



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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1999

LEGISLATIVE ASSEMBLY

Thursday, 21 October 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 9.00 am, and read prayers.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT ACT 1999, TRANSITIONAL PROVISIONS

Statement by Minister for Labour Relations

MRS EDWARDES (Kingsley - Minister for Labour Relations) [9.02 am]: I wish to remove any doubts about the transitional provisions contained in sections 32(7) and 32(8) of the Workers' Compensation and Rehabilitation Amendment Act 1999.

As members would be aware, clarification on the transitional provisions was not read into *Hansard* because the opposition parties agreed to the legislation. However certain parties seem to have divergent views on the interpretation of these transitional provisions. Accordingly it would be prudent to place on the record a clarification of their meaning and clear intent. These closely reflect recommendation 29 of the Pearson review which dealt with transitional provisions. It has come to my attention that a number of lawyers may have been of the view that if an application were made prior to assent, workers may seek damages under the old common law provisions. Clearly this is not the intent of the amendment Act which was based on the wording of the Pearson review, which states -

those who have been granted leave to issue a writ, or who have issued a writ be able to proceed with their common law case under the current arrangements (ie. first and second gateways apply);

The wording of section 32(7) is clear. The new common law provisions do not affect the awarding of damages only if the proceedings have commenced or leave of the District Court was granted before the assent day.

I now refer to the common law transitional provisions in section 32(8) for injured workers who had not commenced proceedings or obtained leave of the District Court prior to the assent day. For these workers the intent is that if they were in the system at the date of assent, they will be able to elect in accordance with the new provisions; that is, if weekly payments commenced before the assent day, all workers with a significant disability of 16 per cent or more wishing to elect to claim common law must do so no later than six months after weekly payments commenced or three months from the date of assent, whichever is the later. The three-month period applies to workers who have been on compensation for longer than six months. It is emphasised that the transitional provisions were intended to apply equitably to all injured workers. The Insurance Council of Australia indicated it supports the intent of the legislation and will seek confirmation from its members. I am advised that two insurers, the AMP and the GIO, are not prepared to give this undertaking for legal reasons. I will now introduce a clarifying amendment to meet the Government's and this Parliament's commitment to the Pearson review recommendation.

ONSLOW SEAWALL

Grievance

MR BROWN (Bassendean) [9.05 am]: My grievance is to the Minister for Water Resources. On 5 May 1999, a public meeting was held in Onslow to discuss with residents the collapse of the seawall in Onslow and the flooding that occurred afterwards during cyclone Vance. Attending the meeting were representatives of the Water Corporation, Yos Mensink, Steve De Jussing and Lloyd Leith. Mr De Jussing prepared minutes of the meeting that I will quote to the Parliament. The meeting was called because of concerns that the Water Corporation through its contractors had worked in and around the seawall and that caused the collapse of the sea wall and the subsequent flooding of the town during cyclone Vance. I read the minutes prepared by the Water Corporation representative at that meeting, which state -

Lloyd Leith addressed the meeting with the evidence he had gathered during the day on the construction works undertaken in this area as part of the 1B infill project.

Lloyd made reference to documents provided by the contractor stating that NO rock was removed from the area during the construction of the sewer line. The contractor representative and the Water Corporation construction supervisor also supported these documents.

There was general counter claims from the residents present that there was rock removed and that an old compacted road existed prior to the earthworks and this was not reinstated after the infill construction.

Flick added that a line of Tamarisk trees had been removed as part of the infill construction works and that this added to the erosion of the area, due to the wave action directly on the area.

Jos intervened and suggested that the claims and counter claims would lead no where in this forum and required further investigation of the area to assess liabilities.

An action was suggested to appoint an independent consultant to investigate the drainage reserves and detail the reasons for the failure of the section of embankment that led to the flooding of 2nd and 3rd avenue.

The consultant should also investigate previous flood damage as a result of cyclones in the area.

Advise all parties on the completion of the investigation on the reasons for the failure and suggested improvements to reduce future events.

All present at the meeting agreed that this was the most appropriate action and should occur immediately.

Action:

Lloyd Leith to follow up on the availability of an independent marine civil engineering consultant and to appoint the consultant to conduct a review of the drainage reserve area and the impact of tropical cyclone "Vance" and associated damage caused the flooding of 2nd and 3rd avenue.

That was a public meeting at which public commitments were given by senior officers of the Water Corporation. The commitments were that an independent consultant with appropriate qualifications would be engaged to examine the matter, and that the results of the examination would be made available to the general community.

What has happened? The report is not being made available to the community. Let us look at the trickiness with which the Water Corporation is not making the report available. The report has been sought through the Water Corporation's solicitors and the insurers. In an answer I received from the Minister for Water Resources to my question on notice 691 earlier this week I was told-

The report is protected by legal professional privilege and forms part of the Water Corporation's brief to its insurers. As such, no information from the report is available.

It was an unbelievable, despicable, misleading of the Onslow residents. The Onslow residents were conned at that meeting. They were conned because they were told the matter would be independently investigated and that the report of the investigation would be made available to the residents. The minister has the power to release this report. If the engineers report says the Water Corporation is not liable and that the work undertaken by the Water Corporation and its contractors did not add to the flooding during cyclone Vance, why will it not be released? If the report gave the Water Corporation a clean bill of health, why has it not been put on the Table in the Chamber so that all can see it? It has not been put on the Table. This is government secrecy! It is not open and accountable government. This minister stood for an election on the platform that the Government would be open and accountable. This Government is not open and accountable; it is a secretive Government. This is government by misleading the people. Senior officers of the Water Corporation told people an independent consultant would examine the issue and it would release its finding. If the integrity of a government and the senior officers of the Water Corporation has ever been called to account, this is the time. The report must be released today. After this incident, and the prevarication by the Minister for Water Resources, one will have little reliance on the integrity of Water Corporation officers and the Government. The Government held a public meeting and said it would produce an independent report and release it to the people concerned. It has done the exact opposite. I call on the minister to come clean on this matter.

Ms MacTiernan: Hear, hear!

DR HAMES (Yokine - Minister for Water Resources) [9.12 am]: It amazes me how the member for Bassendean manages to beat himself into a frenzy over issues such as this when there is a perfectly simple explanation. I am sure he and the member for Armadale will sit quietly and allow me to explain so that they have a better understanding of the history behind this.

Mr Brown: My only problem is that I feel very strongly about the people of Onslow.

Dr HAMES: I did not interject when the member for Bassendean was speaking. He should keep his mouth closed and give it a break. He has had his frenzy. He should take his tablets and settle down.

The study on this report was split into two components. It was not one component, but two components. I do not recall exactly what words the member said but *Hansard* will record them. He said that the Water Corporation members said they would look into conducting an independent report. Then the people affected by the saltwater put in a claim. As a result, the Water Corporation through its insurers had to pay an independent consultant to provide advice so that the Water Corporation could do a report to resolve those claims when they went to court. That report was done for and by the Water Corporation for its insurers. As a separate issue and I quote -

The Shire has commissioned a study by consulting engineers Halpern Glick Maunsell, on the seawall and the bund wall -

I remind the member that the seawall and the bund wall are two separate things. He said the seawall failed. The bund failed; the seawall did not fail. The bund has nothing to do with the seawall. The shire commissioned a study after the bund failed. I quote again -

The Corporation has indicated to the Shire that it intends to contribute funds, as a gesture of goodwill, to repair the bund wall as part of the Shire's remedial works.

The Water Corporation has also indicated that it will assist the shire with the study. That study was to be done prior to the coming season, but the shire has put it off until after the wet. I do not know why the study has been put off. That independent study will be made publicly available. It is not the Water Corporation study.

Mr Brown: Just release the report!

Dr HAMES: It is not the Water Corporation study the member is talking about.

Mr Brown: The minister will never release it. It is secret government.

Dr HAMES: The member is misquoting information. He said the seawall was damaged. The seawall was not damaged. The Water Corporation did not touch the seawall. The bund wall is well in from the two seawalls near the ocean that keep

the sea out. A creek goes under the road. The bund wall stops the erosion from the inland floods that move into the sea, not the erosion from the seawater. A rock wall bund was created because those floods cause a huge amount of erosion on the beach. It has nothing to do with the sea. The bund was created to hold those waters while pipes underneath the wall take the water into the ocean. During the huge cyclone, the water came from the other direction; it came in from the sea. The poor little bund did not have a hope. It had nothing to do with the seawall. The report done by the engineers said the water came through the area where the Water Corporation contractors had removed part of the bund to do their work. However, the report said the contractors did everything correctly from an engineering point of view to put the bund back in the proper position. The wall would have failed anyway.

Mr Brown: Then release the report.

Dr HAMES: No, I will not release the report because it has nothing to do with this.

Mr Brown: The minister has a legal obligation to the people of Onslow to release the report. It is meant to be open and accountable government.

Dr HAMES: It is an internal Water Corporation report for insurance purposes. I discussed this with the Water Corporation because I wanted to release it.

Mr Brown: Then why does the minister not release it?

Dr HAMES: If the member would be quiet, I would explain. I was happy to release the report because it completely clears the Water Corporation. However, the Water Corporation said it would create a precedent of insurance companies requiring internal reports before legally defending claims against the Water Corporation. That is the reason the report was undertaken. The other report, by the shire, is the study. This report is an internal report that looked at the issues of defending the claims. That report exonerated it. However, the Water Corporation said it would set a precedent and it would prefer not to release it.

Mr Brown: He is the minister. He should override the Water Corporation.

Dr HAMES: I will not direct the Water Corporation.

Several members interjected.

Dr HAMES: Mr Speaker, it is hard to give an explanation when I have such little time and there are interjections across the Chamber. I will not direct the Water Corporation to release the report because I do not think it is that important. It is not the report it talked about with the people of Onslow. That report will be a publicly available document because it will be carried out by the shire and the Water Corporation to address a concern. The member for Ningaloo, and the Premier when he visited Onslow, did great work. As a result, I convinced the Water Corporation to provide \$15 000 compensation as part of the total package by this Government as a gesture of goodwill to assist those residents. This Government poured huge amounts of money into assisting the people affected by cyclone Vance, both in Onslow and Moora. This was part of the package. The Government gave each resident \$500 to help them get their gardens back into place. It is not a huge amount of money. Residents would have spent \$200 to \$300 on the water. If they had watered two hours a day for three months solid, it would cost between \$200 to \$250. They had to buy plants because all the plants in that small section died. The residents would have had to buy some palms and whatever else for their garden. It was a generous offer of \$500 by the Water Corporation to each resident when the Water Corporation was not at fault. It gave that money to try to assist the residents of Onslow. The member for Bassendean is poisoning their minds by saying that something has happened when it did not happen. He says the Water Corporation was at fault when it was not. The member says that a seawall failed when it was not a seawall. He is peddling untruths to the community and trying to sell a story of unaccountable government.

Mr Brown interjected.

The SPEAKER: Order! The member for Bassendean has had his go.

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the first time.

PATERSON'S CURSE

Grievance

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [9.19 am]: My grievance is directed to the Minister for Primary Industry and I bring to his attention a problem with weeds in my electorate. The particular weed I wish to discuss is Paterson's curse. It is a noxious weed which spreads and spreads and keeps spreading. It is widely established in Western Australia and first came here in 1895 as a garden plant. This weed is spreading prolifically around the Swan Hills area, not only in the hills but also in other areas such as the Swan Valley; Stratton is covered in it, it is in Swan View and it is growing along creek lines and road verges. Paterson's curse is a weed which is moderately invasive of the bush but affects paddocks and grazing areas.

I bring this grievance to the minister's attention because several constituents have telephoned me with different grounds for concern. Some telephone on environmental grounds because Paterson's curse is an exotic weed and should not be destroying areas of Western Australia, but one very concerned constituent telephoned me about the health issues associated with the weed. This person lives in an area with a lot of Paterson's curse and suffers severe hay fever which has turned into asthma. My constituent said that she has been told that this development is due to amount of Paterson's curse in the area. My electorate officer rang Agriculture Western Australia and received an astonishing answer. She was told that Agriculture

Western Australia no longer considers Paterson's curse to be a noxious weed in the metropolitan area. The people who made that decision must live and work in St Georges Terrace and not know my electorate comprises over 1 500 square kilometres of the metropolitan area and is mostly grazing lands and paddocks.

Mr Bloffwitch: If you are ever short of a bit you can always come up to Geraldton because we have tonnes of it.

Mrs van de KLASHORST: That leads me to my next point, which is that if we do not control this weed in the metropolitan area, it will begin spreading throughout the State and into the farming regions. I visited Northam to look at the migrants exhibition on the weekend, and all along Toodyay Road and across the backblocks to Northam the paddocks are purple when they used to be green. Paterson's curse is cursing those areas. Agriculture Western Australia must reconsider its decision and reinstate Paterson's curse as a noxious weed in the metropolitan area. People living in these areas need to be encouraged - I do not know how; maybe there needs to be some monetary consideration - to grub out and get rid of this weed. My husband was walking across our paddocks two days ago and found two of these plants. We have been there 33 years and have never before had any Paterson's curse on our place. My husband found that it is getting into the next door neighbour's property as well. If people are not encouraged to control this weed, it will affect all of the farmers in our region. It is spreading to the wheat areas outside Toodyay and further out into the country. I ask the minister to do something about this and to encourage Agriculture Western Australia to take this situation seriously. Paterson's curse is a weed which should be controlled and I seek the minister's help in doing that.

MR HOUSE (Stirling - Minister for Primary Industry) [9.23 am]: The member has raised an issue which is a genuine problem right across Western Australia. In her case it is Paterson's curse, but the fact is a number of noxious weeds have spread across the State for one reason or another. Depending on what area members come from, a different prominence is put on that weed. I am sure if the member for Swan Hills spoke to my ministerial colleague, the member for Warren-Blackwood, he would tell her that arum lily is a problem in his area. The problem weeds in the Kimberley are different from those in the south of the State and so on. I understand the problem the member has raised and as farmers we understand the damage those weeds can do to agriculture in this State.

Each year in the budget the Agriculture Protection Board is allocated money from the consolidated fund. That board is charged with the responsibility of administering those funds and prioritising the problems we have so we can deal with them. I will return to that in a moment because it is important. We also have a process of regional committees which prioritise the problem flora and fauna in each area - although we will concentrate on the weeds at the moment. The information comes through a series of groups of people set up by farmers and landholders across the State to make their advice known to the Agriculture Protection Board. The board consists of a wide-ranging group of people, including landowners, and its job is to sort from the information its receives from the regional committees a set of priorities and to determine how to tackle the problems. At the end of the day the legislation is very clear that pests, both fauna and flora, are the problem and the responsibility of the landowner. It has been the case for 100 years or more that all Governments have tried to coordinate the approach and give the best scientific advice. These days that could be biological advice gained from scientific people who work on these issues, and we apply that advice to the ground. However, at the end of the day it is the responsibility of the landowner.

With regard to the specific issue raised by the member, we have a problem in the outer metropolitan area where subdivisions have occurred and the people responsible for those subdivisions are often not as careful, considerate or understanding about their responsibilities as we as primary producers might be. The Government has implemented a system whereby the local shire or council can have a plant declared in an area and Agriculture Western Australia will accept that advice through the Agriculture Protection Board. We have a series of Agriculture Protection Board officers who can go to properties and remind owners of their responsibilities. If a plant is declared, at the end of that process there is a requirement for the landowner to take action on the plant. That might be to eradicate or to control it, depending on the status the local authorities, working in conjunction with the committees, place on the plant. Paterson's curse is spread over a huge area of the State as anybody who is out there a lot will know.

Mr Pandal: South Australia at the moment has an enormous amount of it.

Mr HOUSE: South Australia has lost control of many of the weeds which we are fortunate enough to still be able to control, but I am afraid that we are quickly getting ourselves into a position where some of these things are getting out of control in Western Australia as well.

Mrs van de Klashorst: Minister, are you telling me that the shire has to declare it, not Agriculture Western Australia?

Mr HOUSE: It is a two-stage process. The Agriculture Protection Board will give the weed a status. If the local shire or council disagrees with that status, it can appeal, and I have instructed the Agriculture Protection Board that it must accept that position from the local authority.

Mrs van de Klashorst: Do you mean that if the local shire decides it is not a weed, the Agriculture Protection Board cannot do anything about it?

Mr HOUSE: It can overrule the shire but it usually would not because we have tried to implement a system whereby the local advisory committees receive the advice so we at least get the support of the local people. I repeat that at the end of day the landowner has the responsibility to eradicate those plants.

Mrs van de Klashorst: Including masses of Homeswest land?

Mr HOUSE: That is the responsibility of the landowner. If it is Homeswest in this case, it is Homeswest's responsibility.

Mrs van de Klashorst: What about roadside verges?

Mr HOUSE: The road verges of shire roads are the responsibility of the shires, and the verges of main roads are Main Roads' responsibility.

I understand that some of these problems are of such magnitude that they might not be able to be resolved in the way I have outlined. Work has been done on some biological control agents, specifically in this case to deal with Paterson's curse. About six agents are being trialled at the moment, with the focus on achieving rapid distribution.

Mrs van de Klashorst: Are they being trialled in the rural area only or also in the metropolitan area?

Mr HOUSE: I am not sure where they are being trialled. However, the same application process will apply. I will provide a briefing for members. Biological control is the way of the future. It can be done in a number of ways, either genetically or by using insects and so on. The Government is working on a range of mechanisms.

SCARBOROUGH SENIOR HIGH SCHOOL SITE, REZONING

Grievance

MS MacTIERNAN (Armadale) [9.31 am]: My grievance is to the Minister for Planning, and it concerns the proposed rezoning of the Scarborough Senior High School site from its current public purposes reservation to an urban zone. In proposing this rezoning, the State Government has made no provision for any public open space. It is a magnificent site and there is a very real need for such a provision.

Mr Speaker, you are aware of the history of this site. In 1998, when the Government embarked on a program of what is euphemistically described as "high school rationalisations" -

Mr Kierath: Why is the grievance directed to me? Rezoning is initiated by the owner of the land and the local council.

Ms MacTIERNAN: The owner of the land is the State Government. The minister and others can play ducks and drakes, but at the end of the day this is a decision made by the Minister for Planning. The Opposition wants an answer from the Government; it does not want the Government to try weasel out between the Minister for Planning, the Minister for Lands and the Minister for Education of what was a very clear undertaking to the people of Scarborough. If the minister wants to tell the people that he will not answer this grievance because it is not his responsibility, he can do so. However, the Opposition will ensure that the people of Scarborough know about it.

The Scarborough Senior High School occupied that site for some 40 years and was an integral part of the community. As you know, Mr Speaker, there was much heartache at the closure of the school. Not only were the people witnessing the demise of an educational facility, but they were also losing recreational opportunities and a major area of public open space. The site is almost 9 hectares and has fantastic panoramic views to Rottnest. Promises were made by the Minister for Education that the land for community use would include that occupied by the hall, the gymnasium and the swimming pool. Land for public open space and parking would also be made available. Other commitments were made on the Education Department's undertaking necessary maintenance work on the swimming pool, the hall and the gymnasium before the handover. These commitments were made by the Minister for Education to assuage community feeling.

Not only has the Government completely abandoned these commitments, it is now doing a Pontius Pilate. Just as this minister is saying it is not his problem, and just as the Minister for Education is saying it is not his problem, the Government as a whole is saying that it is an issue for the City of Stirling. It is forgetting the commitments it made.

Hon Ed Dermer, MLC, asked a series of questions about what the Minister for Education would do to honour his commitments. The first question related to the commitment about the gymnasium, the swimming pool and other local facilities. The minister responded that arrangements had been finalised to assist the City of Stirling with additional community recreational facilities using some funds raised from the sale of Scarborough Senior High School. Therefore, the commitment relating to the gymnasium and the swimming pool had been changed very substantially; in fact, there was no longer a commitment. Money would be provided to the City of Stirling to build a facility somewhere else.

The far more important issue is that of public open space. That is the issue the Opposition wants the Government to address today. When Hon Ed Dermer asked the Minister for Education, through the Leader of the House in the other place, what proportion of the site would be reserved for public open space, the response was that the Education Department does not determine the proportion of public open space that is required and that any development would need to adhere to local government requirements; in other words, the minister was saying that it was not his problem and that the Government would ignore its commitments to the people of Scarborough by handing the issue over to the local government authority.

Under the local government provisions and guidelines, it is likely that not more than 10 per cent of that land - if that - would be set aside for public open space as part of a subdivision. That is clearly inadequate; that will not provide sufficiently for the people of Scarborough. We know it is a relatively densely-populated area and there is a shortfall in public open space. This opportunity has been presented to redress that situation. The site has some very beautiful trees, including a stand of tuart trees planted by former students as a memorial to fallen soldiers.

The Opposition is asking the Government as a whole, and in particular the Minister for Planning, to honour that commitment and not to agree to the rezoning. The Government should ensure that at least 50 per cent of this site is set aside as a public reserve and that it is zoned appropriately. At least 50 per cent of the site should be zoned as parks and recreational reservation. Anything less than that would be entirely unacceptable to the people of that community. Indeed, many of them believe that 100 per cent of the site should be made available. We should not repeat the situation at Leighton Beach and the Swan Brewery, whereby more and more publicly-owned prime real estate is being handed over for the benefit of the few.

MR KIERATH (Riverton - Minister for Planning) [9.38 am]: Mr Speaker, I know that you have a very strong interest in this site. I am disappointed in the member for Armadale because this grievance should have been directed to the Minister for Education.

Ms MacTiernan: He says it is not his problem.

Mr KIERATH: I am not trying to pass the buck. I will answer the member's grievance and try to explain the processes as best I can.

Ms MacTiernan: The processes -

Mr KIERATH: I have some information I want to put on the record first. High school sites have special zoning under the metropolitan region scheme, and for them to be rezoned urban certain things must happen. First, the owner of the land - in this case, the Education Department - must apply for rezoning. We have a Bill before this House relating to rezoning rights of appeal. The local council has the absolute right to say whether that rezoning can be initiated. Once it is approved, two processes must be followed. The first process is to amend the metropolitan region scheme, which is being done at the moment; and the second process is to amend the local district planning scheme.

Ms MacTiernan: Who is responsible for amending the metropolitan region scheme?

Mr KIERATH: The member for Armadale should let me finish and get my notes on the record; then I will answer any questions she wants to ask. The Education Department has gone through due process with the City of Stirling and that council has agreed to allow the rezoning process to commence. Public submissions were sought from the community and 73 submissions have been received as part of omnibus amendment No 4. Forty-two submissions, almost two-thirds, relate to the rezoning of the high school site. There is therefore a great deal of interest in the matter. The public submission process closed at the end of the past week and the Western Australian Planning Commission will now set up a panel to consider those submissions, review them and make a recommendation. That recommendation will come to me at some stage and it will then come into both Houses of Parliament and be subject to disallowance by either House. The owner has a right to initiate a rezoning.

Ms MacTiernan: Who is the owner?

Mr KIERATH: The Education Department. As I said, the one who has control of the land is the Minister for Education.

Ms MacTiernan: Don't go on with this rubbish!

Mr KIERATH: It is.

Ms MacTiernan: You, as the Minister for Planning, take an active part in cabinet decisions.

Mr KIERATH: The member for Armadale gets caught out because she does not understand the process and tries to blame the wrong people. From the Minister for Planning's point of view, the project is going through due process; it has just completed the public submissions process; those submissions will be considered; a recommendation will be made to me; and it will then come into both Houses of Parliament, where the member for Armadale will have an opportunity to have a say. If both Houses agree to the recommendation, the district planning scheme at the local level will go through virtually, but not quite, the same process again. That process will not involve a decision by the Houses of Parliament. However, the local scheme must be advertised seeking public submissions, the council will make its recommendation on those submissions and it will go through that second public process. The first public process to change the metropolitan region scheme has just commenced; submissions are now closed and are being considered. I do not know what recommendations will be made to me because the Planning Commission has not made up its mind as it has not completed assessing the submissions. From past experience, I know that the Planning Commission generally takes very good account of any related planning issues and will make appropriate recommendations. When those recommendations have been made, I can either agree or disagree with them.

Ms MacTiernan: We are telling you just to agree with them.

Mr KIERATH: If I agree with them, I will bring them before both Houses of Parliament, when either House may disallow them. That is the proper public process and reflects the intent of the legislation. The member for Armadale would have us do something different by not following the legislation. All I am saying is that the proper process should be followed. After the Parliament has dealt with the scheme, the issues of the areas to be set aside for public open space and broad urban zoning will be determined at the time of designing the subdivision and amending the local town planning scheme.

Ms MacTiernan: Rubbish!

Mr KIERATH: It is not rubbish. The broad zoning of an MRS urban amendment can have housing, shops, roads, parks, public open space and a range of other things under the orange colouring of the MRS. The detail of it is decided at the time the subdivision design and the local town planning scheme are considered. Those are the facts for the member for Armadale. It is her problem if she chooses to ignore them and to mislead people by increasing their hopes of going down other paths that will get them nowhere. I am saying to the community that 42 submissions have been made - which is good - which will be considered in the decision-making process. If people are unhappy for any reason with the decisions that are made in that process and in these Houses of Parliament, they will have a second bite of the cherry, and probably a more important one, to put their best foot forward and to include all their reasons when the local town planning scheme is amended. My advice to the community is that that is when it should put forward its best arguments and reasons for doing certain things. The community should not be fooled by the member for Armadale, who will lead it up the garden path to nothing at the end of

the day. If it gets nothing else out of this, it should at least listen to the advice from the Minister for Planning. Its best chance of affecting the design of the site and how much public open space will be allocated, etc is when the local town planning scheme is amended; that is the time to do it. If the community follows the advice of the member for Armadale, it will not end up getting its views considered in the design of the site. Before the site is sold the owner of the land can impose conditions on it, which is why I suggested to the member for Armadale that she should be talking to the Minister for Education.

Ms MacTiernan: He says he is not interested.

Mr KIERATH: The question really should be aimed at him.

Ms MacTiernan: He says it is not his problem.

Mr KIERATH: The minister, as owner of the land, can put certain conditions and controls on the land. It is my suggestion to the community that it follow my advice and not the advice of the member for Armadale.

RUBEK MADE IN WA AUTOMATIC DOORS - BUY LOCAL

Grievance

MR BAKER (Joondalup) [9.45 am]: My grievance is directed to the Minister for Works and Services and relates to the extent, if any, the State Supply Commission seeks to support Western Australian-owned and operated businesses and WA-manufactured products when procuring goods and services on behalf of the State Government's various departments and agencies. I also wish to raise concerns about the way in which the State Supply Commission seems to have adopted a policy of specifying foreign brand names when drafting tender specifications for various state government-controlled construction projects.

One recent case which highlights the need to redress the State Supply Commission's policies in these areas involves a business known as Rubek Made in WA Automatic Doors based in Wangara, Perth. That is a very catchy name and I would have thought that it indicates the location of the proprietorship of that business. The business, as the name hints, which is WA-owned and operated, produces automatic-controlled doors. It is the only WA manufacturer of automatic door-opening equipment in WA. It is wholly WA owned and operated and employs many staff. It has been operating in Wangara now for some six years and has a long history of tendering for government projects.

Several weeks ago the company was awarded a contract to install a large Rubek automatic door at the Sir Charles Gairdner Hospital. During the course of installing the door Mr Rudolf van Sambeek received a direction to stop work and to replace his own WA-made product - his own Rubek door frame and associated electronics - with an eastern States product sold by a foreign-owned and controlled company. This was despite the fact that the architect for these works was very happy with the WA product, as was the maintenance manager of the hospital. Subsequent inquiries disclosed that the reason for this was the tender specification for these works specified that a specific, foreign-owned brand name door was to be installed in preference to WA or Australian-owned and operated products.

Ms MacTiernan: This is what privatisation does for you.

Mr BAKER: The member should be patient; there may be some good news.

Of course, Mr van Sambeek was very disappointed but, frankly, he told me that he was not surprised at this bizarre requirement as it had happened previously. He has seen foreign-owned companies being given de facto preference in tender specifications because the specifications require a certain brand name of equipment to be installed or used in conjunction with the manufacture and installation of doors of this kind. Mr van Sambeek has told me, as I said, that this is not the only instance in WA where government tender documents have given an express preference for overseas-owned products, despite the fact that the WA or Australian-owned product is much cheaper, of vastly superior quality and has more generous warranty and maintenance conditions attached to it. Mr van Sambeek produced a litany of cases for me where a foreign or interstate-owned manufactured product has been given preference in tender specifications. I will give some examples for the purpose of *Hansard* of automatic doors for which Mr van Sambeek's company tendered but which tenders were unsuccessful: Hollywood Hospital, three; Joondalup Health Campus, seven; Peel Health Campus, nine; Bunbury Health Campus, nine; Fremantle Hospital, seven; Port Hedland Civic Centre, two; Manjimup Courthouse, one; South Hedland justice complex, two; Bunbury College of TAFE, four; Technology Park in Bentley, various buildings with numerous numbers of foreign-manufactured doors; Mirrabooka Library, four; Mirrabooka Police Station, two; Cannington Police Station, two; Central Police Station, Perth, four; various universities, 25; and the Whitfords Senior Citizens Centre, four. It may be that some of these developments were not controlled in any way by the Western Australian Government or through the Department of Contract and Management Services. In any event, on those numbers alone, he estimates that he has lost well over \$100 000 worth of work which, in turn, has meant that various employment opportunities which he could have offered to the young people of Western Australia have fallen by the wayside. I am instructed that the tender specifications for all of these contracts expressly excluded the WA-owned and manufactured product, or did so impliedly by specifying a brand name which was not WA owned. As the minister will agree, this situation is absolutely ludicrous. The Government is either fair dinkum or not fair dinkum about supporting local businesses, particularly those which are owned and operated in Western Australia and which manufacture goods. If the Government is not fair dinkum about this, the State Supply Commission and CAMS should, as Mr van Sambeek has said to me, come out of the closet and say so rather than continue to mislead local businesses. If we are truly fair dinkum about supporting the small business sector and locally owned and operated businesses in this State and creating jobs for young Western Australians, all government tenders should contain an express provision to the effect that WA-owned and operated businesses and WA-manufactured products should be given preference. This is assuming that there are no price variables which would make it prejudicial for the relevant government

department or agency to secure the local product. Of course these local businesses should be given preferences over other businesses which are essentially owned and operated overseas. In the automatic door industry, the vast majority of businesses in Australia import their products from overseas countries, such as France, Indonesia, the United States and the United Kingdom.

I am asking the minister to undertake to inquire into this matter and to support WA-owned and operated manufacturing businesses. In view of the experiences with the various Western Australian contracts for which Mr van Sambeek's company has tendered, should he simply consider relocating his operation overseas, employ cheap labour and advertise the fact that he is a foreign-owned and based company which employs foreign labour and makes products overseas, and will this have the effect of ensuring that he is successful in securing more contracts on a state basis? I have told him that this is not necessary and I am sure the minister will take the requisite remedial action to give WA-owned businesses and operations preference in respect of these tender documents. As I indicated earlier, the name says it all - Rubek Made in WA Automatic Doors. He very proudly displays the WA-owned and operated logos on his letterhead and on all of his advertising paraphernalia.

MR BOARD (Murdoch - Minister for Services) [9.52 am]: I thank the member for Joondalup for raising this grievance today. I will deal with it in two parts. Firstly, in regard to the suggestion that we may inquire into the tendering arrangements in regard to automatic doors and the fact that Rubek Made in WA Automatic Doors feels that we are not purchasing Western Australian products, I say to the member that we will investigate that issue and why it seems that a certain requirement - particularly through the Health Department - which seems to be shutting out Rubek from being successful in those tenders is a requirement. In general terms, the Western Australian Government has a very strong thrust to buy local and to support small and medium businesses in Western Australia. Only recently in this Parliament, in response to a number of questions and a previous grievance from the Opposition, we have demonstrated the huge amount of additional resources and government spending that is supporting small and medium businesses throughout Western Australia, particularly in regional areas. I have also just received some information indicating that 70 per cent of contracts awarded by CAMS are under \$100 000, over 90 per cent of which are awarded to small and medium businesses.

Mr Baker interjected.

Mr BOARD: All the small and medium businesses which are owned and operated in Western Australia. The suggestion that preference be given to Western Australian companies is already entrenched in the buying wisely and buying local programs and in our Birthmark program. In fact, on many of the contracts that go forward, a weighting is given in the tendering process for companies which are registered in Western Australia and which employ Western Australians. We have an even stronger preference in regional areas. The member would know that we have a regional buying compact in regional areas which gives us 5 per cent on works and services and 10 per cent on goods and services up to \$50 000. On major outsourcing projects we are looking at a preference of about \$500 000. We are finding that about 80 per cent of regional contracts are being won by regional businesses.

Notwithstanding that, throughout Western Australia, particularly in regional areas, we have been holding a number of "Selling to Government" forums which small and medium businesses are encouraged to attend. We make sure they introduce themselves and their products to CAMS and are available for panel contracts from which government agencies can select. We also make sure that we are spreading the work as far as possible between as many Western Australian businesses as possible. The Government's "Contracting Information Bulletin Board", which has now been operating for about 18 months, is one of the most heavily visited government web sites. Over a few months it receives about 100 000 visits, particularly by small business-people who want to access government work, whether it be people wanting to sell us pencils or those who want to do painting and electrical jobs. I demonstrated in this House a few weeks ago that about 85 per cent of our building and construction contracts are being subcontracted to small, often one-man, operations.

The thrust of the member's grievance today is about an even stronger preference for Western Australian companies, particularly those which are manufacturing products in Western Australia. It is true, and we have discovered throughout some of the agencies, that there has been a preference for brand names in many cases. It occurs particularly in the electronics area. Often a product from a large corporate company, which has been producing goods and is recognised throughout the world, may look like a better purchase than a product which is manufactured and supported locally. In that instance, it is like all other products in the marketplace - one must not only be able to demonstrate the product, but also make sure that, in open competition, it can stand up to the products of some of the major corporate companies. In regard to that, we are looking at how we can strengthen the regional buying compact and our buying local policies. At this time we are looking at a proposal, which I expect to take to Cabinet in the not too distant future, which will solve some of Mr van Sambeek's problems. I do not know the technical details of Mr van Sambeek's doors. I am not sure why specifications may shut him out from that particular supply. Something about the particular product or jobs may make it difficult. However, if it is a question of some people making decisions based on brand names or on habits of the past, we must address those issues through our policy to ensure that happens throughout the agencies. We can draw up a buying wise policy and have it implemented throughout our agencies, right through to the project managers and those who are putting tender specifications together. We have made our major thrust over the past few months and we will continue to do so to make sure we have consistency in government purchasing, focusing particularly on local products.

The grievance the member for Joondalup has raised is a timely one. We will make a commitment to look at the specifics in regard to Rubek Made in WA Automatic Doors, and I will come back to the member on that matter. We are addressing the issue of buying locally and giving it more strength in our tendering process.

The SPEAKER: Grievances noted.

SALARIES AND ALLOWANCES AMENDMENT BILL 1999*Introduction and First Reading*

Bill introduced, on motion by Mr Cowan (Deputy Premier), and read a first time.

Second Reading

MR COWAN (Merredin - Deputy Premier) [10.00 am]: I move -

That the Bill be now read a second time.

I am pleased to present to the House the Salaries and Allowances Amendment Bill 1999. This Bill is designed simply to remedy an inequity that exists with regard to the process of review and determination of remuneration for part-time members of tribunals and boards. The present provisions of the Salaries and Allowances Act limit the power of the Salaries and Allowances Tribunal to make determinations of remuneration only in respect of persons who hold an office of a full-time nature.

Members will be aware that many chairpersons and members of tribunals and boards perform important functions in the administration of justice on a part-time basis. Being part-time officeholders, they do not have access to processes of regular review and determination of remuneration that would maintain parity with the remuneration of other similar officeholders.

The majority of Acts creating the various tribunals and boards, and providing for the appointment of part-time officeholders, do not provide for any such formal review process. These Acts also leave the question of determination of an appropriate rate of remuneration at the discretion of the minister responsible for the particular body. The inequity to which I referred earlier arises from a combination of factors. Firstly, there is the exclusion from the formal system of review and determination provided by the Salaries and Allowances Tribunal, given the provisions of the Salaries and Allowances Act. Secondly, there are the informal and ad hoc practices and procedures with regard to the review and fixing of remuneration, given the various arrangements associated with the creation of "part-time tribunals and boards and officeholders". The end result is that many part-time chairpersons and members of these tribunals and boards have not received any increases in remuneration for in excess of 10 years.

The Bill seeks to empower the Salaries and Allowances Tribunal to make determinations on full-time and part-time officeholders. The amendments proposed by this Bill do not automatically make every part-time officeholder subject to a determination by the Salaries and Allowances Tribunal. Nor do they in any way alter the status, nature of the positions, or functions of part-time officeholders. Before any part-time officeholder can be the subject of a determination it will be necessary to amend the Act, which creates the position and specifies the method of remuneration fixing, to provide that remuneration may be determined by the Salaries and Allowances Tribunal. It will also be necessary to empower the Salaries and Allowances Tribunal to make a determination by including the title of the officeholder in the regulations pertaining to that tribunal.

The Bill is an important reform to some of the basic machinery of government. In a small, but important way, the Bill gives proper recognition to the important roles, functions and service provided by part-time officeholders of tribunals and boards. I therefore commend the Bill to the House. For the information of members I also table the explanatory memorandum for the Bill.

[See paper No 249.]

Debate adjourned, on motion by Mr Cunningham.

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) BILL 1999*Introduction and First Reading*

Bill introduced, on motion by Mr Day (Minister for Health), and read a first time.

Second Reading

MR DAY (Darling Range - Minister for Health) [10.04 am]: I move -

That the Bill be now read a second time.

I am pleased to introduce this Bill, the purpose of which is to facilitate the provision of health care services by health professionals who accompany overseas teams to major sporting, cultural and other events in Western Australia. The Bill addresses the consequences for overseas health professionals of legislation which regulates health professionals in Western Australia.

The State's health practitioner registration legislation generally makes it an offence for persons who are not registered with the relevant health registration board to practise a regulated health profession; or hold themselves out as being entitled or qualified to do so; for example, by using certain titles which may be lawfully used only by registered health professionals in Western Australia.

These provisions are intended to protect the public of Western Australia from harm that may result from the provision of health care services to them by persons who do not have the qualifications, experience or skill to provide such services safely and competently. The public is protected by requiring health registration boards to be satisfied that persons who wish to

become registered under one of a number of health registration Acts meet certain requirements for registration. One consequence is that health professionals visiting from overseas with teams participating in major events in Western Australia are required to obtain registration. If they fail to do so and practise their profession whilst in the State, they commit an offence under Western Australian law.

The granting of registration in these circumstances can be problematic. For example, a visiting health professional may not have a qualification which is required for registration in Western Australia. Or he or she may not be able to satisfy requirements relating to English language competency which are found in health practitioner legislation. Such requirements are relevant in the Western Australian context. But they are of little or no value in determining the competence of a non-English speaking doctor, for example, to provide health care to the members of a team from a non-English speaking country.

In short, there is little - if indeed any - benefit gained for the public of Western Australia from the involvement of the State's health registration boards in processing applications to register overseas health professionals who only intend to provide health care to the members of visiting teams. Moreover, registration requirements established to determine who may practise a regulated health profession in Western Australia may be neither relevant for, nor capable of being satisfied by, visiting health professionals.

To address this situation, the Bill proposes to exempt visiting health professionals from Western Australian health practitioner registration requirements. This exemption is achieved by the Bill authorising visiting health professionals to provide health care services in connection with special events which are declared by the minister. This authorisation applies to the provision of health care services only to members of the visiting teams to which visiting health professionals are attached. If a visiting health professional were to attempt to provide a health care service to a member of the general public, he or she would be practising outside the scope of the authorisation provided by the Bill. As a consequence, if this situation were to occur, the visiting health professional would still be liable to prosecution under the relevant health registration Act for the offence of practising the profession or holding himself or herself out as being entitled to do so while not being registered.

The Bill is modelled on comparable legislation which has been passed in New South Wales as part of the preparations for the Sydney 2000 Olympic Games. Passage of the Bill at this time will facilitate Western Australia's contribution to the Sydney games. It will do so by enabling overseas health professionals to accompany teams which are expected to come to Western Australia to prepare and acclimatise during the lead up to the games. For example, the Minister for Sport and Recreation has announced that the Greek Olympic team has decided to base itself in Western Australia during August 2000 to prepare for its participation in the games. Similar legislation has been passed in Queensland and Tasmania, and other States and Territories are intending to do likewise.

The House may recall that legislation with a similar intent was passed in Western Australia in 1985 to facilitate the staging of the America's Cup defence. However, that legislation was specific to that event and lapsed when the event finished. The approach taken in this Bill has been to frame generic legislation that can be applied to all such events in the future.

Health registration boards in Western Australia have been consulted about the Bill and have indicated their support for it.

I turn now to the main provisions of the Bill. Clause 4 defines who is a visitor for the purposes of the Bill. This definition determines who may be provided with health care services by visiting health professionals. The definition encompasses residents of another country who are in the State for the purposes of officially participating, or preparing for official participation, in a special event. It also includes persons who are appointed to assist participants in special events, such as trainers, coaches and other team officials. Clause 4 also acknowledges that a resident of Australia may be involved in an overseas team, either as a team participant or in a supporting role. It includes Australian residents who are in this situation within the definition of "visitor", so as to enable them to receive health care from visiting health professionals who are attached to their team.

Clause 5 defines who is a "visiting health professional" for the purposes of the Bill, and hence who is authorised by the Bill to provide health care services to visitors. A person is a visiting health professional if the person is a resident of another country, has been appointed to provide health care services to a visitor, and is not registered as a health practitioner under Western Australian law. In addition, notice of the person's intention to provide health care services to visitors must be provided in accordance with a procedure identified in the minister's order declaring the special event. The notification procedure is intended to enable relevant authorities to know who will be providing health care services as visiting health professionals during the special event. It also links to clause 14 which enables the minister to determine that the provisions of the Bill do not apply to individuals or classes of persons who seek to provide services as visiting health professionals.

Clause 6 deals with the declaration of special events by the minister. Any sporting, cultural or other event being held in the State may be declared to be a special event if the minister considers that the event will attract a significant number of participants from other countries. Special events declared in other States and Territories of Australia may also be declared to be special events in Western Australia if the minister considers that the event will attract visitors to the State. This provision recognises that there will be situations - such as the Olympic Games - in which Western Australia may not be hosting the event, but will nonetheless have an involvement which will result in visitors and visiting health professionals spending time in the State. The minister's order declaring a special event will be published in the *Government Gazette*. The order is to specify the period or periods during which the Bill's exemptions from committing offences under various state laws will apply. The minister's order is also to identify the procedure to be followed by a person who wishes to provide health care services as a visiting health professional.

Clause 7 authorises the provision of health care services to visitors by visiting health professionals. As indicated previously, a visiting health professional who attempts to operate outside the scope of this authorisation remains liable to prosecution

under the relevant Western Australian Health Practitioner Registration Act. Clause 7, in conjunction with clause 12, limits the operation of the authorisation to the periods identified in the minister's special events order under clause 6. Clause 12 also provides that the authorisations granted by clause 7 or under clauses 9 and 10 do not have effect if a visiting health professional fails to comply with the provisions of the Bill or any conditions placed on the visiting health professional by, or under, the Bill.

Clause 8 provides for conditions to be placed on the practice of a visiting health professional. A number of conditions are applied to all visiting health professionals by subclauses 8(1) and 8(2). These conditions provide that a visiting health professional may provide only health care services of a kind that may be lawfully provided by a registered health professional of the like profession in Western Australia; and a visiting health professional cannot possess, use or supply a therapeutic substance unless the substance can be lawfully possessed, used or supplied by a registered health professional of the like profession in Western Australia. This latter condition limits who may possess, use, or supply therapeutic substances to visiting doctors, dentists and pharmacists. In the interests of retaining some flexibility to deal with exceptional situations, clause 8 also provides that the minister may exempt a visiting health professional from either or both of the conditions in subclauses 8(1) and 8(2). Clause 8 also provides for other conditions to be placed on the practice of visiting health professionals, either by the minister's special events order under clause 6 or by regulations made under clause 16.

Clause 9 deals with access to therapeutic substances for use in providing health care services authorised by the Bill. The ability to administer therapeutic substances is an integral part of health care delivery for a number of health professions, most notably the medical profession. This is recognised by the Poisons Act 1964 which authorises the possession, use and supply of therapeutic substances by registered medical practitioners, dentists and pharmacists. Clause 9 acknowledges that certain visiting health professionals may similarly need to administer therapeutic substances to visitors, while also recognising the need for appropriate controls to be applied in this situation. Accordingly, the clause enables the minister to authorise visiting health professionals, either individually or as a class, to issue prescriptions for restricted substances and drugs of addiction; and to be sold by wholesale any substance which is scheduled under the Poisons Act 1964. The terms "restricted substance" and "drug of addiction" are defined by reference to the Poisons Act 1964. Essentially, they refer to therapeutic substances which can be accessed by a member of the public in Western Australia only by a prescription issued by a registered medical practitioner or dentist.

I make it clear that it is not the intention to make frequent use of the ability to authorise visiting health professionals to issue prescriptions for restricted substances and drugs of addiction. An authorisation of this kind would be the exception rather than the rule. However, where, for example, a visiting team or the organisers of a special event can show good cause why visiting doctors should be able to prescribe restricted substances or drugs of addiction for use by visitors, such an authorisation could be contemplated. In this situation, subclause 9(3) provides that the minister could grant the authorisation only if satisfied that adequate arrangements are in place to ensure that substances prescribed under the authorisation will be prescribed for, sold or supplied to, and used only by visitors. Such arrangements would most likely take the form of requiring special prescription pads to be used, nominating the pharmacies through which prescribed substances could be obtained, and requiring records to be maintained to account for all substances which are prescribed under the authorisation.

The Bill allows the granting of the authorisation to be made subject to conditions. This provision would be used to specify that these and other control arrangements considered desirable should be attached to any authorisation granted by the minister enabling prescriptions to be issued by visiting health professionals. The ability to authorise visiting health professionals to obtain substances by wholesale is likely to be more frequently used. For example, such an authorisation could be used to enable visiting doctors to replenish their supplies of therapeutic substances which are readily available to members of the public over the counter at any pharmacy.

An authorisation made by the minister under clause 9 will be able to specify the range of substances that could be prescribed, or obtained by wholesale, by a visiting health professional who is the subject of the authorisation. This would enable substances about which there may be a particular concern to be excluded from the scope of the authorisation. Finally, subclause 9(4) effectively limits who may be authorised to issue written prescriptions for restricted substances and drugs of addiction to visiting doctors and dentists.

Clause 10 enables the minister to authorise visiting health professionals to refer visitors for diagnosis and therapy by a person who is licensed to use irradiating equipment under the Radiation Safety Act 1975. Facilitating such referrals is particularly relevant in the context of major sporting events.

Clause 11 sets out a number of exemptions from committing offences under certain Western Australian laws. These exemptions are consequential on the authorisations granted by, or under, the Bill to visiting health professionals and others. Relevantly, the clause provides that a visiting health professional does not commit an offence against a health registration Act for providing health care services as authorised by the Bill. Exemptions from committing offences under the Poisons Act 1964 and the Misuse of Drugs Act 1981 are also provided for certain visiting health professionals who possess, use, or supply therapeutic substances in the course of providing health care services to visitors. Effectively, this exemption applies to the possession, use and supply of substances by visiting doctors, dentists and pharmacists, but only if the substances can be lawfully possessed, used and supplied by a registered medical practitioner, dentist or pharmacist in Western Australia; and the possession, use and supply of substances which are either lawfully imported into Australia or are lawfully obtained while in Australia. The reference to the lawful importation of substances accommodates the importation of therapeutic substances by teams participating in major sporting events in Australia, which is permitted under the Commonwealth's therapeutic goods regulations. Certain drugs to which the Misuse of Drugs Act applies are accessible by registered medical practitioners for therapeutic use in Western Australia.

Access to these substances by visiting doctors could be authorised by the minister under clause 9. The clause 11 exemption

accommodates this possibility. Visitors are also exempted from relevant offences, as are persons who are authorised by the minister to sell or supply substances to visiting health professionals.

As I indicated earlier, clause 12 limits the operation of authorisations under the Bill to periods of time notified in the minister's special events order under clause 6. It also makes clear that authorisations do not have effect if a visiting health professional fails to comply with the provisions of the Bill, regulations made under the Bill, or any conditions imposed by, or under, the Bill.

Clause 13 provides that a complaint may not be made about a visiting health professional to the relevant health registration board, nor can the board take disciplinary action against a visiting health professional. As visiting health professionals are not registered with the relevant health registration board, it is inappropriate for boards to have a role in dealing with complaints about them. However, the clause also makes clear that this does not prevent proceedings being brought against a visiting health professional for an offence against a health registration Act. This is to ensure that a visiting health professional can be prosecuted if he or she attempts to provide health care services outside the scope of the authorisation provided by the Bill - that is, to anyone other than a visitor.

Clause 14 enables the minister to determine that the provisions of the Bill do not apply to a specified person or class of person. Such a determination could be made if there is serious concern about the possible consequences of allowing an individual or particular group to provide health care services in Western Australia.

Clause 15 makes it clear that the Bill does not affect the lawful practice of a health professional who is registered as such under Western Australian law. A registered health professional could be engaged to provide health care services to visiting teams. Where this happens, the health professional concerned would provide health care services in accordance with the requirements of the health registration Act under which he or she is registered, and not as a visiting health professional under the Bill.

Clause 16 provides for the making of regulations under the Bill. Clause 17 requires the minister to conduct a review of the legislation after five years and to report the results to Parliament.

The Bill is a modest but important measure which should facilitate attempts to attract major events to Western Australia, and thus help to raise the State's profile around the world. Indeed, competition policy review of the Bill has concluded that Western Australia could be at a competitive disadvantage relative to other jurisdictions in seeking to attract major events if the Bill is not progressed.

As I indicated previously, Western Australian health practitioner registration boards have been consulted about the Bill, and are supportive of it. They recognise that the Bill should have no impact on their core responsibility, which is to protect the public of Western Australia. I commend the Bill to the House and for the information of members, table an explanatory memorandum for the Bill.

[See paper No 250.]

Debate adjourned, on motion by Mr Cunningham.

NEW TAX SYSTEM PRICE EXPLOITATION CODE (WESTERN AUSTRALIA) BILL 1999

Third Reading

MR BOARD (Murdoch - Minister for Works) [10.23 am]: I move -

That the Bill be now read a third time.

MR KOBELKE (Nollamara) [10.24 am]: The Opposition supports the Bill. In this debate I will comment on a few of the matters that came up during the second reading and consideration in detail of the Bill. The Government needs to follow through with legislation to support the move across Australia by the Commonwealth to provide protection against exploitation upon the introduction of the goods and services tax. Such a major change in our tax system will cause a great deal of disruption. In the atmosphere of the reorientation and disruption that will occur there will be the potential for exploitation and for people to be charged fees and extra costs which are quite improper. This legislation seeks to address that. On that basis the Opposition fully supports the legislation. The judgment as to the efficacy of the legislation and the enforcement agencies that will implement it is another matter. We hope that a good level of protection will be provided by this legislation and through the actions of the Australian Competition and Consumer Commission in enforcing it. However, only time will tell how effective the whole process will be.

This legislation is also part of the shift of powers to Canberra. The Western Australian Ministry of Fair Trading will no longer be the government agency that will have responsibility in this area as the Commonwealth's ACCC will take over the role. We see in this Bill one further movement of control and powers to the Commonwealth Government. As I said in earlier debate, that will add a level of complexity to the whole structure. I am concerned that as we continue to take steps like this and provide powers to the Commonwealth over areas of state jurisdiction which are complex and difficult to unravel, we will create a range of other problems. I emphasise that where there is cooperation and agreement between States and the Commonwealth, that this legislation will not fall over on the basis of conflicting interests and complexity. However, when situations arise, as they will from time to time, in which there is disagreement between the States and the Commonwealth, and the relationship is not working as smoothly as one would hope, this form of legislative framework opens up the possibility of a range of problems arising that cannot be solved because of the overlap of jurisdictions and the need to confer powers from one jurisdiction to another.

The Bill is based on the insertion into the commonwealth Trade Practices Act of a new part VB. The scheduled version of part VB, combined with the other relevant provisions of the Trade Practices Act, forms the basis of the New Tax System Price Exploitation Code. This Bill implements that code. The legislation covers all trading enterprises, individuals and State Government instrumentalities which may be involved in some form of commerce or the provision of services for which people are charged. The debate has given members a better understanding of the application of the legislation and the New Tax System Price Exploitation Code to government instrumentalities. They will be policed by the ACCC. However, we will have a problem in the start-up period before the policing by the ACCC. The minister explained that the state Ministry of Fair Trading would have responsibility until the enactment of this legislation. The commonwealth legislation, which is administered by the ACCC, has effect from 9 July this year, even though in principle it will not come into effect until 1 July 2000. That brings in an element of retrospectivity, which again adds to the complexity of who has responsibility. Up to the enactment of this legislation the body that people would go to with a complaint is the state Ministry of Fair Trading. Once this legislation is in place the appropriate body will be the ACCC.

It was not made clear - perhaps the minister can do so in his response - whether the Australian Competition and Consumer Commission will pick up complaints prior to the assent date and as far back as 9 July. At present, the Ministry of Fair Trading does not seem to have the powers to be effective here. It might be able to embarrass organisations by publicising examples of exploitation, but I do not think it will have the powers to be very effective in this area. One hopes that when it is up and running and has the powers conferred by this legislation, it will be an effective vehicle to protect the rights of people, should there be examples of potential exploitation. The minister was not able to provide advice about the number of staff the ACCC will locate in Western Australia, not because he was possibly avoiding the question, but rather because he was not able to gather it at the time.

In a whole range of areas, both commercial and government, we have a loss of jobs to this State because, using modern communications, the people who answer the inquires can be located anywhere in Australia. For the purposes of the ACCC, a number of officers who look after compliance in Western Australia might be located in Canberra or another capital city. It is most important to get an indication from the Commonwealth and the ACCC of how many of those officers will be located in Western Australia so that they understand the needs of Western Australians in pursuing complaints about possible exploitation. I hope the minister will be able to tell us now, or give an undertaking to tell the Parliament later, the plans of the ACCC about the number of staff that will be needed and, specifically, how many of those staff will be located in Western Australia.

Mr Bloffwitch: The member asked that during the second reading debate.

Mr KOBELKE: We have not received an answer. It is important to get that information and it is appropriate during the third reading debate to go over some of these matters. As I said, I do not think the minister is avoiding this issue; it is not within the area of his direct responsibility. We are handing this area to the Commonwealth and it is appropriate that we know the staffing commitments of the ACCC to fulfil the requirements being passed to it under this legislation.

The Bill does not bind the Crown. Clause 16 is entitled "Crown not liable to pecuniary penalty or prosecution". It raises a problem which is covered in the media today where the Government, through its taxation powers, can take advantage of the goods and services tax. Some people feel that the Government is involved in exploitation because it can place state taxes on top of the GST. People will already have been hit by paying a higher price, because in most areas the goods and services tax will increase the cost of the goods and services. The State Government stamp duty and its taxation on services and products are then placed on top of the goods and services tax. In the debates this week on other Bills which dealt with the goods and services tax, the Treasurer indicated that there is likely to be an increased taxation base for the State in some areas, such as stamp duty, because that will be levied on the final cost of the goods or services. The base on which the state stamp duty is placed is increased because of the GST, and that flows through to increased levels of tax take by the State Government. Just today the Property Council of Australia and the Chamber of Commerce and Industry have pointed out that double dipping by the State Government in placing its tax on top of the commonwealth tax places an additional burden on industry in this State.

Although this matter cannot be addressed in this debate, it is a very important issue, and one to which the Government has not responded adequately. As I have indicated, clause 16 states that the Crown is not bound by the provision which would enable the ACCC to look into charges. I might be wrong and maybe it can. Here we are dealing with stamp duty and taxes, which are the prerogative of the Crown and not an instrumentality of the Government. This Bill does not give the ACCC the ability to look at such government taxes and charges. I would appreciate it if the minister could correct me if I am wrong in this matter. There is no avenue to put pressure on the State Government to reconsider the way in which stamp duty is to be imposed as a tax on top of a commonwealth tax.

I now turn to the stamp duty on workers compensation insurance. This is a major problem for businesses and enterprises in Western Australia. Although it is not appropriate to go into it in this debate, it must be repeated that this Government has totally mismanaged workers compensation in this State. The charges in 1993 caused problems resulting in the current cost blow-out in workers compensation premiums. The Government knew this in 1995. The legislation, which was drafted in that year to return lump sum redemptions in an attempt to stop the blow-out in workers compensation premiums, has sat in this Parliament every year since then, and the Government has failed to proceed with it. We have asked every year since 1996 for it to come before the House. This Government has created the major problem with the workers compensation premium blow-out.

In addition to the mismanagement of the workers compensation system, this Government increased stamp duty on insurance, including that for workers compensation, from 3 per cent to 5 per cent. The tax take in stamp duty on workers compensation insurance premiums is approaching \$25m. I think the current tax take by the Government is about \$23m or \$24m in relation

to stamp duty for workers compensation premiums. In the debate earlier this week, the Treasurer indicated that, because the stamp duty is being placed on top of the goods and services tax, it is likely to increase the tax take of stamp duty on workers compensation insurance premiums by another \$2.3m. Industry in this State will have to pay a tax on a tax for the workers compensation premiums. As I understand it, under this legislation the ACCC does not have the power to call the State to account because of that. I, and I believe most of the Western Australian community, particularly small business, believe the Government is double dipping; that it is placing its stamp duty on top of the goods and services tax.

Under this legislation, the ACCC will not be able to look at the issue to make an independent judgment as to whether that is a fair and proper arrangement or is an example of the Government being involved in exploitation. I am sure many small businesses believe the Government is involved in exploitation, but this Bill does not provide a mechanism for that to be addressed adequately. As I indicated when I commenced my remarks, we support the legislation. However, we have concerns because it is part of a much bigger package. On the whole, we see the goods and services tax package as being unfair and aggressive and a major step backwards. It is not a progressive reform as the Government's propaganda would have us believe. Because this matter is a fait accompli - it is enacted and will start in earnest in July next year - we must ensure that whatever mechanisms we can assist the Government to put in place are put in place to provide some protection. This Bill is one element of the protective arrangements that must be put in place as part of the goods and services tax. At that level we support the Bill.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [10.39 am]: I thank those members of the Opposition who participated in this debate, and I also thank my colleague, the member for Swan Hills, for her assistance. The member for Nollamara raised a number of matters. He mentioned workers compensation and a number of issues that are outside the ambit of the Bill. However, issues that are not pertinent to a Bill are often canvassed by members in this place.

Mr Kobelke: The stamp duty is pertinent; there is a connection.

Mr SHAVE: Yes. However, the member digressed slightly on a number of other issues.

The member raised a couple of questions. He asked me about the number of staff who were employed, and that issue was discussed briefly yesterday. I have given the undertaking - I give it again - that I will provide those figures to the member. I will ask my staff to obtain a copy of his comments in the debate today and he will be provided with the figures he has requested on other issues that are pertinent to the Bill. If the member raises any other areas of concern, in addition to those that were discussed with me or my staff, the figures and the information will be supplied to him. I again thank members for their assistance during this debate. When the legislation is enacted, hopefully it will be beneficial to the people of Western Australia.

I return to the comments I made during the consideration in detail stage yesterday. Some people in the small business sector are concerned about what may happen in the future. It will be incumbent upon the Federal Government and the State Government to ensure that those people are fully aware of their position before 1 July next year and that the legislation is as uncomplicated as possible, because businesses, particularly small businesses, in Australia face enough government interference now, and the last thing they need is a system of accountability which is impractical.

Question put and passed.

Bill read a third time and transmitted to the Council.

CULTURE, LIBRARIES AND THE ARTS BILL 1998

Consideration in Detail

Resumed from 25 March.

Clause 4: Definitions -

Debate was adjourned after the clause had been partly considered.

Referral to Select Committee

MR PENDAL (South Perth) [10.44 am]: In accordance with Standing Order 173, I move -

That the Bill be referred to a select committee for consideration and report by 16 March 2000.

I apologise to the minister for the short notice. I sought advice in the last half hour about what avenues might be open to a member who is concerned about the contents of this Bill. I had the chance to raise this matter with my independent colleague and the Opposition at very short notice. Nonetheless, I have moved the motion.

This motion is intended to be the olive branch offered by the Parliament, by this House, to the Government for a Bill that is going nowhere. It is intended to be an opportunity for the Government to take a deep breath and to acknowledge that, apart from the Minister for the Arts, there is not a single, solitary supporter of this appalling piece of legislation - an appalling piece of legislation which runs counter to the policy that was produced for the coalition prior to the change in government. I happen to know something about that because I was largely responsible for the policy document. This is a face-saver. It is a device that allows the Bill to be stopped in its tracks - not for it to be defeated - and to be sent to a select committee, at least during the next four months, to ascertain whether there is any common ground. I suspect that there is not. The Bill is so one-sided in its effect of destroying the statutory basis upon which we run the arts community in Western Australia that it renders it one of the most illiberal pieces of legislation that it is possible to imagine. It affects people from north to south and from east to west, and if it is allowed to be passed, the independence of many other voluntary but statutory-based authorities in Western Australia will be the next target of the Government.

I presume that we get the chance to argue this matter in five-minute bites. According to the clock, I thought I had 58 seconds of my five minutes. I now understand I have 58 minutes of an hour. I can relax a little. That probably encourages a bit of verbosity. However, I am relieved by that.

I put this point to the Government: It does not need, with all its other baggage, to go to the next state election having gutted a large portion of the arts industry. It does not really matter whether the Minister for the Arts knows it or acknowledges that point.

This measure affects many members of Parliament of all persuasions who have received submissions from people who ordinarily would never pick up a pen with which to write a protest. I can think of a man I have known for a long time who is a mild-mannered, highly regarded, professional, gentle individual named David Forrest, with whom other members would have had contact. David Forrest is the most mild-mannered individual it is possible to know, yet he is stridently opposed to legislation which he says will gut arts administration in Western Australia. When one has people of that mild-mannered streak publicly and openly campaigning against a decision of a Government, one has a problem. It does not matter much whether the Minister for the Arts knows it, other members of Parliament know it, I know it and I hope other speakers will reflect that awareness when they address this matter.

I suggested in my motion that the committee should report back to the House by 16 March 2000. Frankly, if someone has a reason to shorten or lengthen that reporting period, I am happy to listen to that reason. There is no sense of ambush. I did not know the Bill was coming on today. We were not told. In the short time available to me, I took some advice on what interested members might do to try to achieve some resolution with the Bill.

Mr Cowan: It has been on the Notice Paper, and not changed position on the Notice Paper for the past two weeks. To say that you did not know the Bill was coming up is a little strong.

Mr PENDAL: Correct me if I am wrong, and I will happily apologise.

Mr Cowan: I am not looking for that.

Mr PENDAL: The Deputy Premier is aware that every Friday, the Leader of the House faxes his opposition counterpart with the business to be debated on the following Tuesday, Wednesday and Thursday. The Leader of the House is not here. I understand that the Deputy Premier is acting Leader of the House. The Leader of the House then sends a fax copy of what is sent to the opposition leader of house business to the three Independents in this House - it always has done. That did not occur last Friday. Therefore, I had no notice of consideration of this Bill. Indeed, as the member for Churchlands was absent on parliamentary business overseas last week, she asked me to keep an eye on the Bill, in which we share an interest. It was not listed for consideration last week. In the absence of that advice last Friday, I was entitled to assume that the Bill would not be dealt with. The Culture, Libraries and the Arts Bill 1998 was not on the pink daily program notice paper this week distributed to coalition, opposition and independent members until it appeared this morning for the first time.

Mr Cowan: It is because of where it sits on the Notice Paper. It has not changed. Please don't expect me to indicate to you otherwise. If a number of Bills are critical to the Government, and they are indicated to the Opposition - I apologise to you and your fellow Independent colleagues for not receiving the same information as was delivered to the Opposition, which was an oversight on my part -

Mr PENDAL: I am grateful for that comment.

Mr Cowan: - and we get through business faster than anticipated, as we have done, the Government will not - as much as I regret it - have the House rise early. We will continue to work down the Notice Paper.

Mr PENDAL: I do not expect the Government to rise early. As is customary with the Leader of the House, if we were to deal today with a Bill for which no notice was given to me in the past fortnight, we would have been told last night about its consideration today.

Mr Cowan: That is an oversight on my part. I indicated to the Opposition that we would go straight down the Notice Paper. As we had reached where we wanted to go with Bills of priority, we will continue down the Notice Paper.

Mr PENDAL: I accept the comments of the Deputy Premier. He acknowledges by them that I had no way of knowing that the Bill would come on this quickly.

Mr Cowan: You had. You could've looked at the Notice Paper.

Mr PENDAL: I look at the Notice Paper all the time. If the Deputy Premier wants a fight on that point, he will have an awfully long fight, which will run counter to the Deputy Premier's intention of progressing items on the Notice Paper. As a member, I am entitled to a little consideration, as is the case with every member of this 57-member Chamber. I, and a number of other members, did not get it on this occasion.

The fact is that the standing orders - returning to the point - allow us to move as sought by this motion. Indeed, the new trial standing orders insist that I move the motion at this point. Trial Standing Order No 173 reads -

No motion for referring a bill to a committee may be moved after consideration in detail of the bill has been completed.

In other words, had I left this matter to a later time, I would not have been able to move this motion under standing orders. The reality is that this motion is the only way to achieve this purpose.

Having said that, I return to the substance of my argument: I tell the Government, the Deputy Premier and the Minister for the Environment handling the Bill for Hon Peter Foss that, first, they have a problem with this Bill. Second, they have a

problem with this Bill from not the normal Labor constituency, but people within the Government's political parties. I would be very surprised if the Deputy Premier has not received representations from some of these people. This is not just a case of a group of people saying, "Well, we are unhappy about some of the direction the Bill takes us." This Bill is fundamentally loathed by people who ordinarily in large numbers are very friendly to the Government.

What is the weakness, and where are we trying to head in finding some breathing space? The defeat of this motion will not be a button off my shirt, as the Government will continue to wear it for the next 12 to 15 months. Also, this will be on top of other controversies, such as belltowers, rural problems and paintings in minister's offices, which are veritable art galleries in themselves. Members opposite do not need another millstone around their necks, which this Bill has been.

The fact the Bill has been in Parliament so long is indicative of the problems it has caused. It should have been out of Parliament a year ago if it were a benign piece of administrative law, but it is not. I have not read the Bill in the past couple of days, because of other matters on the Notice Paper. However, it will effectively abolish things like the Art Gallery of Western Australia Board. Gone! The status of being on that independent board is a reason for it attracting people who are well placed, interested and committed. The Minister for the Arts now tells us that it is not necessary to have that sort of status as its own reward for people; we will have a few advisory committees around the place, and we will run these ideas past people occasionally, and we will then feel free to ignore the wishes of that section of the arts community. Of course, what is happening with the Art Gallery board is being replicated with the other boards and trustees around the metropolitan area. I remind members of some of the criticisms that have been made in the past year or so, to my knowledge. The President of the Friends of the Art Gallery of Western Australia is Brett Davies, who is a lawyer. I have known Brett Davies for many years. My last memory was that he was no raving anti-Government person. I knew him as a member and loyal supporter of the Liberal Party.

Ms McHale: The Young Liberals.

Mr PENDAL: That must have been a long time ago, because that was at a time when I was in that category. Brett Davies said -

I have read the legislation and it is disgusting.

Is there any doubt in anyone's mind about whether he has got his point through? He has been fairly vivid and succinct - more succinct than I intend to be today. He has made his point. He is talking not just as a Liberal or ex-Liberal and a very competent and respected lawyer, but as the President of the Friends of the Art Gallery, and he said -

I have read the legislation and it is disgusting.

Let us see if anyone else has a less equivocal attitude. I have already referred to David Forrest, the Secretary of the Association of Western Australian Art Galleries. He is a decent, competent, professional and mild mannered individual. He said in *The Australian Financial Review* of 9-10 January this year that -

This none-too-subtle form of State control and censorship will strike at the very heart of . . . artistic integrity. When the minister is sitting over you with the potential for censorship it removes any entrepreneurial spirit you might have.

There is not much room to doubt the direction of his remarks. I will examine, because of the length of his remarks, a couple of the words in it. He said that it, "removes any entrepreneurial spirit you might have".

Entrepreneurial spirit is what the government parties are supposed to admire and encourage, yet David Forrest has said that entrepreneurial spirit will be killed as a result of this Bill. He said also that this Bill is a form of state control which is none too subtle, and is a form of censorship that will strike at the heart of artistic integrity. Artistic integrity is something that Hon Peter Foss says he admires and which I know he admires. However, it is one thing to have admiration for artistic integrity and independence; it is another to express that in the form of legislation. This legislation will not enhance artistic integrity but will strike at its very heart.

I ask the minister to note what was said by Paul McGillick in *The Australian Financial Review* of 9-10 January. Paul McGillick was making out a case that the Government's record has not been half bad, and he said -

The Court Government's art record is by no means bad. So why undo all the good work with policies more akin to a Bolshevik than a Liberal Government?

Here is a bloke who wants to praise the Government, or give it some muted praise -

Ms McHale: He was praising it for the per cent for art scheme when in fact the Labor Government introduced that.

Mr PENDAL: The member would know that he made the point that the Government's record is by no means bad, but he also made the observation that these policies are the product not of a Liberal Government but of a Bolshevik Government. However, even the Bolsheviks have got out of that habit, because there are not too many of them left around the world now! This man is saying that we can always rely on the good old Liberals, supported by the National Party, which is facing its own pressure about this legislation, to bring in something that he refers to as being out of the minds of Bolsheviks.

The case against the legislation goes on. Look at what Vicki Laurie said in *The Bulletin* of 23 March 1998. This is no longer a small, localised state issue. It has gone into the national press. Talk about loving to have a millstone around one's neck! Lord only knows where the political antennae of the Government are, when since as far back as March 1998 - 20 months ago - the Government has been prepared to wear the odium, and almost the hatred and loathing, of the entire arts community, which says it has got it wrong. Vicki Laurie said -

If Jim Hacker, of Yes Minister fame, perused WA's new arts legislation he would, no doubt, applaud it. Why have a museum, an art gallery, a library and an arts department with individual corporate status each fronting up to Treasury. Remove their independent status and put them into a super ministry and you require only one government budget line.

What a condemnation of an Arts Minister who, in fairness, does have a deep appreciation and love for the arts. I know that. However, there is a difference between having an appreciation of and a love for the arts and having the political nous and the political antennae to build a new arts administration. I spent eight or nine years as the shadow Minister for the Arts and on building up within the arts community, on behalf of the Liberal Party, some brownie points, some rapport and some respect for conservative politics. Those people cannot believe what has happened. For many of those people the arts is their life, and for those for whom it is not their life, it is their voluntary contribution to society, and it is an absolute puzzle to them. They are asking what is this form of political masochism that Hon Peter Foss is drawing to himself, because masochism is what it is. One must like political pain to persist for 20 months with the most ridiculous, unprofessional and Bolshevik piece of legislation, and still want to win one's way through.

I repeat what I said earlier, particularly because of the people who are gathering at the back of the podium. This is the olive branch; the way that could help those people get a political problem, a political monkey off their back. If the Government passes up the opportunity now, it will merely prolong the agony. It concerns me that we are going to zap the very people in our society who, in the past, we have been able to attract into these voluntary jobs. I recall a few years ago that Robert Holmes à Court was the chairman of the Art Gallery of Western Australia. He was not all that popular although that does not mean that he was not good. I make no judgment about it. He had some very strong points and some worrying points. Members should have a look at the quality of the people whom we were able to attract then and whom we were continuing to attract up until the time that this legislation was introduced. It is the cream across our society. In the 15 years that I have had some interest in these things politically, governments of both political parties and persuasions have been able to attract the cream because in the case of the statutory bodies and boards and trusts, there is a sense of pride of association to be there. A minister rings one up and asks if one will join the Art Gallery board or become chairman of trustees at the museum or if one is interested in sitting on the Perth Theatre Trust? All of the appointments brought with them the sense of pride of association. That is why well placed and dedicated people, not all of them art experts, could accept the appointments. There was a diverse range of people, some of whom had training in the arts and some of whom did not. Some had a love of the arts and some developed a love by experience. They are the sort of people that will be lost. The minister at the table is a practical, hands on minister. So too is the grey eminence at the back who is at least taking an interest in his position as acting Leader of the House. I know the sort of representations that have been made to him, even from people within his own party. Let me put to both of those practical, hands on ministers: Who would want to serve on a Clayton's board that will only have the role of a rubber stamp? What person with any pride would want to serve as a Clayton's advisory board member, having served as a trustee of the Museum or as a member of the Perth Theatre Trust or the Art Gallery board on which they had decision making powers and on which they learnt to work with the professional officers, directors and curators? Who would be happy to say, "Here is a rubber stamp given to me by the Minister for the Arts and we all attend our Clayton's board meetings in our role as Clayton's members."

No-one with any sense of pride will ever accept any of these positions again. For what reason is the Government putting itself through the agony? Were there any scandals at the Art Gallery? Did anyone pinch paintings? Did anyone give them away to their friends? What about the Museum? Did someone pinch the dinosaur bone, or sell it or misuse it? Has there been any skulduggery? Has any shame or scandal been brought on the administration of the Perth Theatre Trust? If there has been, no case has been made by anyone that I know. Many people on the conservative side of politics are currently involved in the anti-Republican campaign. Good on them. One of their strongest philosophical underpinnings is, "If it ain't broke, why fix it?" That is the argument of many people on the coalition side on changes to the Constitution. I put the same argument to them in this debate. I do not put it to them as a rhetorical question; I put it to them as a bald statement: "It ain't broke, so don't fix it."

No-one had any real problem that I know of when Hon Peter Foss wanted to set up a super-duper, across the board ministry because I know, and most people interested in the arts know, that one is dealing with a widely diverse group. When there was a department for the arts there appeared to be problems in the relationship between the department and the statutory bodies. This is a sledgehammer to crack a walnut solution. Those problems could have been attended to far more easily and credibly and with far less political odium to the Government than is happening now.

Essentially, a Liberal-National coalition should be seeking to enhance the independent thinking of people who sit on the boards. It should be building these people up. It should be saying that it is lucky to get people of such quality to sit on the boards. Having statutory boards is a time honoured practice and is acknowledged as a way of taking the political heat off the Government of the day. If one looks at the legislation setting up statutory instruments over the years, one will see that is half the reason that they were set up, here, nationally or anywhere in the Westminster system. A minister who is in trouble or the head of government who is feeling the heat will set up an independent public authority that will take a bit of the heat. The Deputy Premier would remember all of the arguments in the debate on the creation of the office of the Director of Public Prosecutions. The Government of the day and successive Governments said, "We have had a bellyfull of this" -

Mr Cowan: Let me take things closer to home - the Salaries and Allowances Tribunal.

Mr PENDAL: Absolutely; not that it has ever made any difference, has it? I was a reporter sitting in the press gallery a long time ago when Sir David Brand said exactly what the Deputy Premier just said. He said that he was sick of the odium of Parliament setting its own salaries and the solution was to appoint an independent Salaries and Allowances Tribunal that will take some of the odium. All the reporters in the gallery and all the members in the House thought "Wow! That is political gargantuanism. It will take all the heat out of parliamentary salaries." Thirty years later there is still as much heat

on parliamentary salaries. That is the point. Statutory bodies, including those in the arts, have long been used to take the heat off the Government. Earlier I asked rhetorically "Why are we doing this? Are we doing it in the face of scandal; of people with their fingers in the till?" It is none of that. I can think of only one thing that resembled a scandal and it was not a financial scandal. When David Parker was the Minister for the Arts - and he was regarded as a good Minister for the Arts - he made a decision which opened up a wonderful world of political opportunity for me. I repeat there was never any suggestion of financial impropriety, but David Parker bought, of his own volition, the Louis Allen art collection from Los Angeles, from the University of California I think. We paid something like \$2m for the collection but the purchase was made without reference to the then director of the Art Gallery, Betty Churcher - she heard about it on the radio and was very unhappy about it. The decision was made without reference to the Western Australian Art Gallery board. Why am I saying this? That is the only notable occasion on which a Minister for the Arts has ignored the professional knowledge of both the director and the members of the Art Gallery board. However, that is the only occasion on which one would want to base legislation to change a winning system. The winning system is something akin to what we have now. It has survived vigorous scrutiny under both Labor and coalition Governments. Why do we now want to dramatically change a system which is demonstrably doing a good job?

I conclude on this note: This is an opportunity for the Government to take the heat off itself. If this motion is passed, I will move that five people sit on a select committee and there will not be any suggestion of it being loaded one way or another. For those members who wonder about the seeming absence of terms of reference, I am advised that under the new standing orders, when a member moves under Standing Order No 173, it is not necessary to do what we have done in the past; therefore, as a select committee we can inquire into and report on anything to do with the Bill and that is essentially what the terms of reference would have been had they been required. I ask the Government to consider doing itself a favour, take the heat off itself, accept an olive branch and send this Bill, this ugly piece of law, to a select committee. I commend the motion to the House.

MS McHALE (Thornlie) [11.23 am]: Like the rest of the members of this House, this motion was a surprise to me. I was advised about it by the member for South Perth when I was in the Chair and I have had to formulate my thoughts very quickly. I have spoken with the opposition spokesperson for the Arts in the other place and the Opposition will support this motion. I will elaborate on the reasons for that, but first I will respond to the Deputy Premier's comments about critical Bills. He explained that this is a critical Bill, No 7 on the Notice Paper, and one could expect it to come forward. If this Bill is so critical to the Government, why is it that 25 March 1999 was the last time we discussed it? That indicates to me that this Bill is a low priority Bill, as it should be. In fact, this Bill should have no priority because it is so fundamentally flawed. However, now it has been elevated to a critical Bill and we should expect to discuss it. The only person who thinks this is a critical Bill is the Minister for the Arts because no other person, individual or organisation in this State or nation sees this Bill in any way other than being an absolute joke and an appalling piece of legislation. It is a joke to call this a critical Bill; it is critical only in so far as it is a retrograde step for the arts community. In fact, it is critical that this Bill be dropped from the Government's agenda altogether.

I have called on numerous occasions for this Bill to be scrapped because it is so fundamentally flawed. Nobody in the State of Western Australia, apart from the Minister for the Arts, wants this Bill. On numerous occasions the minister has indicated after talking to people that he has convinced them that the Bill is worthy of consideration. That is an erroneous statement because no organisation has been prepared to come out publicly and suggest even in the remotest terms that the Bill has some merit or even to make some remark that perhaps it has some worthiness. On the contrary, every public utterance on this Bill has been negative and has talked about it as being a flawed Bill, a retrograde step and a disgusting piece of legislation. Many members of this House will have been approached by the country shires. I know country and National Party members particularly have been lobbied by country libraries and shires. Those organisations have been remarkable in their opposition to this Bill. The Western Australian Municipal Association has explained in a very erudite manner why this Bill should be withdrawn. Museums Australia nationally has opposed this Bill. While my position remains entirely the same - that is, this Bill is so bad that it should be scrapped - there is no indication from the Government that it is prepared to see the light and recognise this Bill as being unacceptable. For that reason and others I will support the motion that the Bill be referred to a committee.

Let me put this on the record; I believe that when this Bill goes to the upper House - and no doubt it will given that the Government has indicated that it will not support a committee - it will be knocked off. That will happen for very good, argued reasons notwithstanding the fact that the Minister for the Arts is in the other place and will try with his rhetoric to argue that everybody else in the world is wrong and his view is right. When the Bill goes through this House it will face its proper future in the upper House and will be thrown out.

Mr Pandal: That is why a select committee is the one last chance they have got and this will test whether they want to see the thing go through.

Ms McHALE: That is right and if the Government has the sense, it will see that. I do not believe that the lack of sense is necessarily in this House; it is in the other place. That is, the minister is resolute, like a juggernaut, and he will continue with this Bill. It is interesting that the member for South Perth has put forward an olive branch to the Government on a Bill which is so bad. Nevertheless, that is what he is putting forward. I see it in a slightly different way; that is, the motion says let us consult and let us do the proper thing. We should listen to what the community is saying, hear those voices in a proper and structured way and take them seriously for a change. This Government has not taken those voices seriously at all; it has dismissed them. If the Government is serious about developing better legislation, this motion provides a vehicle by which the Government can achieve that. The Government is starting from a position where the current legislation is not bad. It is recognised that parts of the legislation need review, particularly the Library Board of Western Australia Act, which review could be done in this proposed select committee. The Minister for the Arts is so convinced of his own rightness and is so

arrogant in his approach to the arts community that, notwithstanding the opportunity to do something decent, he is once again saying to the arts community, "I know best; my legislation is what you need; and it will go through." It will not go through.

The minister has said on numerous occasions that people have misunderstood the legislation and when they read it they will feel better about it; that is just the opposite of reality. I do not want to revisit the points I made in my contribution to the second reading speech as the member for South Perth has refreshed our memories of the key features of the Bill, but I will indicate those points. This is a Bill that nobody supports, neither publicly nor privately. If members listen to what is being said in the arts community they will know that this Bill is a laughing stock. I am surprised that the Government wishes to persist in its deliverance.

I gave the Premier an opportunity to intervene in this sorry state of affairs when I wrote to him stating that local authorities, the arts community and national associations say the Bill is bad. I said that he had an opportunity to take control of the Bill and that he was losing community support. If there was much community support for the Minister for the Arts, that has gone completely now. In my letter I asked the Premier to listen to the voices, withdraw the legislation from the parliamentary agenda and move on. The Premier's first response was to not deal with the issues. I persisted and asked him to withdraw the legislation. He replied that the legislation was a good piece of legislation; the Government's position on it had not changed; that the Minister for the Environment had very eloquently argued its advantages; and reminded me that it was second read on 25 March. The Premier declined an olive branch offered to him to do something about it. I am surprised that the Government does not see this proposed select committee as a good opportunity and I am disappointed that the Premier does not see the need to intervene in this sorry state of affairs to bring some order back into the debate.

I know without doubt that the Bill will be thrown out in the upper House; that is my objective. This motion allows for proper debate and informed consultation with many people. We should not underestimate the number of people who regard this as a retrograde Bill; there is a great deal of opprobrium felt about the Bill from ordinary people who use their libraries. I am not referring to stereotypical people who come to mind when we talk about the arts but, rather, everyday people who have a real passion for their libraries and who regard this Bill as removing and reducing the powers of the Library Board of Western Australia and ultimately its quality.

Mr Pandal: You can understand that because more people go to the Western Australian Art Gallery every year than go to the football in Western Australia.

Ms McHALE: That is right.

Mr Pandal: A number of people interested in libraries are interested in the arts.

Ms McHALE: Yes, support for the arts is very broadly based in our community. However, the Government will throw out this opportunity to put back some sense into the debate. The minister has rejected this motion, which is yet another example of his indifference to the arts community, his arrogance and his refusal to recognise that perhaps he may be wrong. These are the reasons for the Australian Labor Party's support for this motion. I am optimistic that the Bill will have its just deserts and be thrown out in the upper House.

MS WARNOCK (Perth) [11.38 am]: I support the motion to appoint a select committee. Like my colleagues who have already spoken in this place, it is a reasonable solution to the dreadful problem, which problem is largely that the entire arts community opposes the Bill proposed by the Minister for the Arts, yet the minister is immovable in his determination to continue to support the Bill. He seems to wish not to listen to any of his "portfolio constituents", who must have expressed to him their opposition to this Bill as often as they have to members of the Opposition and other members of this Parliament. The reasons for not supporting the Bill were canvassed thoroughly in the second reading debate and other colleagues have canvassed those reasons this morning. I have asked many questions of members of the arts community about the Bill. As many members in this place know, I have a longstanding interest in the arts and, of my own volition, attend many different events involving almost the entire spectrum of the arts. I speak to many performers, other patrons and people like me who have a longstanding interest in the arts. Without exception, they are opposed to the Bill. In past months I have not met anybody who believes the legislation is a good idea, nor have I had a single letter from anybody saying, "What you have said about the Bill is a calumny and is wrong." I am telling members that I have had none of those letters. As we all in this place know, any member who speaks out publicly about any issue is bound to get that type of letter at some time.

One of the most persuasive aspects to me in this debate is the public utterances of Sir James Cruthers, a newspaper columnist who has been in the arts field for a long time and whose views I respect a great deal. He is a conservative and respectable gentleman and no wide-eyed radical. He has a deep and long interest in the arts and is around and about the arts community as often as I am. I have spoken to him on a number of occasions about this Bill and he has made it clear to me that he sees no good in it. He has outlined his reasons more than once in articles in newspapers and public speeches and so on. In an article in *The Australian* of 7 September he says -

Under the legislation, the existing independent boards of the various arts bodies would be stripped of their powers and the minister would become the legal owner of all the galleries, museums, halls, artworks and artefacts owned by the State's arts bodies.

In short, the minister would own everything and through one person, a director-general would control everything.

This is the basis of the objection most arts people have in this community. As I said during the second reading debate, I agree with that and I repeat that no-one has said anything about it other than they are not in support of any aspect of this Bill.

If the minister is determined to press on - the fact that we are in the House today suggests he is determined to do so; notwithstanding that it is likely to be defeated in the upper House - the establishment of a select committee is a reasonable

bone to throw. I agree with my colleagues that it is at least worth a try. However, I reiterate that I do not think this Bill is a good idea. The best thing that could be done with it is to withdraw it.

I understand the Government does not have a great deal of legislation on its books. I have been waiting for two years to debate the gender dysphoria legislation. We seem to be waiting for that and various other legislation, including the prostitution Bill. Numerous pieces of legislation could be coming up for debate which seem to have been put on the backburner. Consequently, as everybody has said, we are debating legislation that is flawed.

Mrs Edwardes: When there are four pieces of legislation to be debated in six weeks in the other place; it makes it very difficult for us in this place to add to the logjam up there. As a Parliament, that is where we must put some emphasis.

Ms WARNOCK: That may be the case; nonetheless, there is an uninteresting list of Bills to be debated here. It is obvious that Bills that have been on the Notice Paper for some time will not be dealt with due to over-caution by some coalition members. I remain convinced that is why we are still clinging to this Bill, which everybody has made obvious they do not support.

I will not repeat what I said during the second reading debate. I support this motion which, as one of my fellow speakers said, is an olive branch. However, as I said, the Bill is no good and should be withdrawn.

DR CONSTABLE (Churchlands) [11.42 am]: I too support the motion of the member for South Perth and agree that if public hearings on this Bill are held, which would happen through a select committee, we would perhaps get some way towards the accountability and transparency required with this legislation. A great deal of discussion has gone on behind closed doors. Often people were asked by the minister to sign confidentiality papers in the early stages before the legislation was second read in this House. It is time people's opinions were aired publicly so we can see what has occurred behind closed doors. I say that because Ron Banks commented in *The West Australian* of 21 December last year that few of those displeased with Mr Foss' handling of the arts will speak out for fear of reprisals.

What an extraordinary thing to say. He also said that each agency board will be stripped of its powers and decision making and that will leave final decision making in the hands of the Minister for the Arts. Why would people be in fear of reprisals about arts legislation? It is not legislation about state secrets or anything that is life threatening. We are talking about the arts - an art gallery, a library and so on. There must have been some sort of intimidation of people in the early stages of this legislation or, once it was introduced last October, people felt that if they spoke out against it they may not receive their grants and their agencies would suffer.

I share the concerns others have expressed about this Bill in general and specific terms. Interestingly, it is about to have its first birthday. I believe it was second read on 27 October last year, following which it remained on the Notice Paper until about June this year when debate on it began and we reached clause 4 in the consideration in detail stage before we broke for the winter recess.

The recess was an interesting time because there was some expectation that the minister would take note of not only the debate in this House but also the continuing concern expressed in the community particularly by members of the various arts fields. There was some hope he would perhaps amend the legislation, can it and go back to the drawing board or just can it altogether. We must ask the question: Why in the intervening months since June has the minister not responded? Why did he not listen to those people who have genuine concerns about this legislation? Perhaps when he examined this legislation he found it was so fundamentally bad that it could not be amended or that it was all too hard so he left it as it was.

I cannot understand why he wants this legislation to be labouriously debated in this House and introduced in the other place where all indications are it will not be passed. Why do this? Why not re-examine it and come back with something that is better, or maintain the status quo? Why go through this charade with legislation that is so fundamentally bad and which Brett Davies described as disgusting? That sums up the entire public sentiment and criticism of this legislation.

Not only the arts community but also the Western Australian Municipal Association has been critical of the legislation and very concerned about its ramifications. I have met with library representatives from WAMA a number of times. I received another letter last week pleading with me not to support the legislation. I have not changed my point of view. I do not support it. However, there is a great opportunity for a select committee through hearings and analysis to publicly explore the detail of this legislation, which has not yet occurred.

Strong opposition has come from media arts critics, arts organisations, librarians and WAMA and I have received many letters from interested individuals and deputations to my office about the legislation, as I suspect have many ministers and backbenchers. I ask again: Why has the minister not responded to these serious and genuine concerns? There is no answer that I can think of. Perhaps the answer will come out of an inquiry through a select committee. I believe a committee will fulfil that role of seeking evidence from the community and transparently analysing the legislation.

In expressing his concern about the Bill's effect on various arts organisations, the member for South Perth said they would lose their "independence". It is interesting that among the examples of public comment I have here, the word independence arises a number of times. In *The West Australian* last December, David Bromfield said that under the Bill, the Art Gallery will effectively lose its independence. He said that if the minister succeeds, the gallery's first priority will no longer be the community, and the minister should think again.

The Art Gallery serves the community now because it has a board that is interested in serving the community. Once the bureaucracy and the minister take over, other factors will come into play which could lead to the community's needs not always being served. Certainly the independence of the gallery will be shot to pieces.

Again, on 26 December, Ron Banks said that each organisation would lose a considerable degree of independence. This was repeated by Ann Burns in *The West Australian* of 16 April when she said that Mr Foss' plans for WA's major arts and cultural institutions would bury their independence; there would be ministerial control and no more independence.

This Bill flies in the face of many other initiatives of this Government over the past six years which have corporatised and privatised and removed control from ministers. However, here it is with the arts giving more and more control to the minister of the day. That is a very dangerous road to take.

Various other people have commented on the issue. An academic from Curtin University of Technology, an associate professor of political science, Allan Peachment stated that it is an unbalanced view of representative government that degrades liberal democracy, and should be rejected. From the point of view of community participation, liberal democracy and representative government, Allan Peachment, a political scientist, has said this is not legislation we want in this State.

The Westpoll published in *The West Australian* in February of this year surveyed 400 voters and found strong opposition to several aspects of the legislation. Less than one-quarter of the people supported giving Mr Foss, or any minister, the ultimate say.

A final comment comes from Steven Shaw of the Media, Entertainment and Arts Alliance speaking on the ABC program *Stateline*. He likened Mr Foss's stewardship of the Arts over the past seven years to that of captaining the *Titanic*. I assume he sees that this legislation will sink the arts community if it goes through this Chamber.

Mr Pandal: In this case Mr Foss is both the iceberg and the captain.

Dr CONSTABLE: It looks like it. The public comments have a number of themes, and I could give many more, but they are all critical of the legislation.

Let me finish with a story. This situation brings to mind the story of the proud mother who goes to her son's school to see the passing-out parade of the school cadets. It is quite an impressive ceremony and it is a lovely sunny Perth day. The cadets are marching around the parade ground and all the proud parents are seated on the sidelines, chatting and pointing out their children. However, there is a problem. One boy does not seem to be able to get his act together. He is an absolute mess; a shambles. Finally his mother cannot stand it any longer, and she starts mumbling noisily and jumps up from her seat and starts to wave her umbrella around and heads towards the instructor, "What's wrong with you?" she shouts. "Everyone is out of step but my little Peter."

MR KOBELKE (Nollamara) [11.53 am]: The Opposition will support this motion to refer the Bill to a select committee. It seems this is an opportunity for the Government to salvage something from the Bill. The public outcry in opposition to this Bill is unique in the sense that it has come from a constituency of government supporters. It has not come from the union movement, branches of the Australian Labor Party or in any major way from areas that are predominantly Labor electorates. The opposition to this legislation comes from the Government's own backyard. That should ring alarm bells for the Government. The referral of the matter to a select committee of the Legislative Assembly would enable us to sort out the merits of the legislation: How much of the Government's position is valid, and what is good in this legislation. The Government would have us believe that the legislation is needed, and that it is good legislation. Presumably, the Government can mount a case to support that, although to date the Government has not been able to do so. It has not been able to convince a large and influential number of its own supporters in the arts community and in the wider community that this legislation has any merit. If we do not have a process to resolve what are the problems and to fix them by some sort of amendment, and to ascertain what are the real benefits of this legislation that we need to hang onto, the Bill will be voted down in the other place.

We have a strange stand-off in which the Government is mouthing words that do not mean anything. The Government is trying to convince people that somehow this legislation is required when the people who are to be directly affected by it in the arts community and the Library Board of WA and the users of public libraries across the State do not believe what the Government is saying. One must ask what is going on here, and how is the breakdown in communication so absolute? I will return in a moment to give some examples of the ridiculous situation that we are in through a total lack of communication. Without effective communication there cannot be any constructive, rational debate that might improve this legislation.

Before I come back to that I will refer to one obvious problem in the legislation; that is, the centralisation of powers with the Minister for the Arts. The legislation means that the Art Gallery of Western Australia and the Library Board will lose their independence and there will be a centralisation of powers with the minister. The question is how much that is due to a philosophical position and its being bad policy to centralise power with the minister, and how much is a reaction against the current Minister for the Arts. I do not think we can separate those issues. Clearly, we have both of those components. People believe that, regardless of who is the minister of the day, it is not good policy, and not the way the legislation should be structured, to give that degree of centralised power to the minister, whomever he or she may be. In addition, the current Minister for the Arts has made an art form of getting people's backs up. As the Attorney General the minister is obviously a talented fellow. However, he has as much of a talent for making enemies as he has in other areas like the law.

I return to the matter I raised earlier; that is, communication. The minister is using words without the normal meaning that is placed on them. To illustrate this I wish to draw from yesterday's *The West Australian*, which summarised a number of statements that have been made by Mr Foss of late both in the Parliament and in the media. The first statement relates to the request for information by *The West Australian* to Mr Foss' office on Monday, 18 October. *The West Australian* asked -

What is the relationship between the Pericles and Mr Foss? I understand that they are neighbours and friends.

Mr Foss replied, "None." That is, he had no relationship with the Pericles. I will quote from an interview on Tuesday, 19 October on 6WF with the presenter Liam Bartlett as it was reported in *The West Australian* -

6WF presenter Liam Bartlett to Mr Foss yesterday morning: What is your relationship to Leon and Moira Pericles.

Mr Foss: They're friends of mine.

Bartlett: They are friends of yours?

Mr Foss: I don't have a relationship with them. They are friends and they are neighbours but I don't have any relationship with them whatsoever.

Further, the article states -

Bartlett: I thought a close friendship was a relationship.

Mr Foss: I don't consider that to be a relationship.

This is the Attorney General, a lawyer and a QC whom one would expect could use words in the sense in which they had some meaning. Mr Foss says that these people are friends but he does not have a relationship with them. I have met some cold fish in my time who can spend time with people, associate with people and not form a relationship. Some people who are autistic have that problem and they cannot relate to people, and spending time with people does not mean that they develop a relationship. However, I have not heard Mr Foss claim as a defence that he is autistic. He might be many things, but I would never suggest that he had that unfortunate affliction. The definition in *The Concise Oxford Dictionary* reads -

relationship . . . 1 the fact or state of being related.

That again could be "related" in a whole range of ways, and Mr Foss may or may not have a relationship with the Pericles, according to that definition. The second definition, which is a colloquialism, is -

a a connection or association (*enjoyed a good working relationship*). **b** an emotional . . . association between two people. **3** a condition or character due to being related. **4** kinship.

Mr Foss did not say that there was a kinship relationship, so that can be ruled out. In other places Mr Foss has indicated there was some form of working relationship, because I understand the Pericles were contracted as consultants to do some work. However, it appears that they did the work for him, or his department or office, but there was no working relationship, because he clearly said that there was no relationship, yet they were working for him. It is hard to make sense of the words of our Attorney General, our Queen's Counsel, Hon Peter Foss, because he says there is no relationship, and he says it time after time, yet he admits that the Pericles are friends of his. What are we to make of this minister who is to be handed more power under this legislation? As I have indicated, it seems that we have a major problem in understanding what the minister is saying, because he wants to use this word "relationship" in a way that does not fit in with the definition in *The Concise Oxford Dictionary*, does not fit in with the understanding I have of people having relationships, and, I suspect, does not fit in with the understanding that everyone else in this place has of what is a relationship.

I will deal with some other quotes from *The West Australian* of yesterday, 20 October. I will not read all of them; I will skip over some parts. The article says -

Mr Foss confirmed that he had been neighbours and friends of the Pericles for years and that they had travelled to the South-West together on family holidays in the 11m, 11-tonne converted Westrail bus he once owned.

But he remained adamant that that did not constitute a "relationship".

They must have been very cold and aloof holidays, if they could go on a holiday together but they did not have a relationship. It is not a working relationship or a friendly relationship - there is no relationship whatsoever - yet apparently they were in a bus together for a number of days. The article further states -

. . . Mrs Pericles confirmed that she and her husband were friends of Mr Foss and that they socialised.

Therefore, we have people who are friends, who spend time together, who work together and who socialise together, but they do not have a relationship. This is difficult to understand, because Mr Foss is someone whom one would assume has a command of the English language. As a lawyer, as a QC and as the Attorney General of this State, he should be able to communicate with people.

Mr Cowan: What does this have to do with the motion before this House?

Mr KOBELKE: I accept the interjection from the Deputy Premier. The point is that a key element of this Bill is that it centralises the administrative power for a whole range of activities in the arts field with the minister.

Mr Bloffwitch: I thought you were a centralist. You have always been a centralist.

Mr KOBELKE: I will answer one interjection at a time.

Mr Bloffwitch: You have always been a centralist. Why change now?

Mr KOBELKE: I have not been someone who supports autocracy. I do not believe that autocratic leadership is good leadership. One should be able not only to take a lead, but also to listen and to work cooperatively with people, take on board the concerns or objections those people may have and try to work through those objections to arrive at a conclusion that suits most people.

I will return briefly to the Deputy Premier's interjection before I conclude. A key concern with this legislation is that it centralises power with the minister. That centralisation of power should be viewed from a principal position of, first, whether more power should go to the minister, and, secondly, whether a problem has arisen with the personality of the current minister. For that reason, there may be objections. If we refer the matter to a select committee, we can perhaps divorce the matters of principle in the structure of the legislation that are worth retaining from those matters which relate to the personality of the current minister.

The second reason that I thought it was worth dealing with that example of current events and use of language by Mr Foss is that we have a communication problem in the debate on this Bill, because the Government is making statements which do not make any sense to members on this side of the House or to people in the arts community who are directly involved. They do not accept the words that the Government is putting forward to try to sell the Bill. We should go behind that and look carefully at the matter through the committee process - the committee can call for public submissions - to try to ascertain if anything in this legislation is salvageable. The offer is there. We can refer this matter to a select committee to try to salvage something so that we can get something out of the Government's attempts at legislation in this area; alternatively, in all probability this legislation will be voted down in the other place. Therefore, the motion of the member for South Perth that this matter be referred to a select committee is offering an opportunity to the Government to try to achieve something from this legislation. In a sense of cooperation in trying to assist the Government with this legislation, we think that it is worth the effort to do that to try to salvage some form of legislation out of this Bill, which in its current form is totally unacceptable.

MRS EDWARDES (Kingsley - Minister for the Environment) [12.05 pm]: I will address some of the issues that have been raised by members opposite on the motion to refer this legislation to a select committee. I do not believe that a select committee will achieve what members opposite want it to achieve - other than the desire, as expressed by some members, for the legislation to die and never again to see the light of day. This Parliament can do better than that. As no notice of this motion was given, the Government is not prepared to make a decision on the run and it will seek to adjourn this debate. However, prior to doing so, I will make a few comments.

One of the issues that has been raised is that the Minister for the Arts does not seem to be listening or caring. A number of quotes, letters and comments from people, many of which were very old, were raised. Members have not taken account of the fact that the Minister for the Arts has been meeting with each of the boards. The last such meeting was with the Library Board of Western Australia this morning. The minister is seriously concerned about some of the issues that have been raised, and he is currently working with the boards to try to reach agreement on some amendments which will be introduced in the other place. Those negotiations are ongoing, and they will ensure that the legislation is passed with the support of the other place. Members should recognise that the Government does not have control of the other place, and therefore the minister will be required to ensure that there is some form of agreement on not only the legislation but also any amendments that are required.

The member for South Perth was previously a member of the other place. I remember his arguing vehemently over many years when he was a member of the Liberal Party that the other place is the House of Review. He has changed his mind.

Mr Pental interjected.

Mrs EDWARDES: No, the member was not listening to what I said. The minister has been working with the boards. He is working towards some amendments which will be introduced with the agreement of the respective boards. The minister met with the Library Board only this morning. He is looking towards agreement on amendments to the legislation in an endeavour to get the legislation passed.

As the Legislative Council is the House of Review and has a legislation committee, it has the opportunity to send the Bill off to that committee. That may be a speedier solution than solving our current impasse by sending the Bill off to a select committee, which might mean that it would still go through the same process in the other place in any event. If one wanted to see the legislation killed, one would send it off to a select committee here and it would never see the light of day, even with a reporting date. As we all know, reporting dates are often extended.

Mr Pental interjected.

Mrs EDWARDES: The minister has been working through those concerns and is working on agreements for amendments in the other place. He believes he can get agreement on an amended piece of legislation in the other place.

Some of the criticism of the Minister for the Arts has been a little unfair. He deeply appreciates and supports the arts. He has involved himself directly in many aspects of the arts. He has given a lot of time, effort and support to the arts. However, this legislation is not about the arts community per se but is about the Library Board of Western Australia, the Western Australian Museum and the Art Gallery of Western Australia. Most of the concern expressed at the public forum to the minister was to do with funding. This legislation does not change funding to the arts community. The forum gave the opportunity for the minister to be thoroughly grilled about the legislation, but that did not occur. The arts community's basic concern was linked to funding. The minister has indicated to me that he has now the support of all the boards for bringing amendments into the other place. There is not the pessimism that is being expressed in this place. He is anxious to have this legislation passed and feels that the legislation will pass in the other place with some amendments. He has recognised the concerns raised and will address them.

I mentioned quickly to the member for South Perth prior to this debate proceeding that the minister has approved a framework for the development of regulations. These will tie together the matters which are listed in clause 8(c) on which the minister will receive the advice of the advisory board. This clause will give the advisory boards input into all the issues

to do with the acquiring, holding, preserving, displaying and disposing of materials. The minister is still working with the advisory boards to develop that framework.

The legislation supports the creation of the ministry by simplifying the administrative structure and reducing the reporting responsibilities across the Arts portfolio. It does not change the way individual agencies work with their communities and the people of Western Australia. The status of the agencies will change in a way that is consistent with the operational model that was put in place when the ministry was formed. The agencies will cease to be individual statutory authorities and become agencies wholly within the ministry. Some of the management structure will be changed. The employing authority for the chief executives of the agencies will become the director general rather than the Minister for Public Sector Management. The staff in the ministry will continue to be employed by the director general. Their tenure and positions will not be changed by the legislation.

A question that is often asked, and one that has been raised in this debate, is how will the legislation impact on the development of arts policy. The legislation creates statutory advisory bodies for the Library and Information Service of Western Australia, the Art Gallery and the Museum. These bodies will function as the peak policy forums for each of the agencies and are to provide advice to the minister and the corporate minister on the management, preservation and development of the collections.

Particular concerns were raised about the influence of the minister. Under the existing system boards are under the influence of the minister because board members are appointed on the recommendation of the minister and the budget is controlled by the minister. In reality, the board is unlikely to do anything that the minister would be unhappy with for those reasons. Although a matter of practice, it never becomes public. Under the proposed system, all actions will be transparent. If the minister does something against the wishes or the advice of an advisory council, he must table the council's advice. The dispute will be public, unlike the case now.

Clause 17 of the consequential provisions deals with the functions of the Art Gallery advisory board. Clause 2(c) and (e) provide that the functions of the board are to formulate policies and give advice to the minister on establishing, controlling and managing branch and regional art galleries in any part of the State, and on any other matters relating to the Art Gallery on which the minister or the corporate minister asks for advice from the board.

Another concern that has been raised is the suggested absolute control over all funds. The point has been made that the minister would have absolute control over all funds, including donations, bequests and money raised for specific purposes, and could direct how they be used. That is incorrect. The present situation enables the boards to do what they want with the donations and bequests that they receive. This has been raised in the debate: Under the previous Government, the museum board decided to sell the Percy Markham collection without consulting the people of Western Australia. The Art Gallery decided to use the bequest of money for capital works and not for the preservation or the development of the collection. The former Labor Government's promise to contribute dollar for dollar to an Art Gallery foundation appeal was broken when instead it deducted the equivalent money raised from consolidated fund funding. One of the first things that this coalition Government had to do was to honour that broken promise of the Labor Government. Unlike the former Labor Government, we have done more for the arts community than is being suggested in the current debate. This is completely different from the current situation. It is a new protection, one which does not currently exist.

Another comment was that the new advisory boards should not be rubber stamps and the question was posed as to who would want to serve on a rubber-stamp body. However, the advisory boards will not be rubber stamps; they will propose policy, they will provide advice on the management of collections and institutions, they will consult widely, they will monitor standards and they will establish, control and manage regional galleries, museums and libraries - they will not be rubber stamps.

Mr Pandal: The arts community was hoping that Mr Foss was going to get the sack and they would get you as minister. They have a very high opinion of you but they will be very upset when they read this speech.

Mrs EDWARDES: I thank the arts community for its confidence but I think I will remain Minister for the Environment. The member for Thornlie also talked about the Perth Theatre Trust.

Ms McHale: No, I didn't.

Mrs EDWARDES: She raised it in terms of the level of support from particular board members. The Perth Theatre Trust is currently investigating changing its status ahead of the legislation. That is one board which supports the Government's direction.

Another point raised was the question of the collection and who owns it. I remind the House that the minister will not own the collection. A statutory corporation will represent the State of Western Australia not the boards, and this legislation puts the ownership where it should be. In the Bill the statutory corporation is the corporate minister and this is the same as the arrangement we have with the Minister for Education. The corporate minister under the Education Act owns the schools, the land, etc.

I return now to the Louis Allen collection. If we are talking about good and bad Ministers for the Arts, some may say that -

Dr Constable: That is not what we are talking about.

Mrs EDWARDES: Some of the criticisms were definitely directed along those lines. The member for South Perth talked about Mr Parker who, as Minister for the Arts, purchased the Louis Allen collection clearly against the wishes of the Art Gallery. The Labor Government's promise to contribute dollar for dollar to an Art Gallery foundation appeal was broken

when that Government deducted the equivalent money raised from the consolidated revenue fund, but this Government honoured that commitment. Under Minister Parker, the Western Australian Art Gallery had \$800 000 in unpaid creditors. The board was not aware of that until the current minister became the minister and pointed it out. The board members became concerned about their personal liability for that debt. This legislation removes the concerns of the boards over financial matters. This Bill would also prevent what happened under Minister Parker from happening again. In that instance, the minister would have needed to go to the advisory council. If he did not get the answer he wanted, he would have needed to ask the council to reconsider. If it did not change its mind, the minister could have purchased the collection but would have had to bring the reasons into the Parliament.

Many of the concerns which have been raised are addressed in the Bill. However, the minister is aware of the need for amendments to this piece of legislation. He is working with the boards. He believes he has the support of the boards for the amendments and negotiation and consultation is taking place about the drafting of those amendments in an endeavour to get that legislation through the other House. That is probably a more appropriate place for those negotiations to take place with the minister responsible. Also it is a House of Review and if there were still a requirement for the Bill to be referred to a legislation committee, the process is in place and would provide a better outcome than a select committee. The Government will not make a decision on the run about this motion to refer the Bill to a select committee and this matter will be adjourned.

Debate adjourned, on motion by Mr Bloffwitch.

HERITAGE BILL 1999

Second Reading - Cognate Debate

Resumed from 15 September.

MS WARNOCK (Perth) [12.25 pm]: I started this speech so long ago that I feel I should rehash the matter to remind my colleagues of where we were in this discussion about heritage in the second reading debate. I began my speech on 15 September and I am happy to complete my remarks today because I regard heritage as an important issue and I would like to make several points about the matter. When I spoke previously, I referred to the inherent difficulties that we face in any community in forming heritage regulations whether it be through state or local government. A conflict of interest will always arise between private owners and people who wish to preserve an old property. There will always be conflicts of interest as there were with the old Swan Brewery site where Aboriginal interests clashed with those of the general community. These matters are difficult to resolve and I understand why there is so much argument about this Bill at this time. I will give some examples from my electorate of matters where there has been a clash of interests over heritage.

The City of Perth recently decided to ignore the fact that the Alexander buildings in Murray Street near Aherns, were on the city's draft municipal inventory of significant places and approved their demolition to make way for the further development of Aherns, which we have read about subsequently. These buildings are considered to have "heritage significance" - that is the phrase which is used - for a range of reasons, yet the city was prepared to ignore advice from its own heritage consultant and go ahead and knock down the buildings except for the facade thereby affecting the character of central Perth. I am not totally opposed to facadism; at least it keeps some remnant of the building. I recall saying that about the Swanbourne Hotel. Keeping the facade of the hotel and building the further development behind it may have been a good solution on that occasion. Nonetheless, it is disappointing to note what seems to be a lack of commitment to conservation and heritage by the City of Perth, although I should add that I give the city credit for its work in preserving and restoring the award winning Council House building, a splendid piece of more recent heritage which has been preserved.

I will return to the record of the City of Perth later because it has been criticised further about another property, but first I turn to the second matter in my electorate, one that makes clear the dilemmas of heritage issues. Recently, two old cottages in Highgate were demolished after the minister revoked a conservation order granted in December.

Those two old cottages were built in about 1889 and they were among the few surviving residential buildings in the area from before the 1890s gold rush era. An example of a building constructed before the gold rush era is the Palace Hotel, or the remnants of it, on St George's Terrace. There are very few buildings from before the gold rush era remaining in Western Australia, and local conservationists were keen to see these houses retained. The cottages were owned by the Serbian Orthodox Church which, quite properly, had its own priorities to provide more accommodation, but they were considered by heritage enthusiasts to be rare and worth preserving and restoring. This is a great dilemma. It is a pity that some better accommodation between the parties could not have been worked out, in the form of a land swap or something of that nature. It is certainly a dilemma that will continue to arise in our community. It is one of the aspects which makes it very difficult to draft and plan heritage legislation.

I will return to the record of the City of Perth. Recently a constituent brought a matter to my attention. He was very upset to read in one of the local newspapers that an old house, circa 1890, was to be demolished in Mount Street, Perth. This beautiful, old house is at 61 Mount Street and is one of the few remaining houses from that era. As anyone who has been down that street lately knows, it is largely filled with blocks of apartments and flats. The person was very upset and asked me to look into the matter. I had a series of discussions about the issue, including discussions with councillors from the City of Perth. They told me that the matter is due to come up at a council meeting next week. The difficulty we have here is that the City of Perth has not completed its municipal inventory, which, according to the Heritage of Western Australia Act 1990, should have been completed by 1995. The City of Perth has not completed its inventory and perhaps other councils are in the same position. Some councils, such as the Town of Vincent, have completed theirs. That council has approximately 1 100 items on its municipal inventory. The City of Perth has been working on its inventory for the past four years. I spoke to the gentleman who has been working on it and he explained that it is extraordinarily difficult to compile a municipal

inventory when one is dealing with an area with large high-rise buildings. Some people are not so kind and they are very critical of the City of Perth because they believe it has taken far too long to complete its inventory and, in the meantime, it has allowed far too much of the city's heritage to disappear because it has no proper protection if it is not listed on a municipal inventory of some kind. I will give members a picture of this house in Mount Street from some council minutes. It is listed on the draft municipal heritage inventory and as a result of that the City of Perth sought advice from a consultant, who stated -

The house is a well resolved architectural example of the Federation Queen Anne style, from the Gold Boom period . . .

The architect talked about how it had been redeveloped in some small way but was otherwise a fine example that would have townscape value. He continued -

61 Mount Street is the most intact example of a site specific model of Federation Queen Anne style house remaining on the southern side of Mount Street . . .

As I have said there are very few houses remaining in Mount Street and most of those are due to be knocked over for apartments. The heritage consultant used by the City of Perth then recommended-

61 Mount Street should be confirmed as a place of local heritage significance with listing . . . in the draft Municipal Heritage Inventory;

61 Mount Street should not be demolished as the place is of local heritage significance and justifies listing . . . in the draft Municipal Heritage Inventory;

The consultant also suggested that a conservation plan be made for the house. The applicant who wanted to demolish it submitted another application saying that he disagreed, the house did not have much heritage value and, therefore, it should be demolished. There has been a discussion about the matter, but it has been decided not to list the house on the heritage inventory and this is a great source of despair for people who are concerned to see houses of that vintage preserved in some way, whether through the Heritage Council or some form of heritage legislation. This is a great dilemma. The person who recently bought the house did so under the advice that, despite the heritage consultant from the City of Perth saying it was worth preserving, other consultants said that it was not and, therefore, the City of Perth would give approval for it to be demolished. The person concerned bought the property under the assumption that the house could be demolished. Therefore, it would be a breach of faith for the council and the real estate agent if the owner were not able to demolish the house and build on the block.

This points out the tremendous importance of having a municipal inventory which is firmly in place and has power. I am not sure that the legislation we are discussing today will improve the power. It is a complicated business and obviously it is not easy to draft heritage legislation because there will always be conflicts between people who believe that they should be able to demolish their private property and build something else on the site, and those who have a passion for heritage and believe that the town, city or area will be improved by preserving various houses, buildings and objects because they should be part of the community's heritage, now and in the future. It is a complicated issue and I agree with the Heritage Council, which is very critical of the City of Perth for its failure to complete the municipal inventory in time, that it should have been completed before now so there would be more protection for buildings which are listed by the National Trust of Australia and other bodies, but otherwise have no protection.

Looking at some of the specifics of the Bill it seems that there has been a great deal of criticism from many interest groups in the community including local government and the National Trust. They seem to have tremendous reservations about the Bill which appears to ignore the recommendations of a select committee. Everyone agrees that this Bill is easier to read than the last one and that is good, but the plaudits for this Bill seem to end there. Local governments have numerous reservations and they are upset about what they see as the lack of proper representation of local government in any discussions about the matter. They are not happy with the way the Bill handles permanent entry onto the register; they do not like the links to the new planning system; they are concerned about having to contact all owners in any discussion of a heritage matter; they are concerned about a possible expansion of municipal heritage inventories and a cost shift to local government; and they are concerned that the Heritage Council can override local government although there might be others who have different views about whether that should be so. Local governments wonder whether compensation will need to be paid to owners for preserving heritage buildings.

National Trust chief executive, Tom Perrigo, has rejected the Bill outright and has said that it should be withdrawn and redrafted. One of the trust's main objections relates to the failure to include natural, indigenous and folk heritage in the Bill. Mr Perrigo believes also that the Bill puts more power into the hands of government to override heritage assessment, and he is not impressed with that. Finally, the Royal Western Australian Historical Society (Inc), another body very interested in heritage, is unhappy about the inadequate consultation on the drafting of the Bill. The society asked for information about the legislation in 1998 and was refused. That organisation has an enormously widespread and longstanding interest in Western Australia's history and heritage, as I am sure all members would agree, and was also instrumental in setting up the National Trust of Australia (WA). These few remarks outline the difficulties of drawing up heritage legislation that appeals to a wide section of the community and some of the reasons why we are not able to support this legislation.

MS McHALE (Thornlie) [12.40 pm]: Before I remark in detail on the Heritage Bill, it is interesting to note the similarities between it and the Bill we were discussing previously, the Culture, Libraries and the Arts Bill. There is no support from the stakeholders for yet another Bill. It is interesting that we are debating the Bill as I thought that the Minister for Heritage took on board a number of remarks made by members on this side of the House about the lack of consultation with key

stakeholders and some of the inherent problems with the Bill, and that he was taking an opportunity to reflect on the drafting of the Bill with a view to coming back into this place with amendments. That is not the case as we are once again debating the Bill.

I will elaborate on a number of points to explain why the Australian Labor Party cannot support the Bill in its current form. We call upon the Government, as have other organisations involved in heritage, to withdraw the Bill and take account of the many concerns that have been expressed by heritage experts and organisations. We urge the Government to come back into this Chamber with a Bill that reflects what needs to be done legislatively to improve the protection of our rare heritage, having consulted more effectively with heritage organisations.

It is saddening and disheartening to see how much heritage we are still losing in this State. I am not at this stage joining in the debate about our Aboriginal cultural heritage but, rather, our recent white European heritage. It is important to reflect on the icons of heritage buildings that have been lost in the past few months, or are threatened to be lost. When I mention some of these buildings, I know some members in this Chamber will react because they do not accept that some of the buildings we have lost are part of our heritage or cultural fabric. The first problem we will encounter is the narrow focus and blinkered view that many people in policy making positions - certainly in legislative positions - have about what constitutes heritage. For instance, the Swanbourne Hotel was lost a couple of months ago. The Raffles Hotel, although still standing, is constantly under threat of demolition, yet it is accepted internationally as an icon of art deco architecture. It has been very badly treated in the past four or so decades with some of the extensions to it. However, the shell of the hotel is very much recognised still as a good example of art deco and the history of the Raffles Hotel pre-dates art deco. The Raffles Hotel is a building of social, aesthetic and historical value, yet it is struggling for survival. Recently, the workers' dormitories in Broome were demolished. The Minister for Heritage expressed great concern about the premature demolition of those buildings and is alleged to have said that he would have placed a conservation order on them if he had had the time. That did not eventuate and we lost those buildings. We lost the ICI buildings in Fremantle, which were the subject of a planning application and recommendations from the Heritage Council for their preservation. However, the planning aspect was superior in that instance to heritage, which is a tragedy and something that will not be addressed by this Bill. Heritage will become even more subservient to the planning process by virtue of two new Bills that will come into Parliament.

We are constantly losing our heritage before our eyes. We need a new Act - there is no doubt about that. When the first Act came into being, a clause provided for its review. We on this side of the House accept that vast improvements to the wording, expression and so on can be made to the current Act and a new more easily read and understood Act is needed. However, we also need an Act that will further enhance the preservation of our cultural heritage. The community needs an Act that will strengthen the provisions of local government, will toughen the penalties for the demolition of buildings and will make it easier to record, assess and designate historical buildings. We also need an Act that will give protection to movable historical and heritage objects. This Bill does not deliver on that and I will come to that in some detail later in my speech. We are at odds with other States in not having protective measures for movable historical items.

As it is some time since we last debated this Bill, I remind members of the opposition to the Bill as it is currently drafted. As I said earlier, I believed the minister was reconsidering the Bill in its current format in order to introduce a Bill that more properly reflected the wishes and needs of the community. However, formal comments have been made by bodies such as the Royal Western Australian Historical Society Inc, which in its response to the minister made the point clearly that there had been inadequate consultation on the Bill and that it had been given no opportunity for input into the development of the drafting instructions. As a consequence, this Bill does not meet the needs of organisations such as the Royal Western Australian Historical Society (Inc).

In their correspondence to the minister, they make the point that it is vital for the community to own any new heritage legislation because it is widely recognised that such ownership is an important factor contributing to the success of legislation which, like this Bill, proposes considerable community cooperation in its operation.

For the historical society not to be consulted is a grave omission in the process and certainly must be corrected urgently. The Western Australian Municipal Association also referred to a number of areas in which the legislation is flawed.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 2488.]

DAIRY INDUSTRY, DEREGULATION

Statement by Member for Murray-Wellington

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [12.50 pm]: Last Friday, around 150 farmers and business people rallied outside my office in opposition to the deregulation of the dairy industry. The industry is going through much stress and strain with Victorian dairy farmers threatening to deregulate their industry. The Western Australian Farmers Federation estimates that deregulation in Western Australia will result in 30 per cent of dairy farmers in Western Australia - approximately 100 dairy farmers - disappearing from the scene.

In addition there will be a large drop in the income of those farmers which means less money will be spread around the community and there will be less money to buy services. That will result in services and businesses disappearing from the south west.

Farmer Bruce Jones told the rally that deregulation will cause widespread pain and it was time for south west communities

to fight the change. Western Australian Farmers Federation representative Graham Manning told the gathering it was likely \$5m would be lost from the Harvey area if deregulation went ahead.

We live in hope that will not be the case. With the change of Government in Victoria, the Labor Party indicated prior to the election it would not deregulate the dairy industry in Victoria. Many of us are hoping that will be the case here. A good, regulated industry provides a reasonable income to farmers. It is one of the few industries in which the farming community makes a reasonable return. It is very important that Victorian dairy farmers do not deregulate their industry.

REPUBLICAN DEBATE, POLITICIANS' REPUTATION

Statement by Member for Perth

MS WARNOCK (Perth) [12.52 pm]: I found myself this morning in unusual agreement with a conservative politician in federal Parliament when he claimed to be extremely angry and chagrined that some of his colleagues supporting the no campaign for the republic referendum in November were running the line that "you cannot trust a politician". For goodness' sake, what on earth is a professional politician doing bad mouthing and further reducing the status of a much maligned profession.

I understand that former Liberal leader, Bill Hassell is one of that crowd. I do not know what present Liberals in the party room did to him. However, I cannot help feeling that is an odd and unfortunate stand. I have always believed that politics is an honourable business and that most people on both sides of the House go into it with the aim of changing the world for the better. Let us not go into this intense campaign for the republic referendum denigrating ourselves.

It is no secret that I have always supported a republic. I am a devout republican. I believe Australia should be totally independent and have an Australian head of state who has loyalties only to Australia. However, if monarchists want King Charles III and his heirs and successors ruling this great southern continent forever, they should say so and not get stuck into their other political colleagues.

We have not heard much about the Queen from the monarchists, and that is deeply disappointing. We politicians are here because somebody voted for us. Is that not a good reason for people to have confidence in us?

CANNING VALE PRIMARY SCHOOL

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.53 pm]: On Monday of this week I had the privilege of attending a special assembly at the Canning Vale Primary School at which Julia Greville, the Commonwealth and Olympic Games swimmer, was the guest speaker.

Julia spoke to the students about motivation and goals and how important it is not to give up. Her speech was excellent and she is a shining example to young people in the State. As such, I am sure that everyone in this place would like to join me in wishing her well in her bid for the Olympics.

After Julia's speech I had the pleasure of assisting the principal, Mr James Hurst, in handing out certificates of excellence to the staff at the school who had been nominated and chosen as worthy recipients. There is now a total of 12 teachers at the Canning Vale Primary School who have received this recognition. It is a wonderful achievement and I take this opportunity of congratulating the staff and the other members who work at the school for the excellent work they do in educating the children in the area.

With the opening of the new Ranford Primary School, I am proud to have two top-class school facilities in Canning Vale. Owing to the enormous growth in the area I am sure there will be more schools to come, but they will have a hard act to follow.

MENTAL HEALTH WEEK

Statement by Member for Thornlie

MS McHALE (Thornlie) [12.55 pm]: This is Mental Health Week and I wish, therefore, to acknowledge mental health professionals and also mental health illness sufferers. I want to acknowledge the professionals for their work and commitment. I also want to raise the awareness of this House about Mental Health Week and the fact that mental health is a very real problem in our community.

One in five Australians will experience mental illness. Young persons between the ages of 18 and 24 years present the highest prevalence of mental disorders, particularly with substance abuse for young males and anxiety disorders among young women. The case of a 19-year-old woman has been brought to my attention. She was getting straight As and Bs up to year 10, but her schoolwork deteriorated after that. She had a mental breakdown in March this year and was hospitalised at Royal Perth Hospital. Her problem is that there are no specific facilities for young mental health sufferers, certainly not in the Royal Perth Hospital area. She has mixed with people from the ages of 17 to 70 as there is no age specific or sensitive programs. That is tragic and I raise that with the minister.

It is noteworthy that, according to the World Health Organisation, by 2020 the health burden of mental disorder will rise by 50 per cent and depression will constitute the largest share of the burden of the disease.

CHIDLOW BUILDINGS, VANDALISM*Statement by Member for Swan Hills*

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [12.57 pm]: Last Friday night the sports pavilion and hall in Chidlow was senselessly trashed by vandals. All the windows in both buildings were broken, refrigerators were turned over, stoves were pulled off their fittings and much more. The reason I speak today is not to bring this senseless act to the attention of the Parliament, but to praise the community. The children of the primary school and the parents and citizens association had organised a school fete for the Sunday morning. Although the whole community was in a dreadful state of shock at the senseless vandalism, in their adversity they all decided to do something to rectify the problem so that the fete would go on. The community got together with the P & C and cleaned up the glass that was all over the oval and the buildings, so that the fete could be held safely and children could walk around the sports oval without being cut. The shire council was contacted, and even though it was a Saturday afternoon, they replaced and reconnected the fridges and stove and replaced the glass in the 20-odd windows that were broken. I commend the community of Chidlow on behalf of all those people, including my husband and I, who enjoyed the school fete, and thank everyone involved in the clean-up. In adversity this community came together to help each other and confirmed that true community spirit is still alive and well in the hills of Perth.

MEMORIAL DRIVE, POINT PERON*Statement by Member for Rockingham*

MR McGOWAN (Rockingham) [12.58 pm]: I congratulate the City of Rockingham Returned Services League on initiating memorial plaques for Memorial Drive. I attended a ceremony on Saturday to establish a set of 22 plaques which commemorate each of the young men from Rockingham who has died in the service of our nation's military in war time and also in peace time. The RSL has set up 22 plaques along Memorial Drive at Point Peron. This will provide grave sites for many families who do not have grave sites to visit in Rockingham to remember their loved ones. One family does not have a grave site for their loved one as he was buried at sea.

The plaques are a great concept. They were organised by the committee of the Rockingham RSL; in particular, I thank the President, Mr Stan Panting, and committee member Mr Eric Harrod for their efforts. The plaques will be much appreciated by people and it is a worthy reminder of the contribution by the young men of my community in times of war.

*Sitting suspended from 1.00 to 2.00 pm***STATEMENT BY SPEAKER***Advisers in Attendance in Chamber, Consideration in Detail Stage*

THE SPEAKER (Mr Strickland): Order! Before we proceed to question time, I wish to draw attention to the presence of advisers on the floor of the House during the consideration in detail stage of the Nuclear Waste Storage Facility (Prohibition) Bill 1999, which took place yesterday.

The Bill appeared on the Notice Paper in the name of the Leader of the Opposition and was being handled on his behalf by the member for Nollamara. As we know, the Government had prepared amendments to the Bill and those amendments were being moved by the Minister for Health. Trial Standing Order No 40 provides that only the Speaker may admit strangers onto the floor of the Chamber and that has not changed in substance from its predecessor, Standing Order No 66.

Doubtless, inadvertently, the minister was given permission by the Chair to bring three advisers onto the floor of the House to assist him during consideration in detail. I point out to the House that when the issue of advisers was raised during the abortion legislation debates last year, it was made clear that only the member in charge of the Bill would be allowed to have an adviser on the floor of the House. That was the case on both the Acts Amendment (Abortion) Bill and the Criminal Code Amendment Bill, on 19 March and 9 April 1998, respectively. The members exercised their discretion under the standing orders uniformly and appropriately - indeed, the member for Ningaloo specified precisely that advisers would not be allowed for members who did not have stewardship of the Bill, no matter how copious the amendments to be delivered in the Chamber. I reiterate to the House that the Chair will continue to follow that approach.

In relation to advisers, ministers are in exactly the same position as private members: No members should expect that they will be allowed advisers on the floor unless they are in charge of the Bill being considered in detail.

[Questions without notice taken.]**NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) BILL 1999***Standing Orders Suspension*

On motion by Mr Cowan (Deputy Premier), resolved with an absolute majority -

That so much of the standing orders be suspended as is necessary to enable consideration forthwith of the third reading of the Nuclear Waste Storage Facility (Prohibition) Bill 1999.

Third Reading

DR GALLOP (Victoria Park - Leader of the Opposition) [2.47 pm]: I move -

That the Bill be now read a third time.

It is with a great deal of pleasure that I speak on the third reading of this Bill.

Point of Order

Mr COWAN: On the basis that this Bill was introduced by the Leader of the Opposition, if he speaks first in the third reading debate, he will close the debate.

The SPEAKER: The Leader of the Opposition moved the motion and a few extra words were said.

Debate Resumed

MR COURT (Nedlands - Premier) [2.48 pm]: This House has moved a motion which sends a very clear and strong message that the Legislative Assembly will not support a project which involves the importation of nuclear waste for storage in Western Australia. We have met with personnel from the major player involved in this exercise, British Nuclear Fuels Ltd, and have made them aware of our message. We now have legislation that was introduced by the Opposition, which we have amended. This House agreed to those amendments to make it more watertight, meaningful legislation. I hope those parties which want to persist in promoting such a project get the message that the legislation will not get the support of this Parliament, let alone get through any of the federal government approval processes.

DR EDWARDS (Maylands) [2.49 pm]: I will make a few comments in support of this Bill. The Pangea Resources Australia threat to Australia has been a very serious one. The community has understood very well that Pangea's offer of bringing nuclear waste here for 40 years and having all its money flow into the State means that we must be vigilant about the proposal. It is not enough for the community to say no, and it was not enough for this Parliament to have moved a motion indicating that we did not want Pangea here.

We did need legislation. The Premier has highlighted the seriousness of the threat by the fact that when he was in Britain he took the trouble to meet representatives of British Nuclear Fuels Ltd and I have to say that unfortunately, despite the meeting, none of us can be too reassured by the letter that subsequently came back to the Premier. Effectively, British Nuclear Fuels is saying that it respects the motion passed by the Parliament and the opinion of the Government and the State. However, it believes it has a right to its own opinion and it will keep considering the issue. We need to remain ever vigilant. The Opposition is very pleased that the Government has agreed to support the Bill and that it is putting forward amendments that in its view, strengthen the Bill. We sought a lot of advice and took a lot of trouble over the drafting of the Bill and we believed that we had the issues addressed. Nevertheless, we acknowledge that the Premier has access to more expertise than we have and that if the Government thinks these amendments are needed and that they are better, we are very happy to accept them. I think the Bill reflects well on the whole of Parliament. I was at a citizenship ceremony last night and people who I had never met before talked to me about Pangea Resources. They said that the Parliament had heard them and their concerns. They knew that we had passed a motion and that we were discussing a Bill. I believe that, in this exercise, all parties have worked together in a constructive way and that it sends to Pangea a loud and clear message that it is not wanted here and we will not allow it to make our State its waste dump.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.51 pm]: The Opposition is pleased that the Bill has passed through the Legislative Assembly. When we introduced the Bill, it seemed there would be differences in the Parliament and that the Government would have the numbers to knock out the legislation. The Government changed its mind on the issue and decided to support the legislation.

Mr Baker interjected.

Dr GALLOP: The Government came to the view that our legislation was important and necessary if we were going to send a clear message to Pangea. That message was that if any future government desired to allow a nuclear waste dump to be constructed in the State, it would have to obtain the approval of both Houses of Parliament. The Government's decision was welcomed by the Opposition because it meant that we could sit down as a Parliament and work through the legislation together. The Opposition has accepted the Government's amendments the last one of which deals with clause 10 which changes section 41 of the Radiation Safety Act 1975. The Opposition considered whether it might be possible for a potential developer to use what appeared to be a loophole in the Radiation Safety Act 1975 to establish a nuclear waste dump. Our view was that would go past the powers laid down in that Act. Nevertheless the Government, with advice, was able to come up with a good amendment that put the matters relating to parliamentary approval beyond doubt.

We congratulate the Government for supporting us on this matter. We had good cooperation with the people in the Government with whom we consulted. We received very prompt responses to all of the requests we made on the amendments. We appreciate the Government's attitude on the legislation.

I note that in the consideration in detail stage, the member for Vasse tried to move an amendment which would have watered down the objects of the Act. Some members of the coalition do not have the same strong views on this matter and there are some in the coalition who have indicated their support for a nuclear waste dump to be established in Western Australia. The backbencher's attempt to water down the legislation by changing the objects of the Bill is of concern.

Several members interjected.

Dr GALLOP: When we debated the Bill yesterday, the member for Vasse tried to water down the objects of the Bill. He did not get any support for that and we are pleased about that. However, it did indicate that, in the Government ranks, there are different views on the subject. The Labor Party has a policy on the issue, which is built into its platform and all members of the Labor Party are obliged to support that policy in the Parliament. Our views on this issue are very clear. Now also, the views of the Western Australian Parliament are very clear.

Mr Omodei: That is why Mark Nevill resigned.

Dr GALLOP: We are all onside with this Bill. The Parliament can now indicate to Pangea and British Nuclear Fuels the Parliament's position. Should any future government, led for example by the member for Cottesloe, want to mine uranium or establish a nuclear waste dump that follows from it, it would have to get the approval of both Houses of Parliament. On behalf of the Opposition and the people of Western Australia we appreciate the cooperation of the Government in supporting our Bill and for drafting the final wording of it. It has been a good exercise for the Parliament of Western Australia.

Question put and passed.

Bill read a third time and transmitted to the Council.

DISABILITY SERVICES AMENDMENT BILL 1999

Introduction and First Reading

Bill introduced, on motion by Mr Omodei (Minister for Disability Services), and read a first time.

Second Reading

MR OMODEI (Warren-Blackwood - Minister for Disability Services) [2.56 pm]: I move-

That the Bill be now read a second time.

In 1993 the Disability Services Act established the Disability Services Commission as a new statutory body responsible for the funding and provision of disability services in Western Australia. In addition, the Act retained the Advisory Council for Disability Services, which was established by the repealed Disability Services Act 1992.

The establishment of the commission marked a new era of coordinated effort to advance the equality of opportunity, community participation and quality of life of people with disabilities throughout Western Australia. As a result, people with disabilities, their families and carers have benefited. The Commission provides a powerful focus from which to advocate for the rights and needs of people with disabilities. The manifestation of this can be seen in the unprecedented level of growth funding applied to disability services through the Government's "Count Us In" strategy for the period 1995-96 to 1999-2000.

Costly duplication of service structures has been removed to ensure the most effective use of resources, and innovative programs have been developed which recognise and act on the individuality and diversity of people's needs. Many programs have been adopted by other States, and Western Australia is deservedly recognised as a national leader in the field of disability services.

The Australian Bureau of Statistics estimates a total of 355 500 Western Australians have a disability. This is one in five people. Put even more broadly, the lives of one in three people are affected by disability either as a person with a disability or as a carer. Within this context it is essential that the gains of recent years are maintained and maximised.

The proposed amendments to the Disability Services Act 1993 are fundamental to this aim of building onto the firm foundation established in 1993 and further improving services for people with disabilities.

Section 57 of the Disability Services Act 1993 requires that a ministerial review of the operations and effectiveness of the Act be undertaken within five years of its commencement. I established an independently chaired steering committee in 1997 to oversee the review, and independent consultants carried out extensive public consultations during 1998, including public forums throughout the State, a review hotline and written submissions.

Discussion papers were distributed to some 800 people with disabilities, their families and other disability stakeholders. The high level of interest in the consultation was evidenced by responses being received from 161 people and 74 agencies, in addition to petitions signed by 300 people from south west communities. There was also significant input from major government stakeholders including the board and management of the commission, the Public Sector Management Division, the Equal Opportunity Commission, the Office of Health Review, State Supply Commission, Contract and Management Services, local government authorities and the Office of the Auditor General.

As prescribed by the Act, the review examined a range of matters relating to its operation including the effectiveness of the operations of the Disability Services Commission and the need for its continuation; the process by which the commission provides financial assistance grants to organisations; the development and reporting by public authorities on disability service plans; and the effectiveness of the complaints and conciliation process for people with disabilities.

As required by Section 57(5), I presented my report on the review to Parliament on 19 August last year. The amendments contained in the Disability Services Amendment Bill 1999 now before the House seek to implement the recommendations of this review. My pre-eminent recommendation, unanimously supported by people with disabilities, their families and all other stakeholders, was that the Disability Services Commission continue as a statutory authority with its own board of management. In keeping with the aim of improving the overall service environment, the Bill will, where it is in the best interests of people with disabilities, strengthen the application of competition policy to the outsourcing and purchasing of client services; respond to the community's strong support for better targeted services in the area of disability services complaints and reconciliation; strengthen the existing provisions relating to the reporting of client death and serious accidents; and increase the community's access to and involvement with the disability service plan initiative, by introducing decentralised reporting by all public authorities about their disability service plans.

Further, in my review report I highlighted that there was uncertainty regarding the powers of the commission to establish organisations for the purpose of providing services for people with disabilities. To address this uncertainty, I will use the existing section 20 of the Act and direct that the commission not create such organisations. I now turn to the amendments of this Bill in more detail.

Board of the Disability Services Commission: Section 7(2) of the Act requires that at least five members are either to have a disability, have a relative with a disability, have recent experience in caring for a person with a disability or have recent experience as an advocate for people with disabilities. The current Act further specifies that at least two board members be persons with a disability and at least one be a relative of a person with a disability. I had originally indicated in my review report that these two particular "quota" conditions on members with direct disability experience may be unduly restrictive in the appointment of people to replace retiring members. Accordingly, I had proposed to amend this section to remove the quota requirement. However, following representations made to me from the disability sector, I have decided that section 7(2) should be retained as it stands to ensure that the board will continue to comprise at least two people with a disability and one person who has a relative with a disability.

Under schedule 3, the current restriction on the term of appointment for the Disability Services Commission chairperson is removed. This will provide the opportunity for the experience and expertise of a longstanding chairperson to be retained, and will ensure that the operation of the commission is not unduly disadvantaged by the arbitrary loss of such expertise.

Functions of the commission: Amendments to section 12 and the insertion of sections 21A and 21B introduce requirements for the commission to have regard to the provisions of the State Supply Commission Act 1991. The amendments also introduce the requirement for the Disability Services Commission to formally consult the minister before beginning a course of action which amounts to a major initiative or which will have significant public or disability sector interest. In addition, the introduction of new section 12A clarifies the existence of ministerial guidelines for granting approval to the DSC to engage persons under contract or to enter into a contract for supply of services.

Advisory Council for Disability Services: In line with the review recommendations, the Advisory Council will be retained, but renamed the Ministerial Advisory Council for Disability Services. This addresses the confusion expressed during the review about the role and function of the council.

Part 4 - Financial assistance for matters relating to people with disabilities: In response to concerns about the need to strengthen care and protection issues, section 25(4) is amended by the introduction of mandatory reporting requirements which will be included in purchasing agreements with funded agencies and will apply to situations where a person with a disability receiving a service dies or receives an injury of a serious nature.

Part 4A will ensure that the procurement of services for people with disabilities is undertaken in a manner which best meets their interests. The commission will be required to seek ministerial approval of the means for procuring services from organisations that are subject to formal contractual arrangements. Where it is determined that the most appropriate means is by competitive tender, then the tender process adopted by the commission is to comply with government supply policies. This will not apply to funding arrangements with families or informal carers for the care and support of people with disabilities in their own home or local community. These provisions have the potential to make for a safer, more diverse and efficient service delivery environment. They also provide sound management practice.

Part 5 - Disability service plans by public authorities: Implementation of the disability service plan provisions within the Act have helped shape a new reality for people with disabilities and our whole community, by bringing access issues to the fore. The initiative, which employs a systemic approach to improving access to services and facilities by people with disabilities, has been very well received by the community at large and was resoundingly endorsed and supported through the review.

The current Act requires all public authorities that are required to report to Parliament under sections 62 or 66 of the Financial Administration and Audit Act 1985 to report on the implementation of their disability service plans in these annual reports. This is consistent with government policy on decentralised reporting. Amendments to sections 28 and 29 will now require local government authorities to also report on the implementation of their disability service plans in their annual reports. This change will ensure consistency of reporting arrangements and will put information about the disability service plan initiative and its progress into the public domain. In so doing, it will generate further interest and involvement of the community.

Part 6 - Complaints about services provided to people with disabilities: These amendments, which replace the Equal Opportunity Commission as the body responsible for the conciliation and mediation of complaints about disability services with the Office of Health Review, recognise the specific expertise of the Office of Health Review in dealing with complex, multi-agency issues that often typify disability service complaints. The outcome will be greater protection of the rights of people with disabilities. The amendments also extend the scope of complaints to include the provision of disability services by incorporated service providers not funded by government, and the time limit for making complaints is increased from 12 to 24 months.

Part 7 - Confidentiality: Section 52(1) is amended to provide for exceptions to confidentiality requirements in cases of court proceedings, criminal investigations, and where it is in the public interest to protect the physical safety of an individual. We can all be justifiably proud of what has been achieved in a relatively short time for people with disabilities and their families in Western Australia. We are now much closer to achieving the vision held by people with disabilities, their families and carers, the community and this Government, that people with disabilities enjoy the same rights and opportunities available to other community members.

I commend this Bill to the House and, for the information of members, table an explanatory memorandum for the Bill.

[See paper No 251.]

Debate adjourned, on motion by Mr McGowan.

NATIONAL RAIL CORPORATION AGREEMENT REPEAL BILL 1999*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Omodei (Minister for Local Government), read a first time.

HERITAGE BILL 1999*Second Reading - Cognate Debate*

Resumed from an earlier stage of the sitting.

MS McHALE (Thornlie) [3.10 pm]: Before 90-second statements, I was in mid-flight about why this side of the House opposes the Bill. I referred to the removal of some of our heritage icons; hence the need to have greater protection for our heritage.

I will now turn to a particular matter which has been expressly dealt with in the preparations for the Bill and which the minister has expressly decided not to include in the new legislation; that is, the preservation of moveable objects. I recognise that the current Act does not contain protection for moveable objects. However, over the years since the Heritage of Western Australia Act was enacted, there has been an increasing awareness of the importance of protecting moveable heritage objects under the Act. Without that protective legislation, the owners, the curators and the preservers of moveable objects have little, if any, access to funding to restore moveable objects and, more fundamentally, to the protection required for moveable objects. The issue here is that an item might be heritage protected if it is in a building that is heritage protected, but once it is removed it loses that protection and the consequential benefits of having been protected by a piece of legislation. That causes heritage experts, museum curators and other experts in the field a great deal of concern and consternation.

I will refer in this debate to a specific example to illustrate the importance of protecting moveable objects and the consequences of not doing so. The example I choose is pipe organs. There has been a lot of material and correspondence to members of Parliament from the Organ Society of Western Australia, lobbying and requesting that moveable objects be included in the legislation. Therefore, it is important to give this as an example. We would probably all agree that our nineteenth century, colonial organs are irreplaceable; in fact, they are. They are a demonstration or an example of the accomplishment of the Victorian era. There are some very good examples in Western Australia of pipe organs dating back to the nineteenth century. A particular organ in WA is unique, yet it cannot be protected and is, therefore, very much at risk.

Dealing with the legislation that exists in other States, if this provision were included in our legislation, we would not be trailblazers; we would be following suit. To illustrate that point, in 1977 the Heritage Act in New South Wales included moveable relics. Victoria included reference to moveable objects in its Heritage Act in 1995. Owners of heritage items which are in heritage places and buildings have legal protection. However, if the items are removed from the heritage building, as I said, there is no protection. If an organ is moved, say, from its original site in a church, it ceases to be eligible for heritage status. Even if the site later gains heritage status, the organ does not. An example is the former Claremont Congregational Church and hall. They are registered, but the organ was removed from that place to another church and it has lost its protection, despite its being a unique example of a 1900 Beale organ. St Patrick's Basilica in Fremantle is another example - an example in reverse. The large organ there is modern, still under construction, and of no historical significance. However, there is a strongly held view and an argument that that organ would have heritage status. Therefore, there is an inconsistency which grows out of looking at this problem.

The organ at the Wesley Church, which dates back to 1908, is protected. However, the first organ at that church, which was the first organ to arrive in Western Australia in 1875, is now in its third location and is not protected. The original organ which was at Trinity Uniting Church and which is now at Mt Lawley is much older than the organ that is currently at Trinity Church and is much more significant. It is an 1894 organ. However, it has not been protected because it has been moved and is not in a heritage building. The organ that has its origins at St Matthew's Anglican Church in Guildford is perhaps worth mentioning. The second organ built in 1910 is protected by its location, but the much more significant first organ, which was the first organ made by one of the pioneer organ makers in 1878, has been moved and is therefore ineligible. I will give one more example, which is perhaps the most significant. The oldest organ in Australia - not just in Western Australia but in Australia - which was built around 1700, is at Kelmescott. However, it is not in a heritage building and therefore cannot be protected by the Act.

Greater consideration should be given to the whole idea of moveable objects, because there are some key, critical and unique pieces of heritage which are moveable and which will fall into disrepair. Although people working in these areas have a huge passion for what they do, whether it be working with organs, electric trams at Whiteman Park or pianos or whatever, and often have the skills to restore, they do not have the money. Because they do not have access to the Act, they do not have access to funding. That is a serious omission from the Act. It was not in the first Act, but it should have been included. Therefore, I have great concerns about that omission.

Another example which I will briefly put on record relates to the electric trams at Whiteman Park. Some people may have visited Whiteman Park and seen those extraordinary trams from the turn of the century. When one goes there, one cannot help but feel and see the total commitment of these restorers. Most of them are ex-tram drivers or ex-train drivers, and in their retirement they are pursuing their passion for -

Mr Bradshaw: Some of us used to be paying passengers on those trams.

Ms McHALE: Some members were a lot younger then! The member for Murray-Wellington will remember those trams, then. However, he probably will not remember the first tram that came into Western Australia, which was referred to as Scaddan's folly. I say the member will not remember that, because that was at the turn of the century -

Mr Bradshaw: That was before my time!

Ms McHALE: That was an American tram, and it is now in Whiteman Park and is a magnificent example of a tram from that era. It is the only example of its kind in the world. Some of those people at Whiteman Park have researched the design of the trams and are painstakingly restoring them, as are their wives, who are very involved in redoing the upholstery and so on, and they are at a loss to understand why these objects cannot be defined as heritage items and be protected by this legislation. Those two examples demonstrate why it is important to reconsider having moveable objects covered by the Heritage Act in order to give these items a protection that they currently do not enjoy.

I return now to the details of the Bill and to raise with the House another area of concern with regard to the Heritage Council. It is interesting to note that even the Heritage Council, the Government's own department, has expressed grave concerns and reservations about the Bill and has suggested that it requires a considerable overhaul. The council has proposed in the region of 45 amendments and has indicated that the Bill has major flaws. The person who was involved in reviewing the original Act was Peter James, who as I recall was a consultant to one of the Heritage ministers under the current Government. Peter James has expressed outrage at the Bill, and he refers in particular to the recommendations about the membership of the Heritage Council. Mr James states that the amendments have a major flaw, because they allow the minister to appoint the majority of the members of the council, and those members need not have relevant qualifications in heritage or associated areas. Therefore, under this legislation it would be feasible to have a committee or council, the majority of the members of which had no interest in heritage conservation, and who might, even worse than that, be opposed to heritage conservation. That sounds unrealistic, but it is a possible outcome of this Bill.

The Heritage Council is currently struggling to manage its workload. The Heritage Council has more than 850 applications for assessment of buildings with which to deal. According to the council's own figures, it can undertake about 85 assessments each year, which is a reduction of about 30 per cent from last financial year because of the budget cuts. Therefore, even if no new applications were to come in, it would take the Heritage Council 10 years to deal with the backlog of applications for heritage assessments. I fear that this Bill will do nothing to address the process of assessment, and it certainly will do nothing to address the staffing problem; and I suppose neither should it, because that is a budget item. It is important for members to realise that the practical outcome of such a backlog is that buildings that cannot be assessed because of time will be lost to development, or to disrepair and ultimate demolition. The problem is that our heritage is eroding in front of our eyes.

This Bill falls short of community expectations for the preservation of heritage. That is clear from the submissions that the Opposition has received and from what we have heard during this debate. This Bill would, if proclaimed, be subservient to the planning process, and that in turn would further erode the conservation of our history. We have lost a variety of heritage buildings in recent months, let alone in recent years, and that is a disgrace. This Bill is deficient in protecting moveable objects, and further consideration must be given to addressing that issue. The current funding levels for the Heritage Council are woeful and do not provide for sufficient staff to undertake the assessment of buildings that is so urgently needed. If the Government continues to pay just lip-service to heritage and to not take heritage seriously, our heritage will erode at a much faster pace than it has to date.

MS MacTIERNAN (Armadale) [3.27 pm]: It is unfortunate that the Minister for Heritage is not in the Chamber at this time to listen to the debate on the Heritage Bill; and that says something about his attitude to both the Parliament and this legislation.

Mr McGowan: It is disgusting. He should be here.

Ms MacTIERNAN: He absolutely should be here. It is a complete disgrace that the minister is not here to listen to the debate on this legislation, which is a complete rewrite of the heritage legislation in this State and is undoubtedly one of the major pieces of legislation that he will bring forward in his portfolio. However, that is fairly typical of this minister, and it certainly is reflected in the vast array of correspondence that I have received from various agencies that are absolutely disgusted with the process that has led to this Bill.

A great deal of analysis has been done of the shortcomings of this legislation, and the Labor spokesperson for Heritage has given a fairly extensive summary. I wish to pick up a number of the key points from the point of view of emphasis.

We are dealing with a minister who has an appalling track record. One of the problems is the minister is very much a bush lawyer. We know that he enrolled in first year law, but he does not appear to have completed that year of his studies.

Mr Osborne: Don't start getting snobby.

Ms MacTIERNAN: No, he did not complete that year of his studies and we will not comment on why he withdrew from the course. However, it has given him a chip on his shoulder about lawyers and legal advice and he appears to have decided that he is far more able than any of those people who give him legal advice and he will press ahead and draft legislation to his liking. Unfortunately, we have seen time and again in this place the consequences of the grave errors made by the Minister for Heritage and Planning.

Mr Bradshaw: He is doing his best.

Ms MacTIERNAN: He may be doing his best but it is not really good enough. The minister goes off on these frolics which receive support from no-one. We saw the way he made a complete and utter debacle of the workers compensation system in 1994. The minister was advised time and again by all the stakeholders in the field that the abolition of partial redemptions would lead to complete chaos in the workers compensation field. He was advised that not only by unions and plaintiff lawyers but also by insurance lawyers and the Insurance Council of Australia Ltd. That prediction came to fruition and it

has taken a long time to attempt to get the workers compensation system back on track. In the process we have destroyed many elements of the system and that is regrettable.

Clearly the minister is acting on a frolic of his own and is completely unprepared to take the advice of professionals. I think this goes back to the deep psychological chip the minister carries on his shoulder. Having wasted an enormous amount of parliamentary counsel's time, the minister brought the Planning Appeals Bill 1999 before this House. That Bill was introduced into this place and has not seen the light of day for the last couple of months. I presume that is because the Bill does not have a single friend. It is a Bill which has been attacked by the legal profession - the Law Society - and by the local government authorities - the Western Australian Municipal Association - and it has also been severely criticised by the development industry and the developers at the Urban Development Institute of Australia. Every stakeholder in that industry has said that the Planning Appeals Bill is worse than useless and is urging the Government not to let the Bill go forward. The Bill came out of a report commissioned by the minister from a person who had no experience or contact with the planning industry, but who had done a job for the minister in the field of workplace agreements and the minister thought he would transport him over.

An extraordinary amateurism infects all of the work of the current Minister for Planning and Heritage. We have very much the same thing here. The advice coming from source after source is that this Bill is a total shemozzle. It will not work and it will severely compromise the conservation and protection of heritage in this State. I am sure these points were made most admirably by the opposition spokesperson but I will make them again in case they slipped through the net.

The first point concerns the composition of the Heritage Council because, after all, that is very important; the council is the body making the recommendations. There was no real complaint about the composition of the Heritage Council. The Western Australian Municipal Association wanted more representation and may have succeeded in getting that, but the Heritage Council was structured in such a way that people were appointed from the various stakeholder bodies. We are keen on the Heritage Council and want to ensure there are people on it who have real expertise. Under the current legislation there is a nominee of the National Trust on the council, but under this Bill the National Trust will no longer have the capacity to directly appoint a person to the Heritage Council. One person was appointed to protect the interests of local government and that position appears to have been protected. One person was appointed to represent the interests of the owners and another to represent the professional organisations having relevant professional skills. This was most notably the Royal Australian Institute of Architects. The current Act then provides a mechanism whereby organisations, such as the groups representing owners and the professional organisations with skills relevant to conservation, put names to the minister and persons are chosen from that list. However, we will now have a completely different system. A broad advertisement will be placed in the newspaper, anyone can nominate for the positions and the minister will have complete carte blanche to select whomsoever he chooses. That is unfortunate in two ways: It will reduce the skill level of those on the Heritage Council and it will make the council far more subservient and far more a creature of the minister, particularly if we have a minister who is perhaps not keen to receive robust independent advice on these issues, as one would suspect is the case with the current Minister for Heritage.

I was on the original Heritage Council of Western Australia. I acknowledge that I was one of the ministerial appointments. I was appointed because I was on the Perth City Council, I had a track record of advocacy for heritage issues on that body and I was also a practising commercial lawyer. It was felt that that was an appropriate bunch of skills. However, what really impressed me was the extraordinary depth of learning of the specialist members of that board. There were architects, historians and archaeologists - people with an extraordinary understanding and insight into heritage issues. The heritage issue had formed a great part of their professional lives. Members such as I and the local government, building owner and management authorities' representatives learnt a great deal from having those fearless and independent experts on the Heritage Council. I believe the quality of work produced at that time was due to the strength of the individuals on the council. The government Whip is waving furiously.

Mr Osborne: Not to you, I am sorry.

Ms MacTIERNAN: He is taking semaphore lessons.

Mr Osborne: I did not know you were a taxi driver and could pick that up.

Ms MacTIERNAN: I apologise, Mr Deputy Speaker. The government Whip is being disorderly, although not verbally. I think we need a change in standing orders to stop interjection by way of sign language.

Having that body of experts on the Heritage Council, with their profound knowledge, insight and experience in heritage issues, was very important and had the capacity to improve the performance of the other members of the council to flesh out and broaden the base of the council in its deliberations. I am very concerned that this Bill will be passed. I hope that commonsense will prevail and the legislation will sink as deeply as the Rail Freight System Bill will in the upper House. We are concerned as it will reduce not only the expertise of that body but also its independence substantially. It is important that it be an independent body because often there are real political agendas in the heritage area that must be resisted. A minister may have a great deal of community pressure in relation to a particular development and he, in turn, may want to pressure the Heritage Council into finding that the site does not have significance in order to clear the way for the development to go ahead without the minister ultimately taking the responsibility for the removal or destruction of part of our built heritage.

The second area I refer to concerns criteria. It is unfortunate that the Bill includes in its assessment criteria the condition of the place or area, in particular the likelihood of the long-term viability and sustainability of the values identified of a place or an area. That should not be contained in the assessment criteria. It is important, to ensure the integrity of the assessment process, that the economic situation is not taken into account in that assessment process. That is not to say that at the end

of the day, when the minister makes a decision on a government building or the Heritage Council makes a decision on a heritage building, that the economic situation is irrelevant; rather, the economic situation should not be allowed to pollute or infiltrate the assessment of the cultural heritage significance of a place. The two processes must be heavily quarantined. We need a process to consider whether a particular building on all the criteria cuts the mustard as one that has cultural heritage significance. The importance of that significance can then be considered against a series of criteria on what it says about the part of that building in the evolution of Western Australia and the social significance that is attached to it. That is a distinct process that should determine whether that building is assessed as having cultural relevance. If the building is found to have cultural heritage significance, there should then be a distinct process to consider whether it should be placed on the register or, if already on the register, taken off. That is when the economics of the situation and the state of repair, etc, should come into play, not in the first assessment process as that will be an open invitation for unscrupulous landholders and developers to vandalise their properties. I have seen at first hand that happening. One of the most notorious examples, of which the city still bears the scars, is that of Mr Joseph Scaffidi and his appalling conduct in relation to the Railway Hotel in Barrack Street, Perth. Although the street level facade was wretched and the ground floor bar areas were in a shocking state, the vast bulk of the building was very sound. I had been through that site on several occasions, both in my capacity as a Perth city councillor and as a member of the Heritage Council. Perth City Council had decided, before the Heritage Council assessed it, that it would allow the majority of the building to be demolished, which I believe was a mistake, provided that the facade was retained - it certainly was an extraordinarily beautiful facade. The matter would then go to the Heritage Council for assessment. What did our friend, Mr Scaffidi, do? He came in with his bulldozer and tried to knock it about. By the time Mr Scaffidi finished with the bulldozer on a Sunday afternoon, the building was in an appalling state of repair. It seems, arguably, that when the Heritage Council then came to assess that building that it would have been required to take into account the likelihood of the long-term viability or sustainability of a half demolished building. As I said, by including this particular provision in the assessment criteria, we are saying to developers, "Get in there, wreck your building and rip out the stuff, because the worse state the building is in, the less likelihood there will be of a finding of cultural heritage significance from the Heritage Council." We should not tolerate that. It is a very large mistake. It is central to the whole notion of sensible heritage planning to quarantine the assessment of cultural significance from the issue of economic viability. Economic viability is relevant to assessing a development application and to a minister making a final decision; however, it is not, and should not be, relevant to the assessment of significance.

Many more points could be made about this legislation. One of the key points that must be raised is the convoluted processes of appeal that seem to be mandated with this legislation. I will not go through them. However, on analysis, including an analysis by the Heritage Council, it would appear this legislation makes it far more complex. Far from making it a more simple process, it will make the whole process of heritage assessment and processing a development application in an area that has arguable cultural heritage significance much more difficult. It is a complete debacle and one that I hope, as I said, sinks like the Westrail Bill.

Debate adjourned, on motion by Mr Osborne.

House adjourned at 3.49 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

ROAD CONTRACTS

54. Mr RIEBELING to the Minister representing the Minister for Transport:

In respect to the following road projects in the Goldfields Esperance Region -

- (a) Agnew to Leinster Road (Leonora);
- (b) Broadarrow to Ora Banda Road;
- (c) Bulong Road;
- (d) Outback Highway (Laverton to Docker River);
- (e) Coolgardie to Esperance Highway (Scaddan to Gibson);
- (f) Goldfields Highway (Mt Keith to Wiluna);
- (g) Great Eastern Highway (Anzac Drive to Gateacre Street) -
 - (i) has a contract been awarded for this contract;
 - (ii) if yes -
 - (aa) on what date was the contract awarded;
 - (bb) who was the contract awarded to;
 - (cc) what was the cost of the contract;
 - (dd) when will the project be completed; and
 - (ee) if completed, what was the final cost of the contract;
 - (iii) if a contract has not been awarded -
 - (aa) when will a contract be awarded;
 - (bb) what is the estimated cost of the project; and
 - (cc) when is the estimated completion date of the project?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) Agnew – Leinster Road (Leonora)
 - (i) No. The project was completed under the terms of an agreement between Main Roads WA and the Shire of Leonora.
 - (ii) Not applicable.
 - (iii) (A) Not applicable.
(B) \$7 million. Main Roads contributed \$3.5 million with the remaining project costs made up of Regional Road Group grants and “in kind” contributions from local industry.
(C) Completed to primerseal stage on 17 December 1998 with final seal February 2000.
- (b) Broad Arrow to Ora Banda Road
 - (i) No.
 - (ii) Not applicable.
 - (iii) (A) October 1999.
(B) \$5 million. This project is to be delivered under the terms of a financing agreement between Main Roads WA, the City of Kalgoorlie-Boulder and Centaur Mining and Exploration Ltd.
(C) February 2000.
- (c) Bulong Road
 - (i) Yes.
 - (ii) (A) Resolute Limited awarded the stage 2 road construction contract on 12 June 1998 to undertake the work on behalf of Main Roads and the City of Kalgoorlie-Boulder.
(B) Henry Walker Contracting Pty Ltd.
(C) \$4 605 174.
(D) Not applicable.
(E) Practical completion of the Henry Walker contract was achieved on 8 October 1999 completing the road to primerseal stage. The final contract sum was \$4 701 856.24. Final sealing of the works is planned for completion by December 1999. This work was completed under the terms of a finance agreement between Bulong Nickel Pty Ltd, Shire of Kalgoorlie-Boulder and Main Roads. Prior to the Henry Walker contract, Bulong Nickel Pty Ltd, as Principal Contractor, completed stage 1 works to the value of \$4 113 491. Main Roads’ contribution to the project was \$4.5 million.
 - (iii) Not applicable.
- (d) Outback Highway (Laverton to Docker River)
 - (i) No. The programmed funds for this project of \$25 million over 10 years do not support delivery in one construction contract.
 - (ii) Not applicable.
 - (iii) (A) Delivery is planned by using the workforces from the Shires of Laverton and Ngaaytjarraku. Smaller scope contracts will be awarded to reconstruct prioritised sections.
(B) \$25 million.
(C) 2007/08.

- (e) Coolgardie – Esperance Highway (Scaddan to Gibson)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) It is intended to call public tenders in November 1999 for the 15 kilometres first stage of the project at an estimated cost of \$2.94 million. Work is anticipated to start in February 2000. Tenders are expected to be called for the 20 kilometre second stage in mid 2000 with work to start in October 2000.
 - (B) \$9.5 million.
 - (C) Completion to primerseal stage by April 2001, with final seal by March 2002.
- (f) Goldfields Highway (Mt Keith to Wiluna)
- (i) Yes.
 - (ii) (A) 11 February 1999.
 - (B) Macmahon Contractors (WA) Pty Ltd.
 - (C) \$23 153 377.92.
 - (D) March 2000.
 - (E) Not applicable.
 - (iii) Not applicable.
- (g) Great Eastern Highway (Anzac Drive to Gateacre Street)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) Estimated September 2005.
 - (B) \$1.765 million.
 - (C) May 2006.

ROAD CONTRACTS

56. Mr RIEBELING to the Minister representing the Minister for Transport:

In respect to the following road projects in the South West Region -

- (a) Blair Street (Sandridge Road to Stirling Street);
 - (b) Bunbury Port Access Road (Australind to Bunbury Inner Harbour);
 - (c) Koombana Drive (Austral Parade to Blair Street);
 - (d) Mineral Sands Project (Augusta to Busselton);
 - (e) Mowen Road;
 - (f) Old Coast Road (Australind townsite to Eaton);
 - (g) Old Coast Road (Collie River - repair bridge);
 - (h) Old Coast Road (Eaton to Australind Bypass);
 - (i) Brockman Highway (Scott to Karridale);
 - (j) Bunbury Highway (Mandurah to Bunbury - second carriageway);
 - (k) Bunbury Outer Ring (Australind Bypass to South Western Highway);
 - (l) Bussell Highway (Capel to Busselton - second carriageway);
 - (m) Bussell Highway (Busselton Bypass);
 - (n) Bussell Highway (Vasse to Margaret River);
 - (o) Coalfields Highway (Reolands Hill to Wellington Dam Turnoff);
 - (p) Muirs Highway (Manjimup to regional boundary);
 - (q) South Western Highway (Dandalup to Manjimup);
 - (r) Vasse Road -
- (i) has a contract been awarded for this contract;
 - (ii) if yes -
 - (aa) on what date was the contract awarded;
 - (bb) who was the contract awarded to;
 - (cc) what was the cost of the contract;
 - (dd) when will the project be completed; and
 - (ee) if completed, what was the final cost of the contract;
 - (iii) if a contract has not been awarded -
 - (aa) when will a contract be awarded;
 - (bb) what is the estimated cost of the project; and
 - (cc) when is the estimated completion date of the project?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) Blair Street (Sandridge Road to Stirling Street)
- (i) No. Work will be carried out by Local Government.
 - (ii) Not applicable.
 - (iii) (A) Not applicable.
 - (B) \$3 million.
 - (C) 2006/07.
- (b) Bunbury Port Access Road (Australind to Bunbury Inner Harbour)
- (i) No.
 - (ii) Not applicable
 - (iii) (A) 2005/06.
 - (B) \$36 million.
 - (C) 2008/09.

- (c) Koombana Drive (Australind Parade to Blair Street)
- (i) No. Work will be carried out by Local Government.
 - (ii) Not applicable.
 - (iii) (A) Not applicable.
(B) \$4 million.
(C) 2008/09
- (d) Mineral Sands Project (Augusta to Busselton)
- (i) No. Ongoing maintenance is required.
 - (ii) Not applicable.
 - (iii) (A)-(C) The work has been carried out by Term Maintenance Contract until the termination of that contract on 4 June 1999. Work will continue by day labour until the award of the South West Term Network Contract which is scheduled for early 2000.
- (e) Mowen Road
- (i) No. Work will be carried out by Local Government.
 - (ii) Not applicable.
 - (iii) (A) A contract may be let 2006/07/08 for sealing.
(B) \$17 million has been allocated to this project. Agreement has been reached with the Shire of Margaret River to undertake the work for \$12 million.
(C) 2007/08.
- (f) Old Coast Road (Australind Townsite to Eaton)
- (i) No. Work will be carried out by Local Government.
 - (ii) Not applicable.
 - (iii) (A) Not applicable.
(B) \$7 million.
(C) 2007/08.
- (g) Old Coast Road (Collie River – repair bridge)
- (i) No. This is a Local Government project.
 - (ii) Not applicable.
 - (iii) (A) 2006/07.
(B) \$5 million.
(C) 2006/07.
- (h) Old Coast Road (Eaton to Australind Bypass)
- (i) No. This is a Local Government project.
 - (ii) Not applicable.
 - (iii) (A) Not applicable.
(B) \$1 million.
(C) 2006/07.
- (i) Brockman Highway (Scott to Karridale)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) Unknown. Not in Main Roads current ten Year Road Program.
(B) \$9 million.
(C) Beyond 2008.
- (j) Bunbury Highway (Mandurah to Bunbury – second carriageway)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) Various contracts will be awarded over the next ten years commencing 2000/01.
(B) \$45 million.
(C) Beyond 2008.
- (k) Bunbury Outer Ring (Australind Bypass to South Western Highway)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) 2005/06.
(B) \$37 million.
(C) 2006/07.
- (l) Bussell Highway (Capel to Busselton – second carriageway)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) 2002/03.
(B) \$29 million.
(C) Beyond 2008.
- (m) Bussell Highway (Busselton Bypass)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) 1999/2000.
(B) \$20 million.
(C) 2000/01.
- (n) Bussell Highway (Vasse to Margaret River)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) 2003/04.
(B) \$15 million.
(C) 2004/05.

- (o) Coalfields Highway (Roelands Hill to Wellington Dam Turnoff)
- (i) Yes.
 - (ii) (A) 18 January 1996.
(B) Ertech Pty Ltd.
(C) \$3 449 021.94.
(D) Final Certificate - 10 November 1996.
(E) \$3 199 375.48
 - (iii) Not applicable.
- (p) Muirs Highway (Manjimup to regional boundary)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) 2002/03
(B) \$46 million.
(C) Beyond 2008.
- (q) South Western Highway (Dandalup to Manjimup)
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) Various contracts will be awarded between 1999/00 and 2002/03.
(B) \$58 million.
(C) 2002/03 with seal 2004/05.
- (r) Vasse Road
- (i) No.
 - (ii) Not applicable.
 - (iii) (A) 2004/05.
(B) \$1.3 million.
(C) 2004/05.

MAIN ROADS WA, GRANTS

361. Ms MacTIERNAN to the Minister representing the Minister for Transport:

- (1) How much did the Main Roads Department receive in untied Commonwealth grants in -
- (a) 1997-1998;
 - (b) 1998-1999; and
 - (c) 1999-2000?
- (2) How much did the Main Roads Department receive in specific or tied grants in -
- (a) 1997-1998;
 - (b) 1998-1999; and
 - (c) 1999-2000?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (1) (a) Actual receipts of Commonwealth untied funds provided to the State as part of the financial assistance grants in: 1997/98 totalled \$42.251 million.
(b) 1998/99 totalled \$41.927 million.
(c) 1999/00 total \$41.714 million forecast receipts.
- (2) These funds are passed to Main Roads through the State Consolidated Fund and are considered by Main Roads as State Funds for accounting purposes.
- (a) Actual receipts in 1997/98 totalled \$77.186 million.
 - (b) Actual receipts in 1998/99 totalled \$91.467 million.
 - (c) Forecast receipts in 1999/00 total \$70.570 million.

DAWESVILLE CUT, MONITORING OF INUNDATION OF INLAND WATERCOURSES

416. Mr PENDAL to the Minister for Water Resources:

- (1) Is the Minister aware that the then Liberal Opposition in late 1992 issued warnings about the potential water inundation of inland watercourses as a result of the completion of the Dawesville Cut?
- (2) Is the Minister aware that the then Opposition promised that in Government it would initiate ongoing monitoring of the effects of the Dawesville Cut in matters relating to the inundation of watercourses?
- (3) If the answers to both (1) above and (2) above is yes, what amount has been spent in -
- (a) 1995;
 - (b) 1996;

- (c) 1997; and
 (d) 1998,

on monitoring the behaviour patterns of the inlets since the Dawesville Cut went through?

- (4) What specific action has been taken by the Government to fund monitoring following the adverse report of the Auditor General in 1994?
- (5) If no specific action has taken place, will the Minister advise why not?
- (6) Is it correct that the Peel Inlet Management Authority was to undertake, or has undertaken, aerial surveys of the Peel and Harvey Inlets to track progress to date?
- (8) Will the Minister confirm reports that in recent canal developments residents have noted that water levels have come to within centimetres of the top of the canal walls?
- (9) Will the Minister confirm reports that in some cases water has been found behind canal walls?
- (10) Specifically what steps have been taken by the Government to guard against possible impacts on the south-west coast of Western Australia's greenhouse gas warming by way of increase in cyclone frequency and increase in sea levels?
- (11) Is the Minister aware of independent studies that global sea level rises in Western Australia of only 0.2 metres may eventually cause a 20 metre recession of the coastline?
- (12) If the answer to (11) above is yes, what implications, if any, does this have for water levels in the inlet?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (1)-(3) No record can be found on the commitments referred to by the Hon Member, but if he can provide additional information I will be happy to respond accordingly.
- (4) The monitoring of the impacts of the Dawesville Channel is conducted by a number of government agencies, including the Department of Health, Peel Inlet Management Authority, Water and Rivers Commission, and Department of Agriculture. Since the opening of the Dawesville Channel, the monitoring conducted by the Department of Transport has been primarily allocated from Transport's annual budget. However, during the 1994/95 financial year there was a recognised need for extra funding and an additional \$100,000 was allocated to Transport.
- (5) Not applicable.
- (6) The responsibility for the Peel Inlet Management Authority rests within the folio of the Minister for Water Resources. However, the Minister for Transport has been advised that aerial photography of the Peel-Harvey Estuary has been undertaken to evaluate the state of fringing vegetation.
- (7) No question.
- (8)-(9) The management of canal estates is not the responsibility of the Department of Transport. However, the Minister confirms that Western Australia has experienced above average sea levels over the past months, and as a result water levels within canal estates will have increased. In relation to the canal estates at Mandurah, the Minister notes that the water levels experienced within the Peel-Harvey Estuary are in accordance with the predictions made prior to the construction of the Dawesville Channel.
- (10) The possible effects of Global Warming are considered by the Department of Transport when evaluating future coastal development and the maintenance of existing coastal development. Transport also provides associated technical support to other State Government agencies such as the Ministry for Planning, and to local coastal managers such as local government.
- (11) Yes.
- (12) A rise in mean sea level of 0.2 metres would produce a similar rise in the mean water level within the Peel-Harvey Estuary. This change would occur within the estuary with or without the Dawesville Channel.

BUS SERVICE, BELLEVUE

539. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) Is the Minister aware of concerns about the bus services to Bellevue?
- (2) If so, what concerns is the Minister aware of and what action is being taken?
- (3) Will the Minister give consideration to making the bus service to Bellevue more accessible to residents in Lifford Way?
- (4) If not, why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (1) I am not aware of any specific concerns about bus services to Bellevue.
- (2) Not applicable.
- (3) The existing bus services in this area, Routes 317 and 322, travel along the major access roads, being Clayton Street and Jinda Road. These roads have significant residential concentrations relative to the general area and would be disadvantaged if the routes were deviated to Lifford Way. Further, when the review of Midland bus services occurred in November 1997, a specific effort was taken to make the bus routes as direct as possible. To provide an efficient and direct bus service is a consistent demand from public transport passengers and we are delivering this.
- (4) Modification of the routes in this area is not under consideration, as doing so would disadvantage the community.

NORTHBRIDGE TUNNEL, ENVIRONMENTAL ASSESSMENT

545. Ms WARNOCK to the Minister representing the Minister for Transport:

- (1) When the Northbridge Tunnel was assessed by the Environmental Protection Authority as not requiring a formal environmental assessment, what contractual obligations were in place to ensure that the tunnel contractors would be responsible for monitoring and addressing subsequent environmental impacts?
- (2) If no contractual obligations were in place regarding the monitoring and response to environmental impacts why was it considered that they were not justified?
- (3) Given that the report from Airey, Ryan and Hill, commissioned by the Boulderstone Clough Joint Venture, in relation to property damage allegedly associated with the tunnel construction, stated that there was insufficient monitoring data available with respect to changes in groundwater; who is responsible for this lack of monitoring data?
- (4) Does this responsibility for monitoring groundwater changes amount to a duty of care?
- (5) If not, why not?
- (6) If yes, does the Minister admit that the tunnel contractors failed in their duty of care?
- (7) If not, why not?
- (8) Given that the report from Airey, Ryan and Hill also stated that the subsurface profile and hydrology of the Moir and Brookman Streets area appears more complex than in the area where the pump tests were carried out by others prior to construction; does the Minister agree that in relation to groundwater hydrology the contractors did not employ Best Management Practice in addressing public concerns over the possible impact of dewatering?
- (9) If not, why not?
- (10) Given that the tunnel contractors failed to recognise the complexity of the subsurface profile and hydrology of the Moir and Brookman Streets area, does the Minister acknowledge that this failure to address the environmental issues associated with the project amounted to a failing in their duty of care?
- (11) If not, why not?
- (12) Given that the report from Airey, Ryan and Hill stated that the damage to houses could have been contained by pumping water from the upper sand aquifer into the perched lake bed to ensure that the moisture sensitive silty peats were not destabilised; does the Minister acknowledge that the contractors failed to minimise the hydrological impact of the tunnel construction?
- (13) If not, why not?
- (14) Given that the tunnel contractors failed to minimise the impact of the tunnel construction, does this amount to a failing in their duty of care?
- (15) If not, why not?
- (16) What assurances will the Minister give the public of Western Australia that work contracted out by Main Roads Western Australia remains subject to Best Management Practice when it is clear that the tunnel contractors have failed to implement Best Management Practice in relation to a hydrological monitoring regime and measures to minimise the hydrological impacts of the project?
- (17) Given that the reports by Airey, Ryan and Hill and Woodward Clyde both considered it probable that the dewatering had impacted on the structural integrity of houses in the Moir and Brookman Streets area, but that the reports were not conclusive due to the lack of monitoring data provided by the contractor; what action will the Minister take to ensure that in future contractors will be legally required to provide Best Management Practice or be held financially responsible for damage which monitoring could have assisted in alleviating?

- (18) Given that residents of Moir and Brookman streets believe that the contracting process has been cynically manipulated so that the tunnel contractors provided only a minimum of environmental assessment, which would be insufficient for any determination of their environmental responsibility; how does the Minister intend to raise public confidence in the contracting arrangements used by Main Roads Western Australia?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (1) The Contractor is obligated to develop and implement an Environmental Management Plan for the design and construction of the works to the satisfaction of Main Roads, Environmental Protection Authority and all other relevant Authorities. With specific reference to dewatering and geotechnical monitoring the contractor is obligated to:
- carry out sufficient monitoring to ensure that settlement criteria are met by the measures adopted for the construction of the Northbridge Tunnel; and
 - avoid damage to surrounding buildings or vegetation caused by changes to water table height during construction and subsequent operation of the facility.
- (2) Not applicable.
- (3)-(7) The Airey Ryan and Hill report examined data from Waters and Rivers Commission groundwater monitoring bores within a seven kilometre radius of Moir and Brookman Streets. The data had been collected over the past 15 years. The report draws attention to the trend in a particular bore which is located in the grounds of the Water Corporation in Leederville approximately 1.8 kilometres west of Brookman Street. However, the report states: 'Whether this (trend) can be attributed solely to the construction of the Northbridge Tunnel or some other local or regional influence cannot be stated'. The Airey Ryan and Hill report infers that dewatering activities were a contributing element but is not conclusive and therefore it cannot be stated that the Contractor failed in its duty of care.
- (8)-(11) The member for Perth is referring to the Woodward Clyde report commissioned by Main Roads. This report, while not conclusive, states: 'The inference is that dewatering activities associated with the Northbridge Tunnel construction are likely to have contributed to the currently observed cracking of the houses in Moir and Brookman Streets. It cannot, however, be considered the sole cause of damage but rather a contributing element.'
- (12)-(13) I am advised that there is no reference in either the Airey Ryan and Hill or the Woodward Clyde reports to the possibility of limiting the damage to houses in Moir and Brookman Streets by the method described.
- (14)-(18) It has not been established that the Contractor failed in its duty of care to minimise the impact of the tunnel construction, or, that the reason the reports were not conclusive was due to a lack of monitoring data provided by the Contractor. Main Roads contracts require the Contractor to accept all risk resulting from the construction methodology adopted by the Contractor for the works and to rectify any damage caused by those activities. This is accepted contract management practice in both the private and public sectors.

COUNCIL AVENUE-ENNIS AVENUE, ROCKINGHAM, TRAFFIC LIGHTS

560. Mr McGOWAN to the Minister representing the Minister for Transport:

I refer to the intersection of Council Avenue and Ennis Avenue and ask -

- (a) when will the Government be extending the length of time the lights on Ennis Avenue remain green;
- (b) will the Government be instituting a study to examine the problem of traffic being caught on Ennis Avenue due to the lack of time for which the lights are green; and
- (c) if not why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) The green time was temporarily fixed at a lower level due to road and signal works being undertaken at this site.
- (b) Time settings have been restored since completion of the works. The signal operation will be monitored and if necessary, the timing will be modified.
- (c) Not applicable.

COUNCIL AVENUE-ENNIS AVENUE-CARVIE STREET, ROCKINGHAM, RIGHT TURN ARROW

561. Mr McGOWAN to the Minister representing the Minister for Transport:

I refer to the intersection of Council Avenue, Ennis Avenue and Carvie Street in Rockingham and ask -

- (a) when will the Government be installing the right turn arrow into Carvie Street from Ennis Avenue heading north; and
- (b) does the Government acknowledge that it had earlier promised to install this arrow?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) The right turn arrow has been installed.
- (b) Yes.

RAE ROAD, SAFETY BAY, LIGHTING

563. Mr McGOWAN to the Minister representing the Minister for Transport:

I refer to Rae Road, Safety Bay and ask -

- (a) is the Government aware that two people have been killed on this road in the last two years;
- (b) will the Government be assisting to upgrade the lighting on this road;
- (c) is the Government aware of the very poor lighting on this stretch of road;
- (d) will the Government be applying for Blackspot Funding for this piece of road to improve the lighting; and
- (e) will the Government be cooperating with the Rockingham Council to improve this lighting?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) Yes.
- (b)-(c) Rae Road is a local government road under the care and management of the City of Rockingham. The provision of street lighting is the responsibility of the City of Rockingham.
- (d) This is a matter for the City of Rockingham to consider.
- (e) Not applicable.

HOSPITALS, AGENCY STAFF

596. Ms McHALE to the Minister for Health:

- (1) For each of the metropolitan hospitals, which employment agencies have been used to obtain agency personnel since 1 July 1999?
- (2) How many personnel, and in what positions, have agency staff been employed?

Mr DAY replied:

- (1) AAA Nurses Agency
Alectus Personnel Group
Anson Management Services
Bell Health
Blue Collar People Agency
CA Management Services
Choice Personnel Group
CPE Health Care
Danlin Catering
GEL Group
Global Medical Staffing
Hays Personnel
Healthstra
Integrated Workforce
J Five Health Services
J5 Nursing
Lefroy Employment Group
Lois Wood Recruitment
Manpower Services
Meditemp
Perth Nursing Agency
PIC Nursing & Management
Select Nursing Services
Shelton & Partners
SNS Nursing Services
Sound Personnel

STA Health Services
 Star Nursing Agency
 WA Nursing Agency
 Wesley Personnel
 West Coast Nurses
 Westaff

(2)

Hospital	Enrolled Registered and Mental Nurses	Medical	Cleaners	Food Service Assistants	Linen	Patient Care Assistants	Orderlies	Clerical	Engineering	Computing	Total
	P	P	P	P	P	P	P	P	P	P	P
AHS	66		16	7			7				96
BHS	205	2						4			211
Dental								2	2		4
Fremantle*	624						3				627
Graylands	110		7	12		1		4	7		141
Kalamunda	6		2	3		11					22
NMHS	46		2	3	1	21	3	8	2	1	87
PMH	271		86	19		12		1			389
Rockingham	5		3	5		8		1			22
RPH	761					302					1063
SCGH	431					30					461
Swan	127							1			128
TOTAL	2652	2	116	49	1	385	13	21	11	1	3251

LEGEND: P = PERSONNEL

Fremantle*: This figure equates to 37.38 FTE for registered nurses and 0.75 FTE for hotel service staff. For the same period last year, Fremantle Hospital & Health Service employed 59.35 FTE registered nurses through agencies and 3.88 FTE hotel service staff through agencies.

Rockingham*: Shift length may vary from 1-10 hour

HOSPITALS, FUNDING

605. Ms McHALE to the Minister for Health:

- (1) (a) What was the total State contribution (recurrent) to Western Australian public hospital expenditure in 1997-98 and 1998-99; and
- (b) what is the expected State contribution (recurrent) to public hospital expenditure in 1999-00?
- (2) (a) What was the level of public hospital expenditure (recurrent) funded from patient fees in 1997-98 and 1998-99; and
- (b) what is the expected level of patient fees contribution to public hospital expenditure (recurrent) in 1999-00?

Mr DAY replied:

- (1) In past years the Health Department has provided a specific budget allocation for public hospitals on a "program basis". However, since 1997-98 the Department has shifted to allocating funding to health services on an Output basis. A health service represents a hospital or collection of hospitals, together with a range of other facilities including Community Health and Mental Health. This is a superior funding mechanism as it focuses on achieving outputs as opposed to inputs used to deliver services. The approach offers health services flexibility in designing and delivering services to achieve output targets.

State Funding of Health Services

Health service funding provided by the State Government (exclusive of patient fees) in 1997-98 and 1998-99 totalled:

1997-98	\$699.1 million
1998-99	\$822.6 million

The expected State contribution to health service funding (exclusive of patient fees) in 1999-00 is \$888.7 million.

(2) Direct Revenue from Patient Fees

Direct revenue is received by health services as patient fees. In 1997-98 and 1998-99 revenue from patient fees totalled:

1997-98	\$56.4 million
1998-99	\$54.1 million

The expected revenue from patient fees in 1999-00 is \$52.4 million.

HEALTH, LEGAL CONSULTANT, COMMERCIAL PROJECTS

636. Ms McHALE to the Minister for Health:

I refer to the retention of a Legal Consultant - Commercial Projects (Tender No. HSC672/97) and ask -

- (a) how much was spent on the legal consultancy during the financial years -
 - (i) 1997-1998; and
 - (ii) 1998-1999,
- (b) what is the Legal Consultant's hourly rate and how does that compare with the hourly rate of legal officers of comparable standing or more senior in the public sector;
- (c) how many commercial agreements have been drafted by the Legal Consultant during;
 - (i) 1997-1998; and
 - (ii) 1998-1999,
- (d) what are commercial agreements that have been drafted by the Legal Consultant since the consultancy commenced on 1 June 1997;
- (e) could the Minister advise -
 - (i) whether the Legal Consultant provides independent legal advice on all matters referred to her; and/or
 - (ii) arranges for work to be briefed to other solicitors seeking advice or drafting of commercial agreements,
- (f) is the Legal Consultant - Commercial Projects involved in developing policy relating to draft legislation (outside the ambit of competition policy) or other health department policy;
- (g) what proportion of work undertaken by the Legal Consultant -
 - (i) relates to commercial projects; and
 - (ii) relates to other eg. Legislation, drafting instructions, policy,
- (h) does the contract with the Legal Consultant include attendance at conferences within and outside the State of Western Australia, and
- (i) if so -
 - (i) how many conferences have been attended and where;
 - (ii) what has been the cost of each conference;
 - (iii) what was the location of each conference;
 - (iv) was the Legal Consultant paid an hourly rate for attending each conference; and
 - (v) did the Legal Consultant travel economy or business class to attend conferences outside Western Australia,
- (j) why was the position Legal Consultant - Commercial Projects the subject of tender;
- (k) is it to be the subject of a further tender;
- (l) who prepared the tender specification for the position Legal Consultant.
- (m) did the current incumbent have any input into the specifications that were determined to be required for the position;
- (n) are the duties carried out by the Legal Consultant similar to other public sector positions;
- (o) are there comparable government contracts in the Health Department; and
- (p) if so -
 - (i) what are these contracts; and
 - (ii) what are the hourly rates for each contract,

- (q) given the period of the consultancy why was a permanent public service position not created;
- (r) is the Legal Consultant a member of the Path Centre Board;
- (s) will the Legal Consultant be remunerated as a member of the Path Centre Board;
- (t) if yes, how much;
- (u) will Path Centre Board meetings coincide with the Legal Consultant's employment hours at the Health Department of Western Australia?

Mr DAY replied:

- (a) Payments for the financial year 1997/1998 totalled \$137,595.
Payments for the financial year 1998/1999 totalled \$158,590.
- (b) The legal consultant is a sole practitioner. The consultant is retained for approximately 21 hours per week. Additional hours are required by the Department, depending on work-flow. For '97/'98 the agreed hourly rate was \$90 per hour. For '98/'99 and '99/2000 the agreed hourly rate is \$100 per hour. Until May this year hours in excess of the retainer were remunerated at base rates. Effective 1 May 1999 an agreement was reached that the consultant's hours would be limited to the retainer or a penalty rate would apply for additional hours. The penalty rate is \$200 per hour. The legal consultant has 20 years' commercial law experience. More than 10 of those years were spent either as a partner in or a consultant to leading Perth law firms. As a partner or a consultant to these firms, services were charged out at partner rates. In 1994/1995 the consultant's charge out rate was \$250 per hour. In 1998, the consultant was engaged by the Northern Territory Government in connection with a hospital privatisation project. The consultant was remunerated at \$200 per hour. I am not aware of any comparable contractual arrangement with any solicitor of similar experience and standing in the public sector. The standard rates paid to external lawyers vary between \$230 and \$350 per hour.
- (c)-(e) The legal consultant has settled, drafted, negotiated and advised on numerous commercial projects during the period of the consultant's engagement. They include the Joondalup and Peel projects, the Bunbury co-location project, State nursing home privatisations, significant land sales such as Heathcote and Mt Henry, Commonwealth/State agreements including the former Medicare Agreement and the current Australian Health Care Agreement and significant funding arrangements with non-Government organisations such as the Australian Red Cross, the Royal Flying Doctor Service, the St John Ambulance Service, Silver Chain and Anglican Homes. The list is extensive. Otherwise in the commercial area the consultant has advised on trade practices issues following the application of the *Trade Practices Act* to State Government businesses, the impact of the Commonwealth Aged Care legislation on the State's hospital licensing arrangements, FOI issues relevant to commercial projects, the introduction of the State's managed fund known as RiskCover and, most recently, GST issues. On certain projects, the consultant works alone, under instructions from the Department. On other projects, the consultant works jointly with external solicitors or Departmental solicitors. These external solicitors are arranged by the Crown Solicitor's Office through the normal practice. One example of a recent project where the consultant acted for the State is the Mayne Nickless \$A90M bond re-financing of their Joondalup Project debt, involving a variation to the Development and Health Services Agreement to reflect changes to the risk profile and the consequential restructuring of the Joondalup site leasing arrangements. The consultant's cost to the Health Department on that project was \$18,000. The full amount was recovered from Mayne Nickless, under the terms of the contract.
- (f) The legal consultant is not involved in legislation policy development or Health Department policy generally. The consultant is required to provide legal advice to the Department in connection with certain policy development. From time to time the consultant is also required to instruct on draft legislation.
- (g) The proportion differs from time to time. As a general proposition 70% of work undertaken relates to commercial projects with the balance 30% relating to other issues.
- (h) The contract does not deal with conference attendance.
- (i) At the request of the Commissioner of Health the legal consultant has attended two local conferences in Perth – one held by Treasury dealing with National Competition Policy; the other held by the AMA and the ACCC, dealing with trade practices issues. Conference registration fees were nominal. Otherwise, the consultant attended an ACCC conference held in Adelaide in June 1998. Although termed a "conference" the forum concerned an application by the AMA for authorisation of certain anti-competitive conduct under the *Trade Practices Act*. Attendance at this "conference" was in the consultant's capacity as a lawyer; representing the Department. The consultant travelled to Adelaide economy class. The consultant met their own accommodation costs. The consultant was remunerated for the time spent travelling and attending the conference at the rates described above.
- (j) The position was the subject of tender in order to retain a solicitor of sufficient experience and seniority to be able to deal with the burgeoning commercial projects being undertaken by the Health Department. It was also necessary that that person be able to establish high level links between the Department, the Crown Solicitor's Office and private legal providers and act as adviser to the Department's legal services branch.
- (k) No decision has been made on this as yet.
- (l) The tender document was prepared by Max Richmond of Health Supply Services in conjunction with Helen Morton, Health Department of Western Australia.

- (m) No.
- (n) As a general proposition, the duties that are carried out by the legal consultant are comparable to duties carried out by a commercial partner in a law firm.
- (o)-(p) The Health Department (either through the Crown Solicitor's Office or other appropriate procurement) has numerous contracts with external legal consultants for a variety of project work. The difference between the consultant's and other consultants' terms of engagement is that the relevant consultant is engaged for a fixed period (until 31 May 2000), while the term of other consultants' contracts is linked to the term of the relevant project the subject of their brief.
- (q) Market analysis indicated that the calibre of practitioner required would not have been attracted to an employment position.
- (r) Yes.
- (s)-(t) It is proposed that the PathCentre board members (other than ex officio members) will be paid an amount recommended by the Salaries and Allowances Tribunal.
- (u) The legal consultant does not have fixed hours of attendance at the Health Department. The consultant is not an employee of the Department. This flexibility makes it possible for the consultant to attend PathCentre meetings around contract hours at the Department.

GOVERNMENT CONTRACTS, CONEY STEVENS PROJECT MANAGEMENT PTY LTD

669. Ms McHALE to the Minister for Police; Emergency Services:

- (1) How many contracts were awarded to Coney Stevens Project Management by agencies and departments under the Minister's control in -
 - (a) 1996-97;
 - (b) 1997-98; and
 - (c) 1998-99?
- (2) For each contract, will the Minister state -
 - (a) the project that the contract was awarded for;
 - (b) the date that the contract was awarded;
 - (c) the expiry date of the contract;
 - (d) the value of the contract;
 - (e) did the contract go to tender; and
 - (f) how many companies or individuals submitted tenders?

Mr PRINCE replied:

Police

(1)-(2) Coney Stevens Project Management has been engaged by Contract and Management Services (CAMS) on behalf of the Police Service for building related projects. The Minister for Works and Services has provided the information requested on Tuesday, 12 October 1999 (Question on Notice 666).

Emergency Services

- (1) The Fire & Emergency Services Authority has not awarded any contracts to Coney Stevens Project Management.
- (2) Not applicable.

DRUG TRAFFICKING AND DEALING, ARRESTS

704. Dr CONSTABLE to the Minister for Police:

How many arrests were made for drug trafficking/dealing in each of the last five years?

Mr PRINCE replied:

The Police Service statistical database has no offence code specific to drug "trafficking/dealing", however, this data would be captured under the offence of "sell and supply". Accordingly, I refer the member to the following table:

Persons Arrested for Selling / Supplying Drugs 1994/95 to 1998/99					
Fiscal Year Ending					
July 95	July 96	Jul 97	July 98	July 99	Total
17	13	9	23	26	88

GOVERNMENT DEPARTMENTS AND AGENCIES, GRANTS, LOANS AND FINANCIAL ASSISTANCE

748. Mr RIEBELING to the Minister for Police; Emergency Services:

Will the Minister provide the following details of all grants, loans and any other form of financial assistance, offered within the Minister's portfolio -

- (a) the name of the financial assistance;
- (b) the purpose of the assistance;
- (c) the eligibility criteria for assistance;
- (d) the actual expenditure in -
 - (i) 1997-98;
 - (ii) 1998-99; and
- (e) the budgeted allocation in 1999-2000?

Mr PRINCE replied:

Police

(a) Name of Financial Assistance	(b) Purpose	(c) Eligibility Criteria	(d) Actual Expenditure		(e) Budget Allocation in 99-00 (\$000)
			97-98 (\$000)	98-99 (\$000)	
Community Policing Grants	Up to \$5000 for crime prevention initiatives for the improvement of relations between the police and the community.	Available to all police officers to enable them to embrace the Community Policing concept and become involved in the community as partners in developing new initiatives in preventing or reducing crime. These initiatives involve community policing and crime prevention (particularly early intervention programs) that either directly or indirectly result or should result in a reduction in, or prevention of, crime or anti-social behaviour and assist in the improvement of community safety and security relative to crime. This involves both Police Officers and Aboriginal Police Liaison Officers and members of the community, working, acting and cooperating together.	733	789	708
State Crime Prevention Strategy Grants	Coordinates statewide initiatives aimed at targeting the reduction or prevention of crime and anti-social behaviour at a local community level.	Available to Safer WA Committees and provide a means by which they can initiate crime prevention programs at the local level. The funding is not an end in itself, but serves as a catalyst and it is expected that a high level of community support be demonstrated in each program through the provision of sponsorship, in-kind goods/services and/or financial contributions.	538	442	500
Volunteer Sea Search Rescue Grants	Funding assistance of sea search and rescue operations. This has subsequently been transferred to the Fire & Emergency Services commencing from 1999/2000.	Not applicable - now administered by the Fire and Emergency Services Authority.	265	272	n/a
National Campaign against Drug Abuse Grants	Projects aligned to drug and alcohol law enforcement.	Available to any group of people who desire to undertake projects aligned to drug and alcohol law enforcement. The Alcohol and Drug Coordination Unit administers the grants and applications are considered by the Coordination Funding Committee. This Committee consists of members from the Police Service, Health Department and the Drug Abuse Strategy Office.	296	208	418
Other Minor Grants	Include Aboriginal Affairs grants, being for the improvement of relations between the police and the aboriginal community.	Aboriginal Affairs grants involve the development of an agreed set of program objectives and expected service outcomes. The grants are accepted on an offer and acceptance basis and the recipient body must be an incorporated body.	18	27	n/a

Emergency Services

(a)	(b)	(c)	(d)	
Name of Financial Assistance	Purpose	Eligibility Criteria	Actual Expenditure	
			97-98	98-99
Bush Fire Service Volunteer Building /Equipment/Vehicle Grants & Subsidy Scheme	To assist with the replacement of existing ageing infrastructure and to expand Bush Fire Service delivery in country regions. The scheme covers fire appliances, radios, protective clothing, safety equipment and provides building subsidies.	Grants are subject to approval based on submissions made by Local Government Authorities according to specific guidelines. Submissions are assessed against appropriate criteria established for the purpose of the scheme. Grants are not made to individuals.	\$2.491 million	\$0.952
Fire & Rescue Service Volunteer Building/Equipment/Vehicle Grants & Subsidy Scheme	To promote operational effectiveness and efficiency of Fire & Rescue Service volunteer fire brigades by providing funding assistance for the purchase of operational equipment and vehicles and provides building subsidies. Assistance is also provided to cover travelling costs, requirements to hold a particular class of driving licence and telephone assistance.	Based on general administrative guidelines established in conjunction with the Volunteer Fire Brigades Association Inc.	\$553,000	\$342,000

(e) 1999/2000 FESA budget allocation for all grants and subsidies is \$3.963 million.

MOBILE TELEPHONES, EDUCATION PROGRAM ON USE WHEN DRIVING

802. Dr CONSTABLE to the Minister representing the Minister for Transport:

In relation to the Government's recent education program regarding the use of mobile telephones while in control of a motor vehicle -

- (a) how long did the program run;
- (b) what did the program consist of;
- (c) what was the cost of the program;
- (d) does the Minister consider the program successful;
- (e) does the Government plan to run the program again either in its present form or following a new format; and
- (f) if the answer to (e) above is yes, when?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) 15 January 1999 – 29 January 1999.
- (b) 15 second TV commercials demonstrating what can happen if a driver is distracted.
- (c) \$50 000.
- (d) The education program had some measure of success at the time of the campaign. One in two people surveyed, reported they would probably be less likely to use their mobile phone when driving. However, I am planning to ask for a repeat of the observational study completed prior to the campaign, as part of a broader independent program review.
- (e) The Government will review its position on the outcome of the independent program review.
- (f) Not applicable.

METROPOLITAN HEALTH SERVICE REGIONS, GENERAL MANAGERS

849. Ms McHALE to the Minister for Health:

For the position of General Manager for each of the Metropolitan Health Service Regions, will the Minister advise -

- (a) who the General Manager is;
- (b) when each General Manager was substantively appointed;
- (c) how long each position was vacant prior to the appointment and
- (d) what was the component and total cost of recruiting for each position?

Mr DAY replied:

- | | | |
|-----|---|---|
| (a) | Swan
Bentley
North Metropolitan
Armadale
Rockingham | Mr Philip Aylward
Ms Judith Roseveare
Mr Peter Campos
Ms Helen Morton
Mr Peter Baulderstone |
| (b) | Mr Philip Aylward
Ms Judith Roseveare
Mr Peter Campos
Ms Helen Morton
Mr Peter Baulderstone | 27 March 1997
4 July 1997
27 June 1997
11 June 1997
7 July 1997 |
- (c) Following reclassification, and consistent with Government policy, the positions were spilled at the date of advertising, 11/1/97. Each position had a substantive occupant until that time.
- (d) It is estimated that the cost of recruiting for each of these positions was in the order of \$1,700 each.

BUS SERVICES, BUNBURY

873. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to *The West Australian* of Saturday, 11 September 1999 where the Department of Transport sought tenders for the provision of bus services in Bunbury and ask -

- (a) will the Minister confirm that this is the first time these services have been subject to tender;
- (b) when, and why, was the decision made to go to tender; and
- (c) who currently provides these services and under what circumstances was the company awarded the contract?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) The Bunbury City Transit service was previously tendered in 1985; the resultant contract commenced 13 January 1986, expiring on 30 June 2000.
- (b) It was a condition of contract that the service be re-tendered.
- (c) DB & LB Adams; the contract was awarded as a result of the 1985 public tender.

ROYAL PERTH HOSPITAL, FUND-RAISING OFFICER

920. Ms McHALE to the Minister for Health:

- (1) Has Royal Perth Hospital appointed a fund raising officer?
- (2) If so, when was the position advertised?
- (3) When was the position filled?
- (4) What are the duties of the position?

Mr DAY replied:

- (1) No.
- (2)-(3) Not applicable.
- (4) Not applicable. Ms K Morrison, who has had extensive experience in fund raising activities, is currently on a short term contract to develop a business proposal for a fundraising program at Royal Perth Hospital.

POLICE, YEAR 2000 ASSESSMENT CONSULTANCY

999. Mr RIEBELING to the Minister for Police:

- (1) What was the name of the company awarded a consultancy to provide Year 2000 assessment and strategy planning for the Western Australian Police Force in January 1998 (RFT146597)?
- (2) When did the consultancy conclude?
- (3) How much was paid for this consultancy?

Mr PRINCE replied:

- (1) DMR.
- (2) Ongoing.
- (3) Up to the 24 September 1999, \$1.28m has been expended.

PARKERVILLE AMPHITHEATRE CAR PARK

1045. Mr BROWN to the Minister for Lands:

- (1) Did the Department of Land Administration (DOLA) write to Mr John Joseph Jones on 30 July 1999 about the Parkerville Amphitheatre car park, Parkerville Lot 404?
- (2) In that letter did the Department respond to the question – "Does the present Municipal Liability Scheme public liability policy prevent the Shire from offering Mr Jones a licence for car park use consistent with the Minister's offers"?
- (3) Did the letter from DOLA to Mr Jones advise that "The Municipal Liability Scheme has advised the Shire, under its existing public liability cover, liabilities may arise from the occupation of the land by Mr Jones that require separate insurance."?
- (4) Is it true that the former Minister for Lands, the Hon George Cash, wrote to Mr Jones on 2 November 1995 confirming "with regard to public liability the area will be under the Shire as a vested reserve and accordingly public liability will be covered by the Shire's insurers. You (Jones) will have no liability on the proposed reserve other than any other individual member of the public."?
- (5) Did the Acting Minister for Lands, in a letter dated 31 July 1996 to Mr Jones advise "The licence would seem to address all of your concerns for the area, in that it allows for your unhindered use of the land for client parking during times of performances at the Amphitheatre, and the retention of your existing improvements. Public liability over the land and the improvements are covered by the Shire's insurers under the terms of the licence"?
- (6) Prior to writing to Mr Jones on 2 November 1995, did the Minister for Lands have any discussions with the Shire of Mundaring about the Shire providing full public liability over the land once it was vested in the Shire as a reserve?
- (7) Was any agreement reached between the Government and the Shire of Mundaring about the Shire maintaining full public liability over the land once the land was vested in the Shire?
- (8) What was the nature of the agreement reached between the Shire and the Minister in this regard?
- (9) Was the information provided to Mr Jones in the Minister's letters of 2 November 1995 and 31 July 1996 correct?
- (10) If so, was that information based on any -
 - (a) agreement;
 - (b) understanding; and
 - (c) other arrangement,
 with the Shire of Mundaring?
- (11) Did the Minister and/or the Department of Land Administration ever enter into any agreement or receive any undertaking or advice from the Shire of Mundaring that -
 - (a) public liability would be covered by the Shire's insurers;
 - (b) Jones will have no greater liability on the proposed reserve than any other individual member of the public; and
 - (c) the car park, when used by Mr Jones will have public liability insurance cover met by the Shire?
- (12) What was the nature of that agreement, undertaking or advice?
- (13) If no such agreement, undertaking or advice was received from the Shire, did the Minister have any basis for advising Mr Jones that public liability would be covered by the Shire insurance and that he (Jones) would have no greater liability on the proposed reserve than any other individual member of the public?
- (14) Has the Minister and/or the Department of Land Administration sought to ascertain if the Shire has acted in accordance with the advice provided by the Ministers "that public liability would be covered by the Shire's insurers"?
- (15) Has the Minister and/or the Department of Land Administration now concluded that the Shire has not acted in accordance with the advice provided by the Ministers in their letters to Mr Jones?
- (16) What action does the Minister/Shire intend to take to remedy the matter?
- (17) Will the Minister explain why the draft licence most recently issued by the Shire to Mr Jones for his signature and which is dated 29 April 1997, contains a new clause 2.5 requiring Mr Jones to execute a public liability insurance policy for a minimum of \$5 000 000 (five million dollars) to insure himself and the Shire jointly against any claims made against them by public liability claimants for injuries sustained on the proposed car park?
- (18) Will the Minister explain why the draft licence referred to in (17) above does not contain a clause embodying the conditions of Acting Minister Paul Omodei's offer contained in his letter to Mr Jones dated 31 July 1996, stating "The licence allows for your unhindered use of the land for client parking during times of performances at the Amphitheatre and the retention of your existing improvements. Public liability requirements over the land and improvements are covered by the Shire's insurers under the terms of the licence"?

- (19) Will the Minister explain why the offer of Minister George Cash as implied in his letter to Mr Jones, dated 2 November 1995 of allowing Mr Jones exclusive use of the parking area for his patrons on notified performance days; and of the offer of acting Minister Paul Omodei, of allowing Mr Jones' patrons unhindered access on such days, made in his letter to Mr Jones of 31 July 1996, have been abandoned by the Shire as revealed in the Report made on 30 July 1999, by Mr Peter McNeill, Branch Manager, Land Administration Services Branch, DOLA, to Clive Brown, MLA, in which Report, in answer to the question, "Does the Shire intend to deny access to users of the car park area at any time?" the Shire answered "No...Mr Jones would be expected to arrange parking to allow the public access through the area...and routes could be negotiated."?
- (20) Will the Minister ensure that the amendments made to the Licence by Minister Graham Kierath in his letter to Mr Jones dated 27 September 1996, which said "The amendments to the licence suggested by the Department of Land Administration (DOLA) were to allow the concurrent transfer of the licence with the Amphitheatre freehold, and to ensure that the licence could be renewed following expiration of the original licence term. I am sure that you will recognize these amendments as being to your advantage.", are retained in the licence offered to Mr Jones and that no power of veto is imposed by the Shire against any prospective purchaser of the freehold?

Mr SHAVE replied:

- (1)-(20) The following response is provided in reply to the 20 queries contained in Parliamentary Question 1045 regarding Mr Jones' lease of Parkerville Lot 404.

As stated previously this issue has been the subject of numerous enquiries over the past five years to the Office of the Minister for Lands and the Department of Land Administration (DOLA). I am not prepared to have staff at DOLA spend any more time researching this matter. However, as I previously offered, I am prepared to have a member of my staff arrange for the member for Bassendean to meet with DOLA staff who can respond directly to his queries.

SOUTH PERTH POLICE STATION, STAFF REDUCTION

1089. Mr PENDAL to the Minister for Police:

- (1) Is it correct that the number of Police officers attached to the South Perth Police Station is being, or has been, reduced?
- (2) If so, by what number?
- (3) If not, will the Minister give an assurance that no such reductions will occur?

Mr PRINCE replied:

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

QUESTIONS WITHOUT NOTICE

CREDIT RATING, WESTERN AUSTRALIA

355. Dr GALLOP to the Treasurer:

I refer to the claim by Standard and Poor's in a media statement issued this week that "the general government sector underlying deficit in fiscal 2000 at 5.8 per cent of revenue is the largest in the span of data available to Standard and Poor's", and its warning that Western Australia's AAA credit rating could be jeopardised if this trend continues. Does the Treasurer still deny the existence of a deficit, or will he now accept that the Opposition, the Chamber of Commerce and Industry of Western Australia, the Institute of Public Affairs, Alan Wood from *The Australian* newspaper and Standard and Poor's are right when they say that the Government is working with a record deficit?

Mr COURT replied:

I am pleased the Leader of the Opposition has found time to be at question time with all of the meetings that have been going on around Parliament House. It is good to have him here. For him to ask a question about the State's credit rating, I find quite amazing. The Leader of the Opposition was in the Government that lost the State's credit rating.

Dr Gallop: That is the largest span of data available.

Mr COURT: The Leader of the Opposition wants to talk about budget statistics. We have continued to run a recurrent surplus. We have done something he has only dreamed of: We have funded capital works from a recurrent surplus.

Dr Gallop: You are in denial.

Mr COURT: In denial! Western Australia's AAA credit rating has been affirmed today. Standard and Poor's reaffirmed a AAA long-term, an A1-plus short-term local currency rating, and a stable outlook. I will keep it simple: It took four years

to get the first agency to restore a credit rating that those opposite had lost, and six for the second agency to restore the AAA credit rating. In simple terms, those opposite blew the State's finances. We put those finances back into a strong position again. To have Standard and Poor's affirm the AAA rating is something that those opposite could only dream of.

CREDIT RATING, STANDARD & POOR'S

356. Dr GALLOP to the Treasurer:

Is it the case that the last line of the news release from Standard and Poor's is that if, however, the financial trend evident in fiscal year 2000 continues, rather than being reversed, Standard and Poor's would reconsider the likely future direction of the rating?

Mr COURT replied:

Of course, it would. That is what it is all about. When in government, we must deliver the performance, not just talk about it. The Leader of the Opposition sat in the -

Dr Gallop: The Treasurer is in deficit denial.

Mr COURT: If the member wants to have a debate about this State's credit rating, let us get into it straightaway.

EXMOUTH AND ONSLOW, CYCLONE DAMAGE

357. Mr SWEETMAN to the Treasurer:

Members will be well aware of the hardships experienced by the communities of Exmouth and Onslow as a result of the devastation caused by cyclone Vance. Can the Treasurer inform the House of the ongoing support being provided to help these towns and the people in them to recover as a result of that devastation?

Mr COURT replied:

I thank the member for Ningaloo for the question and also the member for Moore for his efforts in following closely what is taking place in Moora. We are getting to the end of distributing the funds that have been put aside. As members will know, the Commonwealth and the State established a \$10m trust fund to provide assistance to those communities. I am pleased that further grants of \$1.5m are going to those communities. A number of projects are being funded; for example, \$400 000 for work on the Onslow aerodrome. There has been an issue about the foreshore restoration in Onslow. An amount of \$30 000 will be spent on a storm surge study and, depending on its outcome, we will look at the best way to assist with the reconstruction of the seawall. The grants will include \$70 000 for the town beach dune restoration. I will not read out all of the specific allocations. Some assistance is being provided to the lodge for the frail aged and St John Ambulance Australia in Moora. There are 46 grants in the latest group. To date, \$8.5m from the trust fund has been committed to those communities. More than \$4m has been provided in the business assistance grants which, I am pleased to say, will be tax exempt, thanks to a decision by the Commonwealth Government. We thank all of the parties for their ongoing cooperation in the reconstruction of those communities. As I say, we are now getting towards the end of the implementation of those funds.

STAMP DUTY, GOODS AND SERVICES TAX

358. Dr GALLOP to the Treasurer:

I refer to the so-called simple, efficient, new tax system which will see Western Australians pay a tax on a tax.

- (1) Why has the Treasurer embarked on this stamp duty to squeeze extra revenue from Western Australian taxpayers?
- (2) Is it because he is presiding over a record deficit, or because he is worried that Western Australia's share of the goods and services tax revenue will be insufficient to meet the needs of Western Australians?

Mr COURT replied:

- (1)-(2) Stamp duty will be applied as it has always been applied, including under the Labor Government - that is, after the Commonwealth's indirect taxes are applied.

Mr Ripper: Is that what you call an efficient tax system?

Mr COURT: Members opposite did it. For example, wholesale sales tax applies to cars, and stamp duty is paid on the car price inclusive of the wholesale sales tax. Stamp duty will come down on cars under the goods and services tax because the wholesale sales tax will be replaced by the GST. The so-called "scam" is what Labor Governments are doing in other States, and it also applies in other countries. Are members opposite, by saying that a stamp duty on a tax is a scam, saying that they were part of that scam when they were in government for 10 years?

Dr Gallop: You told us it would be a more efficient tax system, with fewer taxes. There are to be more taxes!

Mr COURT: As I said in the House last night, if members opposite had supported a decision of the people to implement the original tax package, instead of our having to rely on negotiations with the Australian Democrats, we would have been able to get rid of many more state taxes. As the Labor Party left itself outside the tax debate, that is not to be the case. Before the Leader of the Opposition talks about scams, he should talk about his principle in government; that is -

Dr Gallop: Do you know what the federal Treasurer said? "This is nothing more than a revenue grab."

Mr COURT: The federal Treasurer said that the States can lower their rates of stamp duty if they want. Of course we can - and we do. The State has always followed the principle of stamp duty applying after the commonwealth indirect tax is imposed. The practice was followed also by the Government of members opposite. The Leader of the Opposition might be in opposition, but he still needs to maintain some credibility.

HAEMODIALYSIS SERVICE

359. Mr OSBORNE to the Minister for Health:

Can the minister advise how services for patients requiring haemodialysis have been expanded in Western Australia?

Mr DAY replied:

I am happy to talk about this issue as the expansion of renal dialysis, particularly haemodialysis, is one of the outstanding successes in the Health portfolio of the coalition Government.

Mrs Roberts: What about Midland?

Mr DAY: The expansion of services provided is very much a core achievement of the health policy of providing services and care closer to where people live.

Mrs Roberts: Swan Districts has been waiting for years!

Mr DAY: It is interesting to look at the history of the matter, given that the member for Midland has so much to say about the issue. When the Labor Party left office, renal dialysis was provided in two locations in Western Australia, both of them within six kilometres of the central business district of Perth, namely, Royal Perth and Sir Charles Gairdner Hospitals.

Mrs Roberts: They have been waiting for seven years in Midland.

Mr DAY: Does the member want the rest of the history of what happened over seven years? She will get it anyway.

Mrs Roberts: Three of my constituents have died waiting.

Mr DAY: I will come to Midland in a moment; I have a strong interest in that area as well.

In addition to the two sites left by the Labor Government, over the past two years renal dialysis services have been provided at Armadale, Joondalup, Mandurah, Fremantle, Geraldton, Kalgoorlie and Bunbury - a total of nine sites. Also, the service is being established over the next six to eight months or so at Albany, Midland, Melville - to take pressure off the service at Fremantle - Port Hedland and Broome. Therefore, this time next year renal dialysis will be provided at 14 locations in Western Australia, compared with the two locations left by the Labor Government.

Over the past two years there has been a \$5.5m increase in funding for the renal dialysis program. We will spend \$27.5m on renal dialysis this year compared to \$22m in 1997-98. This is one of the outstanding achievements of the Health portfolio of the coalition Government.

GILLEECE, MR JACK, ADDITIONAL PAID WORK

360. Mr RIPPER to the Premier:

Some notice of this question has been given. I refer to the 1997 internal inquiries into the business activities of the Premier's disgraced former adviser, Jack Gilleece.

- (1) Was Mr Gilleece ever asked by the Premier or any officer of his department during the course of those inquiries whether he engaged in paid work outside of his employment?
- (2) If so, what was his response?
- (3) If not, can the Premier explain why such an obvious question was never asked, given Mr Gilleece's activities in Mongolia?

Mr COURT replied:

- (1)-(3) An explanation was sought from Mr Gilleece in May 1997 regarding his involvement in a memorandum of understanding with the Mongolian Government. Pursuant to legal advice, I have tabled that communication in Parliament in recent days. Mr Gilleece, like all employees in government, was under a statutory obligation under section 102 of the Public Sector Management Act 1994 to inform his employer of any work undertaken outside the course of his normal duties. The onus rests on employees to fulfill their obligations under their contract and under the Act.

Mr Ripper: Was he asked?

Mr COURT: I just said that he had to explain, and members opposite have the correspondence.

GILLEECE, MR JACK, SERVICE TO STATE

361. Mr RIPPER to the Premier:

Does the Premier still believe that Jack Gilleece was "a wonderful officer who has served this State well"?

Mr COURT replied:

Mr Gilleece worked in my office for some seven years, in which time he did some good work. When I found out about his taking on other work, I felt very strongly. I felt so strongly that I directed that a full inquiry be carried out into that matter. If members opposite had operated under the same standards in government, they would not have got into the trouble they did.

WARDS OF STATE, CHRISTMAS PRESENTS

362. Mrs van de KLASHORST to the Minister for Family and Children's Services:

I was extremely concerned yesterday to hear the member for Willagee tell the House that children in the care of the State will miss out on receiving Christmas presents this year. Surely this cannot be true. Can the minister advise the House of the actual situation?

Mrs PARKER replied:

The short answer is no, the children who are wards of state will not, and were never going to, miss out on Christmas presents. We saw in the House yesterday the member for Willagee at his worst. If he were genuinely interested, he would have given me some notice of the question. He was not interested in the information. He was not, and still is not, interested in the children. He was interested only in a quick television headline. The easiest way to achieve that headline is to throw up some wrong assumptions on details about which I could not possibly be aware. This receives a quick run in the media, and by the time a correct explanation is provided, the member has achieved his goal. Never mind the children. It is cheap politics.

After the question was asked yesterday I made inquiries of the department. There has never been a policy for the department to give Christmas presents to wards of the State, and there has been no usual practice across the department to provide up to \$50 for the cost of a gift, as stated by the member for Willagee. In practice, different approaches to Christmas and Christmas gifts for each ward of the State have been adopted in different areas across the State. Some give no gifts, and some give a present to only a few children after considering specific requests by carers on a case-by-case basis, or if the carer or natural parent were not able to provide a gift. Some children had a small party with a small gift. I am advised that only two of the nine zones gave a small gift to every child in the care of the State in their zone.

Several members interjected.

Mrs PARKER: The member for Fremantle is becoming as bad as the member for Willagee.

Several members interjected.

The SPEAKER: Order! There are interjections from both sides of the Chamber. In the past three days I have been making a little tally for the member for Armadale. She has made six interjections since we started question time, the other day it was four and before that, four. She is getting worse. Members on my right as well as members on my left are interjecting, which is unacceptable.

Mrs PARKER: This year the department wants to develop a consistent approach, so that every child in care will have a present. In future years we want to make sure that no child misses out and that the ad hoc approach is addressed. Most children in care will receive, and have always received, Christmas gifts from their foster carers, and in many cases from their natural parents. That is how it should be. If any child will not be receiving a gift from a foster carer or from a parent, Family and Children's Services will ensure that they receive a gift from the department. This is not a cost-saving measure; it is a measure to ensure that all children receive a gift at Christmas.

Christmas is a very special time. It is one of the lowest forms of politicking to take disadvantaged children and the spirit of Christmas into a political arena. This year we will make sure that all children in our care share in the spirit of Christmas.

Several members interjected.

The SPEAKER: I am contemplating whether for the first time since I have been in this job I will close question time early. It appears that members do not want to take too much notice. If that is the case, we will move onto other things.

SECURITY GUARDS, POWERS

363. Mrs ROBERTS to the Minister for Police:

- (1) Can the minister assure the people of Western Australia that he is not currently developing legislation to give security guards police powers, such as the power of arrest and the power to execute warrants?
- (2) If the minister cannot give this assurance, why not?

Mr PRINCE replied:

- (1)-(2) I do not know how many times I must say this: There is no suggestion at all from the Government that security guards should ever be given anything other than the citizen's power of arrest which everybody has. The Government is not contemplating a policy or legislation on this. The only people who have any powers are police officers and special constables under the Police Act, and other people from law enforcement agencies such as the National Crime Authority and federal police.

Mrs Roberts: What powers do they have now?

Mr PRINCE: They have the ordinary powers that the member has as a citizen of this State, and nothing more.

Mrs Roberts: Are you including special constables?

Mr PRINCE: Special constables are appointed under the Police Act. Railway police are special constables under the Police Act. People appointed under the Police Act are either trained as police officers or in some other way - special constables are the only others I know of - have the powers of arrest. Security officers do not have that power. As far as I and the Government are concerned, it will never be the case.

STEEL INDUSTRY, GERMAN INTEREST

364. Dr CONSTABLE to the Premier:

I refer to the Premier's visits to the United Kingdom and Europe in September, and in particular to his meetings in Germany with companies interested in the development of the steel industry in Western Australia.

- (1) Which German companies did he meet with?
- (2) Which Western Australian steel projects did he discuss during the meetings?
- (3) Who accompanied the Premier to the meetings?
- (4) What results were achieved for the Western Australian steel industry?

Mr COURT replied:

- (1)-(4) In Berlin I visited the Reichstag to have a look at the new parliament building. However, in Dusseldorf, I together with the Agent General and Casey Carr from my office visited Ferrostahl and S.M.S. Demag. I visited Ferrostahl in Germany several years ago. I visited a recently merged group of companies involved in the steel industry. A major rationalisation has occurred in Germany as a result of which a number of companies have come together. They briefed us on what they were doing internationally in the world steel industry. They also briefed us on their interest in wanting to be a part of the Kingstream and Mt Gibson projects. If the member wishes to have a copy of my notes from that meeting and the previous meeting with Ferrostahl, I am prepared to provide them. The overall message we got was that with the downturn in steel prices, those inefficient steel producers in the world - even if they have a brand new plant - who are not in the bottom cost quarter, will not survive. They strongly believe, and I share the belief, that Western Australia is ideally placed to become a major steel producer. They have always adopted that position. Even though BHP might be closing down steel production on the east coast, the combination of competitive energy, the iron ore resource and the latest technologies, which are much more friendly than those of many of the existing steel plants, means it makes sense for us to become a steel producer. They are working with those companies and others to try to get those projects off the ground.

BUSSELL HIGHWAY, SPEED LIMIT

365. Mr MASTERS to the minister representing the Minister for Transport:

I refer to attempts by members of the Carburnup community south west of Busselton to have the speed limit on Bussell Highway, where it passes through the settlement, reduced from the current 90 kilometres per hour. Will the minister please outline the procedure that must be undertaken in order to have a speed limit reduced on a road under the control of Main Roads?

Mr OMODEI replied:

The Minister for Transport has provided a response which is rather long, and I shall try to shorten it: The procedure for having the speed limit assessed is to approach Main Roads. The setting of speed limits is based on speed zoning studies, which are primarily concerned with the management of vehicle speeds in order to control traffic flow, maximise road capacity, minimise overtaking manoeuvres and reduce the level of crash risk for all road users. When these studies are undertaken, every effort is made to apply appropriate speed limits which are considered reasonable by the majority of motorists. The safety of pedestrians and cyclists is also an important consideration. I understand that a speed zoning assessment was undertaken by Main Roads at Carburnup last week. The assessment indicated that the current 90 kmh speed limit is appropriate for the driving environment. However, Main Roads is working closely with the Busselton police, the Shire of Busselton and local residents to improve safety in the area. The Busselton police have advised Main Roads that they will be operating a Multanova at Carburnup to monitor speeds in the area. I understand that some minor clearing and removal of private signs is proposed, which will much improve sight lines for motorists. In addition, the Shire of Busselton intends to reconstruct the intersection of Bussell Highway and Wildwood Road.

SODEXHO, ROYAL PERTH HOSPITAL CONTRACT

366. Ms McHALE to the Minister for Health:

- (1) Can the minister confirm that the catering company Sodexho, formerly known as Gairdner Merchant, gave notice last year that it intended to withdraw from its contract with Royal Perth Hospital?
- (2) Has there been any variation to the contract with that company, and, if so, what is the contract variation in a full year?
- (3) Who has paid or will be paying for that variation?
- (4) What is the estimated cost of the contract for this financial year?

Mr DAY replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes. The variation was agreed to because it was considered to be more cost effective than providing an in-house service. The value of the variation is \$850 000.
- (3) The variation is being paid for by Royal Perth Hospital, but the hospital is being funded by the Government to accommodate it.
- (4) The estimated total cost of the contract this financial year is \$7.5m.

SODEXHO, ROYAL PERTH HOSPITAL CONTRACT

367. Ms McHALE to the Minister for Health:

Why was the contract not put out for tender again?

Mr DAY replied:

The contract was not put out for tender because it was a matter of assessing the most viable of all the options available. It was concluded that continuing the contract with that variation was the best option.

FISHERIES, NEW MARKET INITIATIVES

368. Mrs HODSON-THOMAS to the Minister for Fisheries:

Will the minister inform the House in relation to Western Australia's fisheries sector, as a significant contributor to the export income of this State -

- (1) What initiatives are in place to identify new market opportunities for our fisheries and increase the value of existing products?
- (2) How the fisheries trade and market development initiative has progressed?
- (3) Whether our seafood produce has been promoted at any recent major international events?

Mr HOUSE replied:

- (1)-(3) The professional fishing industry is one of the great success stories of Western Australia, because it creates about \$1b of new wealth each year and extensive regional employment and it goes about its business in a very professional way. The Government has run a number of schemes in association with professional fishermen over the past few years to increase market awareness and quality assurance programs. They have ranged from handling programs in the rock lobster industry to ensure that the product is not damaged through to programs in minor industries, such as the yabbie industry, to ensure that they get their product to the market in the best possible condition.

The Government has run a number of specific market programs, particularly after the Asian economic downturn. The industry realised that it needed to refocus its attention on the European market, and it has done that very successfully with the recent Selfridges trade shows in London and Manchester, in which the Government played a part. Western Australian seafood was specifically promoted at a trade show in Taiwan last year, and 10 or 12 local seafood companies took part. The industry is the major contributor to those efforts. A levy is imposed on fishermen and the Government is used as a catalyst to bring those efforts together. The industry can take a great deal of credit for the fact that it has managed to maintain not only a good market share but also a good market price for its product.

KALAMUNDA HOSPITAL, PROPOSED CHANGES

369. Ms McHALE to the Minister for Health:

- (1) Is the minister aware of a statement made by the chief executive officer of the Metropolitan Health Service Board at a meeting on Tuesday at Swan Districts Hospital that Kalamunda Hospital did not have the critical mass to survive under the integrated clinical services model that the Government intends to implement?
- (2) If so, how does he reconcile that statement with his undertaking that Kalamunda Hospital would not suffer any adverse effects as a result of proposed changes?
- (3) If not, is this yet another demonstration that the minister is not in control of his portfolio?

Ms MacTiernan interjected.

The SPEAKER: I remind the member for Armadale that that is No 7.

Mr DAY replied:

- (1)-(3) I am not aware of any statement by the chief executive officer of the Metropolitan Health Service Board last Tuesday. Even if it were made, I assure the House that it would not make any difference to the future of Kalamunda Hospital. Its future is very well assured and I have made that very clear previously.

VANDALISM, CHIDLOW

370. Mrs van de KLASHORST to the Minister for Police:

Last Friday evening the Chidlow community hall and sports pavilion were severely vandalised. Four weeks ago I met the Midland region police superintendent to discuss crime in Chidlow and he promised extra police patrols for that area. What action had the local police taken before last Friday's vandalism, and will the police now consider local plain clothes patrols in Chidlow?

Mr PRINCE replied:

I thank the member for some notice of this question. The vandalism was widespread and it caused great distress to the people in the community who work so hard to provide these facilities. Plain clothes police patrols were undertaken in the week prior to that event in and around Chidlow and the Mt Helena hot spots, primarily in the afternoons and evenings. Other actions have been taken, but I would rather not disclose them publicly - I will discuss them privately with the member. Plain clothes patrols will continue on an as-needed basis. It should be within the jurisdiction and command of the officers on the ground to decide what is done and when it is done. I assure the member that the police are doing everything they can to identify and apprehend these vandals.

MINISTER FOR FAIR TRADING, OFFICE FURNITURE

371. Ms MacTIERNAN to the Minister for Fair Trading:

Can the minister explain why he has had to purchase no fewer than five sofas for his ministerial office since January 1997? Does this expenditure not confirm what the Opposition has been saying all along: That is, he is asleep on the job?

Mr SHAVE replied:

I am a little disturbed, because it sounds as though my good friend the member for Armadale will be the new spokesperson for fair trading.

Ms MacTiernan: I am the de facto member for Fremantle.

Mr House: He has a problem.

Mr SHAVE: It is interesting that the member has asked this question because the Labor Party has been airing similar issues over the past weeks. Therefore, it would not be unreasonable for me to have checked the expenditure on furniture and other items in my office.

Ms MacTiernan: Particularly sofas.

Mr SHAVE: I have checked that, and I have established that five sofas or couches, as one might -

Ms MacTiernan: You called them "lounges".

Mr SHAVE: One could call them "lounges".

Ms MacTiernan: Shave the lounge lizard! We can call you "Sleepy Shave"!

Mr McGinty: Have you been couch hopping?

Mr SHAVE: The member will never know.

Ms MacTiernan: We will call him "Dougie Divan"!

Mr SHAVE: I have made the point previously that I pride myself in trying to be frugal with taxpayers' dollars.

Ms MacTiernan: You have tried very, very hard, but you just cannot do it.

Mr SHAVE: It would seem on the surface that I might have problems reconciling my conscience taking into account the question the member has just asked. However, I will explain the structure of my office. It has a very long, narrow foyer -

Mr Kobelke: So you need to have a rest as you walk down it.

Mr SHAVE: I really need a conveyor belt to get from one end to the other. It is like a narrow hallway with many offshoots. In fact, it is very much like this place.

By its nature, there is a reception area up one end, and people come into the reception area to speak to other people.

Ms MacTiernan: Not to you, because they can never get through to you. They are too busy running up and down the length of five sofas.

Mr SHAVE: There is furniture in that area. The furniture is not of a wooden nature; it is not cane chairs as one would expect. There are two sofas in that area.

Ms MacTiernan: Is this a waiting room?

Mr SHAVE: If the member meandered down this narrow hallway in her absent-minded way, she would see a couple of other areas. When I took over this portfolio, strangely enough there were sofas in those areas.

Ms MacTiernan: Do you think you have too much office space, if your only justification for five sofas is that you must fill the empty room?

Mr SHAVE: It is a bit like living in a hallway. It is quite disjointed and one would expect that because of the nature of the building - it is very old. It is probably due for the bulldozer, and that is an issue we will address on another day.

Ms MacTiernan: This is the Hon Peter Foss defence - "My office is crummy." Do you have a rocking horse?

Mr SHAVE: The member is trying to distract me from the answer. Having explained to the member that there are couches in different areas, I will now talk about the couches in particular. All of the couches in my office were purchased locally. It is an important point. They were manufactured locally and they were bought from local firms that as much as possible used products produced by Western Australian and Australian companies.

Mr Carpenter: Slumberking.

Mr SHAVE: Can members of the Opposition make a nice comment, something like, "Well done minister"?

Ms MacTiernan: I can think of a lot more people who need divans.

Mr SHAVE: I have kept the old couches that were replaced. They are very dilapidated. They are over 10 years old. They came from the May Holman Centre. I am more than happy to give the member for Armadale a personal tour of my office to inspect both the old and new couches. If she so chooses, she can bring along the Press and we can make a media event out of it.

Ms MacTiernan: As long as you get on the rocking horse. Can you clarify something? Not only do you have the five new couches, but other couches are there as well. How many couches do you have altogether? Can you add those up? They say you are a numbers man.

Mr SHAVE: Can the member add five and five?

Ms MacTiernan: Ten couches!

Mr SHAVE: I will now talk about the cost of the couches, because that is important. There are two couches in the foyer area, which is where the people come to the counter and then sit down. There is a 2.5 seater that cost \$1 403. It was very expensive! There is a two seater couch that cost \$1 326 - another extreme extravagance.

Ms MacTiernan: You obviously do not have the same policies as the Minister for Family and Children's Services which state that the public has a right to the best.

Mr SHAVE: What the Minister for Family and Children's Services or my upper House colleagues do is their prerogative; I am talking about what I do.

Mr Carpenter: You can throw a decent size Christmas party in your office.

Mr SHAVE: I am quite happy to talk about that in a moment. I am bringing my answer to a close, Mr Speaker.

The SPEAKER: I indicate to members that I thought the House should experience what it would be like if a Speaker did not want to move things along. It is now very obvious to us. Normally I give the minister a lot of discretion. The minister now almost holds the record for time. At that rate, we would have three questions a day, and we would have a jolly good time and a lot of laughs. I say to the member for Armadale that I lost count. Question time is finished.
