister for Finance:

- (1) Which departments or agencies in the Minister for Finance's portfolio have been granted partial exemptions in -
 - (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
 - (d) Class 4 - Autonomous purchasing with no upper limit?
- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon MAX EVANS replied:

- (1)-(2) Please refer to the answer given in response to question on notice No 196 of 18/8/1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF
THE ACT

192. Hon LJILJANNA RAVLICH to the Minister for Racing and Gaming:

- (1) Which departments or agencies in the Minister for Racing and Gaming's portfolio have been granted partial exemptions in -
 - (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
 - (d) Class 4 - Autonomous purchasing with no upper limit?
- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon MAX EVANS replied:

- (1)-(2) Please refer to the answer given in response to question on notice No 196 of 18/8/1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF
THE ACT

227. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Local Government:

- (1) Which departments or agencies in the Minister for Local Government's portfolio have been granted partial exemptions in -
 - (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
 - (d) Class 4 - Autonomous purchasing with no upper limit?

- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon M.J. CRIDDLE replied:

- (1)-(2) Please refer to the answer given in response to question on notice 196 of 18/8/99.

WEST KIMBERLEY, GAS POWER GENERATION EMISSIONS

327 Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

- (1) Will the quantification of the full fuel cycle emissions from gas generation of power in the West Kimberley be an obligatory requirement before approval can be granted by the Environmental Protection Authority for a go ahead to the gas power projects proposed for this region?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) All proposals must comply with the requirements of the Environmental Protection Act 1986, including the requirement of referral. As part of its consideration of such a referral, the issue of emissions would be examined by the EPA.

DERBY-WEST KIMBERLEY TIDAL POWER

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

- (1) Has the Minister for Primary Industry been advised as to whether any aquaculture or mariculture projects would benefit from the proposed Derby tidal power project?
- (2) What jobs and economic benefits to the region and the State could be expected from aquaculture/mariculture start-ups at Derby that could result from the Derby tidal power project?
- (3) Has the Minister and his department's input been sought and obtained by the Energy Minister about the benefits of aquaculture/mariculture projects flowing from a Derby tidal power project?
- (4) If not, when will the Minister take the opportunity of alerting the Minister for Energy to the economic benefit that would flow from aquaculture/mariculture projects based at a Derby tidal power project site?

Hon M.J. CRIDDLE replied:

- (1) The Derby Tidal Power Project, if implemented, would impact directly on Doctor's Creek near Derby. One aquaculture proposal for Doctor's Creek, a Prawn Farm proposed by the Kimberley prawn Company, has recently received EPA approval and conditions have been set. The Kimberley Prawn Company has indicated that although the implementation of the Tidal Power Project may lower the costs of pumping water, the project is not dependent on the approval of the Derby Tidal Power Project.
- (2) No aquaculture or mariculture proposals which are dependent on the Derby Tidal Power Project are currently under consideration by the Minister for Primary Industry; Fisheries, or Fisheries WA.
- (3)-(4) To date, input from the Minister for Primary Industry; Fisheries has been through the environmental assessment process managed by the Minister for the Environment for the Kimberley Prawn Company aquaculture proposal. The Government remains committed to sustainable aquaculture development throughout the State.

MINISTER FOR PRIMARY INDUSTRY, NATIVE VEGETATION CLEARING

344. Hon MARK NEVILL to the Minister for Transport representing the Minister for Primary Industry:

- (1) Has any native vegetation been cleared from -
- (a) land owned by the Minister for Primary Industry or any member of his family; or
- (b) land held by a company which is owned wholly or in part by the Minister or any member of his family?
- (2) Did the Minister grant approval for the clearing of native vegetation referred to in (1) above?

Hon M.J. CRIDDLE replied:

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

MINISTER FOR THE ENVIRONMENT, STAFF COMPLIANCE WITH CODE OF ETHICS

360. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

- (1) Does the Minister for the Environment support and encourage all of her staff within her office and her department complying with the Public Sector Code of Ethics?

(2) If not, why not?

Hon MAX EVANS replied:

(1)-(2) Yes.

SILVER CHAIN, SERVICES IN ALBANY

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

- (1) Has the Health Department concluded its negotiations with Silver Chain regarding the delivery of stoma, incontinence and diabetes services in the Albany area?
- (2) If yes, how will those services now be delivered?
- (3) If no, when will a decision be made?

Hon MAX EVANS replied:

- (1) Yes.
- (2) These services provided as clinics for specialist Stomal therapy, Continence, Diabetes and Wound Care will continue to be delivered in the Albany area by the Silver Chain Nursing Association.
- (3) Not applicable.

PATIENTS ASSISTED TRAVEL SCHEME

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

- (1) How many patients received assistance under the Patients Assisted Travel Scheme from each of the following hospitals for the period 1998/99 -
 - (a) Albany Regional;
 - (b) Denmark District;
 - (c) Mt Barker District;
 - (d) Manjimup Warren District; and
 - (e) Bunbury Regional?
- (2) What was the total cost of that assistance in 1998/99 for each hospital listed in (1) above?
- (3) How much has been allocated to the Patients Assisted Travel Scheme for each of the hospitals listed in (1) above for 1999/2000?
- (4) What new specialist services were offered at those hospitals and how many patients accessed those services at that hospital rather than travelling to Perth?

Hon MAX EVANS replied:

- (1)

(a) Albany Regional	1,905
(b) Denmark District	338
(c) Mt Barker District	301
(d) Manjimup Warren District	1,186
(e) Bunbury Regional	2,283
- (2)

(a) Albany Regional	\$330,400
(b) Denmark District	\$ 37,100
(c) Mt Barker District	\$ 39,200
(d) Manjimup Warren District	\$ 61,274
(e) Bunbury Regional	\$170,650
- (3)

(a) Albany Regional	\$262,500
(b) Denmark District	\$ 37,640
(c) Mt Barker District	\$ 34,960
(d) Manjimup Warren District	\$ 65,000
(e) Bunbury Regional	\$ 87,000
- (4) 126 Psychiatric clients have been admitted to the SouthWest Health Campus Psychiatric Residential Unit since it opened in March 1999. All clients would have been previously transferred to Perth. In addition, the HDWA has contracted with St John of God Health Care Bunbury for 600 episodes of chemotherapy care and 1,100 episodes of renal dialysis in 1999/2000. These would have previously been provided in the metropolitan area. Albany Regional Hospital has increased activity in plastics, urology and gynaecology services, the impact of which will be seen in this financial year.

WA QUARANTINE AND INSPECTION SERVICE, PLANT CLASSIFICATION ACCORDING TO WEED POTENTIAL

426. Hon CHRISTINE SHARP to the Minister for Transport representing the Minister for Primary Industry:

In relation to the scheme introduced by the Western Australian Quarantine and Inspection Service (WAQIS) that classifies plants according to their weed potential -

- (1) Is the Minister for Primary Industry aware that this scheme appears to have been introduced without consultation with groups involved in the introduction of new horticultural crops to Western Australia?
- (2) If such consultation has taken place, can the Minister state who has been consulted and when, and whether such persons agreed with the introduction of the scheme?
- (3) Is the Minister aware that over four-fifths of Australia's plant species native to States outside of Western Australia would be refused entry to this State on the grounds that they do not appear on the "Permitted List"?
- (4) Is the Minister aware that modern approaches to handling of weed problems take ecological and other growing conditions as their primary keys to success, rather than simplistic reliance on identifying particular species or genera?
- (5) Is the Minister prepared to review the current quarantine procedures in consultation with key stakeholders in the business of importing plant material?

Hon M.J. CRIDDLE replied:

- (1) The adoption in 1997 of a 'permitted list' approach occurred after extensive industry and community consultation. The Permitted List was in response to government, industry and community concerns that a number of plant species had been introduced into WA which were found to have significant weed potential both to agriculture as well as the environment.
- (2) Consultation with a wide range of industry groups and other stakeholders took place. Over 1000 individuals and organisations were contacted by letter. An industry discussion paper was also released in November 1996 for comment. Input from seed and plant importers was used to establish the initial permitted list.
- (3) The Permitted List contains about 15,000 species and is continuously expanding. Over 1,200 plant species were added to the list during the past year. All plant species (whether they appear on the Permitted List or not) are subject to review, should new information come to light that could impact on the assessment of the plant's potential as a weed. A plant species that does not appear on the list is not necessarily prohibited into WA, but is subject to a Weed Risk Assessment, which in some cases is straight forward. This Weed Risk Assessment process has been adopted by AQIS and it is under consideration as an international standard.
- (4) The correct identification of a species is essential in determining its weed risk potential, however, the Weed Risk Assessment is not a process to determine the taxonomic status of a plant. The assessment process comprises a series of biological, ecological and biogeographical characteristics of that species. The history of cultivation in other areas as well as the agricultural potential of the species is taken into account in the decision process.
- (5) Quarantine procedures are subject to continuous review and improvement by Agriculture Western Australia and the Agriculture Protection Board as new information comes to light. Quarantine procedures are developed in consultation with scientific experts as well as industry.

LANDCORP, LANDSDALE JOINT VENTURE

430. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Lands:

- (1) Has LandCorp sold its interest in Landsdale?
- (2) If yes, to whom was its interest sold?
- (3) What price was the interest sold for?
- (4) What was the total cost to LandCorp of its Landsdale joint venture, and what profit or loss did it make on the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) North Whitfords Estates Pty Ltd.
- (3) \$1,380,000.
- (4) Profit - \$888,116.

HEALTH DEPARTMENT, YEAR 2000 COMPLIANCE

434. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) With respect to the Year 2000 computer date problem, will the Minister for Health confirm that remediation has been completed for all non-compliant Health Department equipment?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1) No.

- (2) Remediation plans identified that all equipment would be Year 2000 ready by 30 September 1999. The vast majority of remediation work will be completed by this date. For specific items that will not be remediated by this date, revised remediation dates are being established. The factors leading to this delay from the original target date include lead times for ordering of upgrades or new equipment, and changing manufacturer's statements on Year 2000 compliance.

MYELOID LEUKAEMIA

435. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Health:

- (1) What is the incidence rate for myeloid leukaemia in Western Australia over each of the past ten years?
- (2) What is the incidence rate for myeloid leukaemia in the Perth Metropolitan area over each of the past ten years?
- (3) How does this rate compare with the Australian average?
- (4) How does the incidence rate for myeloid leukaemia compare with the rates in NSW, Victoria and SA?
- (5) What explanation can the Minister for Health provide for any discrepancies?

Hon MAX EVANS replied:

- (1) The annual numbers of myeloid leukaemia cases and the incidence rates for Western Australia, for each of the last ten years, are given in the following table:

Western Australia - Myeloid leukaemia incidence, 1988-1997
All Western Australia

	Males		Females	
	Cases	Rate *	Cases	Rate *
1988	33	4.0	26	2.8
1989	34	3.8	26	2.6
1990	46	4.8	26	2.5
1991	41	4.2	31	2.8
1992	49	4.8	33	2.8
1993	26	2.5	38	3.7
1994	39	4.2	40	3.4
1995	37	3.7	24	2.0
1996	40	4.0	35	3.1
1997	33	3.0	29	2.4

*Rate - age-standardized rate per 100,000 persons
Source: Western Australian Cancer Registry, Health Dept of WA

- (2) I am advised that the annual numbers of myeloid leukaemia cases and the incidence rates for the Perth Metropolitan area, for each of the last ten years, are given in the following table:

Western Australia - Myeloid leukaemia incidence, 1988-1997
Perth metropolitan area only

	Males		Females	
	Cases	Rate *	Cases	Rate *
1988	26	4.0	20	2.5
1989	30	4.4	23	2.9
1990	38	5.0	19	2.5
1991	33	4.5	24	2.8
1992	41	5.3	28	2.9
1993	20	2.5	29	3.4
1994	32	4.5	33	3.7
1995	31	4.1	18	1.8
1996	33	4.4	28	3.1
1997	25	3.0	26	2.6

*Rate - age-standardized rate per 100,000 persons
Source: Western Australian Cancer Registry, Health Dept of WA.

- (3) The latest available Australian incidence rates for myeloid leukaemia are those for 1995, and they are 4.6 per 100,000 for males, and 3.1 per 100,000 for females. All Western Australian rates have been similar to or smaller than these 1995 national average rates in almost every year (for all except two of the last ten years for males, and for all except three years for females) and were considerably lower than the national average for both males and females in 1995.
- (4) The most recent data that are available from all of South Australia, Victoria and New South Wales are those for 1996. Figures are shown below. The Western Australian rates for the same year were lower than any of these for males and lower than all except the Victorian rate for females.

State	Male rate*	Female rate*
Victoria (1996)	4.2	2.9
New South Wales (1996)	4.6	3.3
South Australia (1996)	4.2	3.3

Source - State cancer registries, 13-14/9/1999

*Rate - age-standardized rate per 100,000 persons

- (5) There is an amount of statistical uncertainty associated with any calculated rate, and the differences in the quoted rates for different States are not statistically significant.

MR LUKE SARACENI, EMPLOYMENT WITH SWAN SHIRE

436. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:

- (1) Is the Minister for Local Government aware that Mr Luke Saraceni of Saraceni Properties P/L, the developers for Tower Brick, is a former Swan Shire Planner?
- (2) If yes, would the Minister detail his period of employment and position held?
- (3) Did Mr Luke Saraceni, during his period of employment with the Swan Shire -
- have any involvement in the approval or disapproval of brickworks or any other noxious industry in the Swan Shire region;
 - if yes, would the Minister provide details;
 - have any involvement with zoning amendments for Hazelmere;
 - if yes, would the Minister provide details; and
 - develop a working relationship with any staff or councillor currently holding a position in the Swan Shire, or anyone employed by the shire?
- (4) If this is found to be a contravention of Clause 34C of the *Local Government Administration Regulations*, what action will the Minister take?

Hon M.J. CRIDDLE replied:

- (1)-(4) The Minister for Local Government is not aware if Mr Saraceni is a former employee of the Shire of Swan. Any questions in relation to Mr Saraceni and his former employment should be directed to the Shire of Swan.

SEX OFFENDERS PROGRAM

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

With respect to the answer provided to question on notice 1734 of 1999, when in the 1999/2000 financial year will the program to address denial by sex offenders be implemented?

Hon PETER FOSS replied:

It is anticipated that the program to address denial by sex offenders will be implemented in January 2000.

OLD BUNBURY REGIONAL HOSPITAL

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

Into which departments was the old Bunbury Regional Hospital configured and how many beds were available in each of those departments?

Hon MAX EVANS replied:

Maternity	-	14 Beds Operational, 2 labour delivery suites
Day Stay	-	12 Beds Operational
High Dependency	-	6 Beds Operational
Medical	-	30 Beds Operational
Surgical	-	30 Beds Operational
Paediatrics	-	14 Beds Operational

LANDCORP, SALE OF LOT 101 HALLEY ROAD, BALCATT

457. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 101 Halley Road, Balcatta to Udine Pty Ltd by LandCorp and ask -

- Was a valuation of the land conducted?
- Who undertook the valuation?
- What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) No. LandCorp did not sell Lot 101 Halley Road, Balcatta to Udine Pty. Ltd
- (2)-(3) Not applicable.

LANDCORP, SALE OF LOT 100 BALCATT A ROAD, BALCATT A

458. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 100, Balcatta Road, Balcatta, to Udine Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1)-(3) This land was sold by the former Industrial Lands Development Authority sometime prior to the formation of LandCorp in 1992. The information requested may be contained within archives, however, retrieval will require the allocation of significant resources away from higher priority areas.

LANDCORP, SALE OF LOT 195 BLACKWATTLE PARADE, PADBURY

459. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 195 Blackwattle Parade, Padbury, to Travilla Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2)-(3) JLW Advisory at \$785,000.
Sullivans at \$885,000.

LANDCORP, SALE OF LOT 165 BANNISTER ROAD, CANNING VALE

460. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 165 Bannister Road, Canning Vale, to Nobel Investments Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Kevin Sullivan & Associates.
- (3) \$1,067,000.

LANDCORP, SALE OF LOT 5 DWYER TURN, JOONDALUP

464. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 5 Dwyer Turn, Joondalup, to Spectator Investments Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Chesterton International.
Richard Ellis.
Knight Frank.
- (3) Range from \$1,274,000 to \$1,372,840.

LANDCORP, SALE OF LOT 42 TRIUMPH AVENUE, WANGARA

465. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:
I refer to the sale of Lot 42 Triumph Avenue, Wangara, to Offa Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Ray White Valuers.
- (3) \$615,300.

DEPARTMENT OF LAND ADMINISTRATION, SALE OF SUSSEX LOCATION 4422

466. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Sussex Location 4422, to Cape Hotels Pty Ltd by the Department of Land Administration, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes, a valuation was obtained for the parts of Sussex Location 4422, being Sussex Locations 5115 and 5116 (an area of 4.5254 ha), which were sold to Cape Hotels Pty Ltd in June 1997.
- (2) The Office of the Valuer-General.
- (3) \$1,040,000.00.

I refer the Hon Member to the statement made by the Hon Minister for Lands to the Legislative Assembly on 14 May 1997 on this matter.

LANDCORP, SALE OF LOT 10 GAUGE CIRCUIT, CANNING VALE

467. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 10 Gauge Circuit, Canning Vale, to Canning Vale Weaving Mills Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Ray White Valuers.
- (3) \$3,991,050.

LANDCORP, SALE OF LOT 100 CLARENCE BEACH ROAD, JERVOISE BAY

468. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the sale of Lot 100 Clarence Beach Road, Jervoise Bay, to Austal Ships Pty Ltd by LandCorp, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Valuer General's Office.
- (3) \$1,450,000.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

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

- (1) Have any departments or agencies under the Minister for the Arts' portfolio awarded any contracts to -
 - (a) Australian Property Consultants; and
 - (b) Ross Hughes and Company,since January 1, 1999?
- (2) If yes, can the Minister state -
 - (a) the name of the contractor;
 - (b) the project the contract was awarded for;
 - (c) the date the contract was awarded;
 - (d) the value of the contract;
 - (e) whether the contract went to tender; and
 - (f) if the contract did not go to tender, why not?

Hon PETER FOSS replied:

- (1) Neither the Ministry for Culture & the Arts nor any of its agencies have awarded any contracts to -
 - (a) Australian Property Consultants; and
 - (b) Ross Hughes and Companysince January 1 1999.
- (2) Not applicable.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

494. Hon TOM STEPHENS to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

- (1) Have any departments or agencies under the Minister for Parliamentary and Electoral Affairs' portfolio awarded any contracts to -
 - (a) Australian Property Consultants; and
 - (b) Ross Hughes and Company,since January 1, 1999?
- (2) If yes, can the Minister state -
 - (a) the name of the contractor;
 - (b) the project the contract was awarded for;
 - (c) the date the contract was awarded;
 - (d) the value of the contract;
 - (e) whether the contract went to tender; and
 - (f) if the contract did not go to tender, why not?

Hon N.F. MOORE replied:

- (1) (a)-(b) No, in respect of the portfolio of Parliamentary and Electoral Affairs and the Western Australian Electoral Commission.
- (2) (a)-(f) Not applicable.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

499. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

- (1) Have any departments or agencies under the Minister for Lands' portfolio awarded any contracts to -
 - (a) Australian Property Consultants; and
 - (b) Ross Hughes and Company,since January 1, 1999?
- (2) If yes, can the Minister state -
 - (a) the name of the contractor;
 - (b) the project the contract was awarded for;
 - (c) the date the contract was awarded;
 - (d) the value of the contract;
 - (e) whether the contract went to tender; and
 - (f) if the contract did not go to tender, why not?

Hon MAX EVANS replied:

Department of Land Administration

- (1) (a)-(b) No.

- (2) (a)-(f) Not applicable.

LandCorp

- (1) (a)-(b) No.
 (2) (a)-(f) Not applicable.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

507. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

- (1) Have any departments or agencies under the Minister for Citizenship and Multicultural Interests' portfolio awarded any contracts to -
- (a) Australian Property Consultants; and
 (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Minister state -
- (a) the name of the contractor;
 (b) the project the contract was awarded for;
 (c) the date the contract was awarded;
 (d) the value of the contract;
 (e) whether the contract went to tender; and
 (f) if the contract did not go to tender, why not?

Hon MAX EVANS replied:

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

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

508. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Youth:

- (1) Have any departments or agencies under the Minister for Youth's portfolio awarded any contracts to -
- (a) Australian Property Consultants; and
 (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Minister state -
- (a) the name of the contractor;
 (b) the project the contract was awarded for;
 (c) the date the contract was awarded;
 (d) the value of the contract;
 (e) whether the contract went to tender; and
 (f) if the contract did not go to tender, why not?

Hon MAX EVANS replied:

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

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

514. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) Have any departments or agencies under the Minister for Aboriginal Affairs' portfolio awarded any contracts to -
- (a) Australian Property Consultants; and
 (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Minister state -
- (a) the name of the contractor;
 (b) the project the contract was awarded for;
 (c) the date the contract was awarded;
 (d) the value of the contract;
 (e) whether the contract went to tender; and
 (f) if the contract did not go to tender, why not?

Hon M.J. CRIDDLE replied:

- (1) (a)-(b) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

519. Hon TOM STEPHENS to the Minister for Finance:

Can the Minister for Finance provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon MAX EVANS replied:

(a)-(b) Nil.

(i)-(vii) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

521. Hon TOM STEPHENS to the Attorney General:

Can the Attorney General's provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon PETER FOSS replied:

(a)-(b) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

522. Hon TOM STEPHENS to the Minister for Justice:

Can the Minister for Justice provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon PETER FOSS replied:

(a)-(b) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

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

Can the Minister for Arts provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon PETER FOSS replied:

Neither the Ministry for Culture & the Arts nor any of its agencies had land sales in

- (a) rural and metropolitan or
- (b) commercial and residential undertaken since September 1 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

545. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Disability Services:

Can the Minister for Disability Services provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon MAX EVANS replied:

Rural 1, metropolitan 3
Commercial 2, residential 2

(i)	Milford Hostel 26 Kenny Street Bassendean	'The Rocks' 182-188 Grey Street Albany	Activ Fremantle 98 Stirling Highway Fremantle	Pt 53 Ord Street West Perth
(ii)	3 November 1998	28 January 1999	2 June 1999	14 July 1999
(iii)	Public Tender CCWA Pty Ltd	Public Tender Karen Birkbeck	Public Tender Weiss Moriarty & Associates	Churchill Court P/L and Winston Place P/L
(iv)	Warren Tucker Property Consultants	Warren Tucker Property Consultants & Wellington & Reeves	Warren Tucker Property Consultants	Knight Frank
(v)	\$525,000	\$521,000	\$747,000	\$3,150,000
(vi)	N/A	N/A	N/A	N/A
(vii)	\$6,562 commission	\$6,512 commission	\$9,337 commission	\$31,500 commission

TOWN OF EAST FREMANTLE, COMPLAINTS

574. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:

- (1) How many complaints has the Minister for Local Government, or his department, received regarding the performance of the Town of East Fremantle between May 1997 and April 1999?
- (2) How many of these complaints were in regard to -
 - (a) administration; and
 - (b) town planning issues?
- (3) How many separate complainants were involved in all the above issues?

Hon M.J. CRIDDLE replied:

- (1)-(3) Complaints about Councils take several forms including written, by telephone and in person. Given the wide range of responsibilities exercised by Councils, there is a correspondingly wide range of issues that may be subject to

complaint. These may range from people complaining about a Council's inaction over a dog barking through to delays in approving (or otherwise) building plans or even the level of rates charged by a Council. Records are not kept in relation to each council.

QUESTIONS WITHOUT NOTICE

RAIL LINE, KALGOORLIE TO KWINANA

286. Hon TOM STEPHENS to the Minister for Transport:

Will the minister now give this House the details of the formal offer received yesterday from the Australian Rail Track Corporation in respect of the Kalgoorlie to Kwinana rail line?

Hon M.J. CRIDDLE replied:

Yesterday I received a copy of a conditional offer made by the Australian Rail Track Corporation to Westrail for a lease of 49 years for the standard gauge interstate track associated with the infrastructure from Kalgoorlie to Kwinana. At this point neither the Government nor Westrail has any legislative capacity to entertain the proposal. I will look to the Opposition for the way it handles that in future.

The Bill does not provide that the Government will preclude a government bidder. That is a government decision, and any reference stating that the legislation precludes those bidders is not correct. I also point out that for the land, a lease is all that is acceptable and that is contained in the legislation. With regard to the points made earlier, I refer the Leader of the Opposition to page 6 of the Bill where he will find the answers to questions previously raised. Also, despite the fact that an offer has been received, it is highly conditional and reliant upon formal concurrence from the Commonwealth of Australia in connection with the funding. Many conditions apply to the offer.

Hon Tom Stephens: How much is the offer for?

Hon M.J. CRIDDLE: What members opposite have been telling me is very close to the mark. Some of the conditions placed in the offer are a long way from the mark, as Hon Kim Chance pointed out. If the Bill is rejected, obviously the Government will not have the opportunity to consider any offers. When members opposite read it some time later, they will understand it presents an opportunity for the business as a whole or in part, and this offer could be considered. I am interested also in the suggestion that we should look only at this Bill. Bearing in mind the ways in which I have been questioned so many times about tenders and due diligence, the Government must go to expressions of interest in the first place and to tender before it can justify anything in that area.

Hon Tom Stephens: Will you table the offer?

Hon M.J. CRIDDLE: At this stage, I would rather not table the offer because the Government is dealing with other people. Hon Kim Chance made that point during the debate. If suitable in future, I will make it available to the Opposition, even if it is not tabled.

WEEKS, MR ANDREW, REMUNERATION

287. Hon TOM STEPHENS to the minister representing the Minister for Health:

- (1) What is the total remuneration package for the chief executive officer of the Metropolitan Health Service Board, Andrew Weeks?
- (2) Does the package include a tax benefit derived from the public benevolent institution status of his employer?
- (3) Is Mr Weeks attached to a hospital for PBI taxation purposes; and if so, which hospital?
- (4) Is the MHSB a recognised public benevolent institution?

Hon N.F. MOORE replied:

Due to the complexity of the information the member is seeking on the terms and conditions of Mr Weeks' remuneration package, I ask that the question be put on notice.

PYRTON SITE, PROPOSED PRISON

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

I refer to the proposal to place a prison on the Pyrtton site at Eden Hill and ask -

- (1) Is the Government continuing to work on the proposal to establish a prison at the Pyrtton site?
- (2) What steps is the Government taking?
- (3) What further steps does the Government intend to take to pursue its objective?

Hon PETER FOSS replied:

- (1)-(3) As members will probably recall, the State Planning Commission originally indicated its approval in general terms of the use of the site for a number of purposes, including a women's minimum security prison, a number of

Aboriginal uses and public recreation or other public use. The development approval submitted by the Disability Services Commission related to only one of those three general broad purposes. The reply from the State Planning Commission was that the other two matters should have been dealt with in the application.

The ministry is currently dealing with the other two matters - namely, the Aboriginal use and public recreation or other public uses - so that the development application will meet the matters noted by the commission and also the matters referred to in the original recommendation from the State Planning Commission. We are currently dealing with the people who would be involved in those other uses and also with the continuing matter of the ethnographic survey. An ethnographic survey has been carried out, but one problem at the moment is the refusal of one person to participate in it. It is difficult to receive that person's views without that person's volunteering them. I am not sure what will happen in that respect. We are persisting with it, especially in light of the fact that the site is ideal for the location of a women's minimum security prison.

Hon Norm Kelly: You said that if you did not have approval for a prison within 12 months on that site, you would move on.

Hon PETER FOSS: No, I did not.

Hon Ljiljana Ravlich: I remember you saying it.

The PRESIDENT: Order!

Hon PETER FOSS: We will certainly have one there within 12 months. It is an ideal place for a women's minimum security prison. We definitely need one in Western Australia, particularly in the Perth area, because women's needs in minimum security prisons are greater than those of men because they retain responsibility for children and that is not the case with men. The Government is very concerned for the welfare of not only women, but also their families.

I have been disturbed by much of the criticism, which is not related to anything other than people not wanting it in their locality. That attitude is very unfortunate, because I am sure it could be found in all areas. It does not address the real problems of those women who need a minimum security prison and they certainly need one with the sorts of facilities that can be provided at Pyrtton.

BRICKWORKS, SMALL PARTICLE EMISSIONS

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

- (1) Are all the brickworks in the Shire of Swan required to keep their emissions of small particulate matter at levels which are safe for human health; and if so, what is that level?
- (2) Which brickworks in the Shire of Swan monitor their emissions for small particles; and if none do so, how is the Department of Environmental Protection assured that emissions meet these levels?
- (3) Are all brickworks in the Shire of Swan monitored for hydrochloric acid emissions; and if not, why not?
- (4) Which brickworks have Hellmich scrubbers?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. Licences for brickworks in the Shire of Swan have a limit set for particulate emissions which is equal to 0.15 grams per cubic metre, expressed dry at 0°C and 1.0 atmospheric pressure - 101.325 kilopascals - which ensures the protection of public health.
- (2)-(3) No. Brickworks in the Shire of Swan are not required to monitor their emissions for small particles. It is the Department of Environmental Protection's experience, based on historical data available and complaints received, that particulates from brickworks in the Swan Valley are not a significant problem. Licences for brickworks in this region have a limit set for particulates which can be used if the particulates are identified to be a problem from complaints or other information received.
- (4) The Metro Brick premises in Bellevue has a Hellmich scrubber.

REID HIGHWAY, CARINE, EXTENSION

290. Hon NORM KELLY to the Minister for Transport:

In regard to the planned extension to Reid Highway in Carine -

- (1) Has Main Roads WA conducted any survey of local residents since the trial closure of Everingham Street in December 1998?
- (2) If so, will the minister table the results of any consultation work undertaken?
- (3) Did Main Roads have any access to any City of Stirling ratepayer feedback that has been received since the trial closure?
- (4) If so, to what degree has there been support for the connection of Everingham Street to Reid Highway?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) Main Roads has received advice from the City of Stirling that, based on the ratepayer feedback and data collected, the council supports the connection of Everingham Street to Reid Highway.
- (4) It appears that a majority of people support the connection. With regard to the Reid Highway project, I am pleased to advise that, as a result of community input and the efforts of the member for Carine, a pedestrian overpass will now be included over the highway in the vicinity of Pendine Street. This facility, which is in addition to a pedestrian overpass planned near Everingham Street, will provide convenient access for local residents to recreational facilities at the Carine open space.

RESOURCE PROJECTS

291. Hon GREG SMITH to the Leader of the House representing the Minister for Resources Development:

Can the minister provide to the House a list of major resource projects that are likely to come on stream within the next two years?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. It is an important question and talks about positive things, which makes a nice change.

Substantial work is being done on numerous projects and the exact timing of when a commitment is made to proceed with a project and when commissioning will occur depends on financing arrangements, international markets and construction schedules. However, major projects which have capital expenditure of greater than \$100m and which are under consideration at this time are as follows -

Gorgon LNG, \$8b	Hope Downs Iron Ore Mine, \$450m
North West Shelf Project, \$8.4b	Mining Area C Iron Ore Mine, \$200m
Kingstream Steel, \$2.7b	Nammuldi Silvergrass Iron Ore Mine, \$300m
Pilbara Petrochemical Project, \$3b	Mineralogy Iron Steel Plant, \$2.5b
AUSI Pty Ltd, \$1.9b	Mt Gibson Iron, \$1.1b
Anaconda Nickel Expansion, \$1b	Honeymoon Well Nickel Project, \$400m
West Angelas Iron Ore Development, \$1b	Lake Johnston Nickel Project, \$250m
Wagerup Alumina Expansion, \$700m	Ravensthorpe Nickel Project, \$720m
Ammonia-Urea, \$800m	Yukabindie Nickel Project, \$500m
Ord River Irrigation, \$500m	Legendra Oilfield Development, \$100m
Maroochydore Copper, \$200m	Macedon Oil-Gas Field Development, \$300m
Boddington Gold Mine Expansion, \$260m	Burrup Ammonium Nitrate Plant, \$190m
Kemerton Pigment Plant Expansion, \$470m	Syntroleum Gas to Liquids, \$550m
Kwinana Pigment Plant Expansion, \$200m	
Oakajee Deepwater Port, \$200m	

GOVERNMENT FLEET ASSETS, CONTRACT TO COLLATE DATA

292. Hon LJILJANNA RAVLICH to the minister representing the Minister for Works:

I refer to the engagement by the Department of Contract and Management Services of an information management and analysis contractor to assist in collating the fleet data from the vehicle managers and the Matrix Hirer database to develop a comprehensive cost view of the government fleet assets.

- (1) When was this contract awarded?
- (2) What was the value of this contract?
- (3) What was the length of the contract?
- (4) Are any public servants involved in assisting the contractor to collate the data?
- (5) If so, how many?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The contract was let on 1 February 1998.
- (2) A total of \$36 057 was paid to the contractor for collating fleet data in the first year of the contract. It is estimated that a similar amount will be paid to the contractor for collating fleet data in the second year.
- (3) Two years.

- (4) No.
- (5) Not applicable.

CONTAMINATED MINE SITES

293. Hon KIM CHANCE to the minister representing the Minister for the Environment:

- (1) Is the Minister for the Environment aware of claims that some former mine sites in the catchment areas of the Murchison, Bowes and Chapman Rivers are contaminated sites and may be causing heavy metals to leach into tributaries of these rivers?
- (2) If so, what action is planned, or has so far been taken, to verify these claims?
- (3) Has this matter been accorded a high priority in consideration of the effect that heavy metal contamination could have on the rock lobster industry offshore?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Initial investigations have been undertaken at three sites on the Bowes, Murchison and Chapman River catchments to determine whether mine tailings material is being eroded into waterways.
- (3) Investigations carried out to date have not determined whether erosion of the historic mine tailings is resulting in heavy metal contamination of waterways. The tailings material has been present within the catchments for over 100 years, with no direct evidence of pollution resulting from these mine sites. However, further monitoring of these rivers is planned by the Department of Environmental Protection in conjunction with the Water and Rivers Commission to determine whether heavy metal concentrations are elevated as a result of old mine sites in Northampton, Chapman Valley and Galena, which are a considerable distance inland.

STELLAR CALL CENTRES PTY LTD

294. Hon KEN TRAVERS to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the government grant offered to Stellar Call Centres Pty Ltd to set up a call centre at LandCorp's former head office at Joondalup.

- (1) On what date will Stellar open its call centre in Joondalup?
- (2) How many jobs will initially be created upon opening?
- (3) What targets in respect to employment and investment does Stellar have to meet to receive the government grant of \$1.35m
- (4) Under what financial assistance scheme is the grant being offered?
- (5) What rent will Stellar pay for the Joondalup premises?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Stellar Call Centres Pty Ltd plans to take over LandCorp's lease at Joondalup House later this month to become fully operational by December 1999.
- (2) Stellar Call Centres has targeted 100 full-time equivalents by the end of the first year of operation. The number on opening is not known at this stage.
- (3) Stellar Call Centres is required to create 225 FTEs by the end of three years in operation and invest a total of \$5.35m in capital investment, lease of the property and recruitment and training by the end of the first five years of operation in return for state government support.
- (4) Financial assistance was offered by Cabinet to Stellar Call Centres under the industry incentive scheme. Assistance is conditional upon the company reaching agreement with the Department of Commerce and Trade on specified performance milestones.
- (5) Stellar Call Centres has negotiated a commercial lease arrangement with the private owner of Joondalup House, the details of which are not known to the State.

PRISONERS, WOMEN

295. Hon GIZ WATSON to the Attorney General:

In respect of the overcrowding of women's prisons in the State -

- (1) Does the Attorney General intend to use Longmore detention centre to house prisoners in the future?
- (2) If so, when?

- (3) If so, will it house male or female prisoners?
- (4) Has the Attorney General considered alternatives to prison such as small rehabilitation centres including farms, community housing and enclaves in town for minimum security women prisoners?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) There are currently no plans to house prisoners at Longmore.
- (2)-(3) Not applicable.
- (4) While a person is a prisoner, he is required to be confined in a prison. We have introduced work camps and women prisoners can be included in this program. Pyrtton would meet the intent referred to in the member's question.

NERRIGAN BROOK, CONTAMINATION

296. Hon TOM STEPHENS to the Minister for Transport:

I refer to the expansion of Albany Highway on the Bedforddale Hill which has resulted in major contamination of the Nerrigan Brook with about 400 tonnes of mud swamping the brook and ask -

- (1) Can the minister advise whether the collection of this contamination is the responsibility of Main Roads Western Australia as alleged by the construction contractor Henry Walker Contracting Pty Ltd, or the responsibility of Henry Walker as alleged by Main Roads?
- (2) What remedy will affected landowners have to recover the cost of this very substantial damage?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Main Roads Western Australia is not aware of any major contamination of Nerrigan Brook as a result of roadworks on Albany Highway at Bedforddale Hill. However, if the member provided specific details, I would be happy to have the matter further investigated.
- (2) Not applicable.

YAGAN'S GRAVE

297. Hon HELEN HODGSON to the minister representing the Minister for Aboriginal Affairs:

- (1) How much funding has been allocated to find the location of Yagan's grave?
- (2) What progress has been made in finding the location of the grave?
- (3) Will the head of Yagan be placed in the existing grave once the bodily remains have been located or will the body be removed and reburied with the head at a different location?
- (4) Have members of the Swan Valley Nyoongah community or other Nyoongah elders been consulted about the planned eventual resting place of Yagan once his remains have been located? If so, who has been consulted?
- (5) Is the minister aware of any commercial development that may have been planned to be located around the resting place of Yagan? If so, what are those plans?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The Aboriginal Affairs Department has allocated \$50 000 and the Western Australian Planning Commission \$10 000.
- (2) Historical records have been reviewed as a basis for a physical search. An archaeological team headed by Emeritus Professor Richard Wright has been appointed by the Derbarl Yerrigan committee and commenced field work on 8 September 1999. The team is searching locations in order of the likelihood of success as indicated by the historical evidence and is currently working on lot 39 West Swan Road.
- (3) The Derbarl Yerrigan committee has indicated to the Aboriginal Affairs Department that if the grave is located, the head and body, will, if practicable, be reunited in the existing grave.
- (4) Yes. The Derbarl Yerrigan Committee for the Reburial of Yagan's Head has been consulted and will make the decision about the eventual resting place. The committee was elected at a Swan Valley Nyoongah community meeting in September 1997. Mr Robert Bropho of the Swan River Nyoongah community was present at the meeting. Mr Corrie Bodney was invited but did not attend. It is understood that the Derbarl Yerrigan committee is giving consideration to the eventual resting place. The committee comprises: Mr Richard Wilkes, chairman; Mr Theo Mitchell, vice-chairman; Mr Ken Colbung; Mr Albert Corunna; Mr Reg Yarran; Mr Alec Yarran; Mr Patrick Hume; Mr Merv Abraham; and Rev Cedric Jacobs.

- (5) The Derbarl Yerrigan Committee for the Reburial of Yagan's Head commissioned and has endorsed a master plan for the establishment of a memorial park, ossuary and cultural centre around, but separate from, the assumed location of Yagan's grave. The conceptual master plan specifically accommodates Aboriginal cultural requirements. It is understood that the Derbarl Yerrigan committee intends reviewing the master plan once the archaeological search has been completed.

WEEKS, MR ANDREW, EMPLOYMENT CONTRACT AND PERFORMANCE AGREEMENT

298. Hon TOM HELM to the Leader of the House representing the Minister for Health:

- (1) Does the Government's employment contract or performance agreement with the Chief Executive Officer of the Metropolitan Health Service Board, Andrew Weeks, include any reference to achieving cost savings or redundancies in our public hospitals?
- (2) Will the minister table a copy of Mr Weeks' contract and performance agreement and detail the criteria for the assessment of his performance?
- (3) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) The Government does not have an employment contract with the Chief Executive Officer of the Metropolitan Health Service Board, Mr Andrew Weeks. Mr Weeks is an employee of the Metropolitan Health Service Board, a statutory body which is not a senior executive service organisation for the purposes of the Public Sector Management Act 1994.

I am advised that Mr Weeks' contract and performance documentation does not contain any reference to achieving cost savings or redundancies in our public hospitals. I also advise the member that it is inappropriate for any employment contracts between statutory authorities and their employees to be tabled in response to a parliamentary question without fair consultation and due process.

The Ministry of the Premier and Cabinet advises that there is an established mechanism for the member to obtain a copy of these documents through the freedom of information legislation. If the member requires a copy of these documents beyond my assurances, I recommend he approach the Metropolitan Health Services Board and make an application under freedom of information to enable appropriate consultation with the relevant parties and process.

RM AUSTRALASIA PTY LTD

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

What is the estimated dollar value of the net benefit to the Education Department of replacing pre-existing arrangements with all goods and services procured from RM Australasia Pty Ltd through request for proposal No EDRFP002/1997?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The pre-existing administration system was an outdated system about 10-years old, DOS-based and which could no longer receive ongoing support from the vendor and was inadequate to meet the changing needs of the education system. It has been replaced by a comprehensive, integrated school information system which has incorporated substantial educational and reporting capabilities and provides significant benefits to schools and parents.

Some of the key benefits of the new package are the inclusion of individual student outcomes, the ability to report on these and provision for teachers to access and record information from their class desktop and, when the security issues have been addressed, from their own homes. In addition, the new package is in a Windows environment providing a simpler user interface. Among other benefits, it has the capacity to provide financial and asset information to assist schools in their increased self-management responsibilities. The educational benefits obtained by the department and the community through the use of the new system cannot be translated into a dollar figure. However, with the changes taking place in education, tools which help staff manage vital information will prove extremely valuable to both classroom teachers and administrators.

PINNACLES DESERT, VISITOR'S CENTRE

300. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for the Environment:

- (1) Can the minister please confirm whether the Department of Conservation and Land Management has developed a proposal for a visitors' centre to be established in the Pinnacles Desert within the Nambung National Park?
- (2) If so, can the minister provide details of how the proposal is constituted in relation to building structures, commercial facilities and roadworks?
- (3) Can the minister confirm whether Nambung National Park has been either world heritage listed or interim listed?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Consultants were commissioned in September 1998 to produce a master plan for visitor services and facilities within the Nambung National Park. There is a need for an interpretive centre and upgraded ablution facilities to cater for existing tourists and the anticipated growth in visitors in future years.
- (2) The consultants have consulted extensively with the local community and tourism interests and presented a final report to the Department of Conservation and Land Management on 9 September. The minister is awaiting comments and a copy of the report from CALM and will make a copy of the report available.
- (3) Nambung National Park is neither world heritage nor interim listed.

WEST AUSTRALIAN BALLET COMPANY

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

What steps is the minister taking to protect the West Australian Ballet Company and to secure its future, its functioning and operations for the people of Western Australia as a national ballet company?

Hon PETER FOSS replied:

For three reasons, I do not think I should go into a full explanation. Firstly, the biggest thing facing us at the moment is the Nugent report and the recommendations that may come from that report, because it may make significant recommendations with regard to the WA Ballet Company. Secondly, to the extent that I have had discussions with the WA Ballet Company, I do not think it is appropriate to make them too public. Thirdly, it is nearly 4.30 pm, and I would hate to go on for too long and extend question time.

WESTRAIL'S TRAIN CONTROL FUNCTION

302. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the minister confirm that 23 jobs in country locations will be lost as a result of the centralisation of Westrail's train control function in Perth?
- (2) Given the high costs associated with the centralisation of the train control function, why is this being undertaken in advance of the proposed sale of the Westrail freight network?

Hon M.J. CRIDDLE replied:

I ask that that question be placed on notice. I am not sure of the figures and will need to look at that information.

HOME AND COMMUNITY CARE, STANDARDS INSTRUMENT AND GUIDELINES SYSTEM

303. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Health:

- (1) Is every Australian State and Territory required to participate in the Home and Community Care national standards instrument and guidelines process?
- (2) What extra administrative services are being provided to enable service providers to participate in this process; and, if none, what priority does the process have?
- (3) Will the minister table the process and findings of the pilot testing in which Western Australia was recently involved; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Over the three-year phased approach, training and HACC project officer support will be provided to all service providers.
- (3) Yes. I seek leave to table the process and findings of the pilot testing that occurred in Western Australia in 1996 - an extract of the "Home and Community Care National Standards Instrument and Guidelines" publication. This publication has previously been provided to all home and community care providers.

Leave granted. [See paper No 201.]
