



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Tuesday, 23 November 1999

Legislative Council

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

BILLS - ASSENT

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

1. Acts Amendment (Fixed Odds Betting) Bill 1999.
2. Totalisator Agency Board Betting Tax Amendment Bill 1999.

TRUST REMOVAL (MT CLAREMONT LAND) BILL 1998

Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, from 1 294 people opposing the removal of the declaration of trust 30/1961.

[See paper No 431.]

Petition

Hon Giz Watson presented the following petition bearing the signatures of 789 persons -

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

We the undersigned residents of Western Australia oppose the removal of the Declaration of Trust 30/1961. This relates to the Bill currently before the Legislative Council: Trust Removal (Mt Claremont Land) Bill of 1998.

This land is currently held in trust for RECREATION PURPOSES FOR THE USE OF THE PUBLIC FOR ALL TIME. The land adjoins the Mt Claremont library complex and is bounded by Whitney Crescent and Rochdale Road, up to Teslin Road.

Your petitioners therefore respectfully request that the Legislative Council will vote against the removal of the Trust and protect this recreational area.

And your petitioners as in duty bound, will ever pray.

[See paper No 434.]

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Financial Relations Agreement (Consequential Provisions) Bill 1999 and the State Entities (Payments) Bill 1999 - Forty-fourth Report

Hon M.D. Nixon presented the Forty-fourth Report of the Standing Committee on Constitutional Affairs in relation to the Financial Relations Agreement (Consequential Provisions) Bill 1999 and the State Entities (Payments) Bill 1999, and on his motion it was resolved -

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

[See paper No 435.]

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

New Tax System Price Exploitation Code (Western Australia) Bill 1999 and the New Tax System Price Exploitation Code (Taxing) Bill 1999 - Forty-fifth Report

Hon M.D. Nixon presented the Forty-fifth Report of the Standing Committee on Constitutional Affairs in relation to the New Tax System Price Exploitation Code (Western Australia) Bill 1999 and the New Tax System Price Exploitation Code (Taxing) Bill 1999, and on his motion it was resolved -

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

[See paper No 436.]

ILLEGAL IMMIGRATION

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 23 November 1999 -

Dear Mr President

In accordance with Standing Order 72 I intend to move that the House adjourns until Friday 24 December 1999 for the purposes of discussing the need for both Federal and State Parliaments to take appropriate action to address the unsatisfactory situation of illegal migration to Western Australia and calling on all parties to support Federal Government initiatives to address the problem.

Yours sincerely

Simon O'Brien
Member for South Metropolitan Region

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

[At least four members rose in their places.]

HON SIMON O'BRIEN (South Metropolitan) [3.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on Friday, 24 December.

So far this year, Australia has seen a great influx of illegal migrants arrive by boat, particularly on our northern coast, with some 38 boats bringing 1 789 people to our shores. This is a larger number arriving with greater frequency and at a greater rate than we have seen previously in our history. In some quarters, it is being described as a tidal wave. I do not know whether it is quite bad enough to be described as a tidal wave just yet; I suggest that if 20 boats were to arrive at the same time, that would be a tidal wave. Nonetheless, the number of people arriving illegally by ship in the north of our State in particular is reaching the stage at which it is taxing federal and state resources to deal with the situation.

I recall in 1983, when I was stationed in the north of the State with the Australian Customs Service, being scrambled one evening in connection with an incursion that had taken place on Koolan Island. The grand total of two illegal immigrants had been dropped off on Koolan Island and told to hide out in the bushes for a week because Sydney was just over the hill. One of the illegal immigrants had a welder's ticket and the other a school reference. They promptly went straight to the installation manager at Koolan and asked for a job. He reported the incident to the appropriate authorities.

As an airborne radar operator, I was called out with the Customs' aircraft to locate the vessel that had dropped them off. It was an Indonesian fishing boat, a traditional-style prau. The task of locating it was much akin to locating a needle in a haystack. I do not know if members are familiar with the part of the world that I am talking about. A huge number of coastal mangrove swamps extend for hundreds of miles in that area. In places they are perhaps 20 or 30 miles deep. That labyrinth of mangrove swamps has many inlets. In due course we found the vessel sheltering in the lee of a mangrove swamp, apparently trying to avoid detection during the day. It was hard for us, because there was no point in our using radar in a situation like that. We had to locate it by visual observation. It was pretty good that we managed to identify the vessel, which then took off. Once it was in the open sea, we had the challenge of maintaining contact with the vessel while a naval vessel could be scrambled from Darwin to intercept it. At that stage HMAS *Gawler* was steaming out towards the area. Once the Indonesian vessel was in the open sea we could track it quite easily by radar because it had a lot of 44 gallon oil drums set up on the deck which gave a beautiful response to a radar echo. To cut a long story short, it was one of the first vessels that I remember being involved in a commercial, people-smuggling operation in the north west. The vessel was ultimately intercepted by *Gawler* late at night after we had directed *Gawler* to its position. The wash-up then occurred in the courts; the boat was forfeited and in due course all the people were dealt with.

The position is a bit different nowadays. I indicated in my opening remarks some of the figures of people arriving. The question of why we are suddenly getting an influx of people was addressed in part by Senator Amanda Vanstone late yesterday in the Senate in response to a question asked by Senator Alan Eggleston from Western Australia. There are several reasons that these illegal immigrants are arriving. In some cases among these illegal immigrants are genuine refugees or people who may qualify as refugees under international law. However, there are other, more motivating factors: First, the growth in people smuggling. It has been estimated that the amount changing hands from people trafficking around the globe is up to \$US7b a year, which is big business. Second, there are some push factors from the countries of origin, where people, particularly young men, are desperate to get out and get work. In fact, many of these countries' leaders want people to leave in order to redress some of their overcrowding problems. There are also pull factors, such as the message getting around, rightly or wrongly - I think probably wrongly - that Australia is a bit of a soft touch on immigration matters and that people will be well looked after if they arrive here.

The Federal Government has responded in a number of ways. Currently it has several legislative measures before the Federal Parliament. Of course, it is not for us to review federal legislation, but it is important that we understand what those measures are. There is first the Border Protection Legislation Amendment Bill 1999, which sets out to do a number of things: First, to amend the migration, customs and fisheries management Acts to give greater powers to federal authorities to deal with incursions by these craft. I can summarise these changes for our purposes today by indicating that they include an extension of the power to board and search ships and aircraft in certain circumstances in Australia's territorial sea, its contiguous zone and even the high seas, and, in the case of the Customs Act, in Australia's exclusive economic zone. They relate to the hot pursuit of ships whose master has not complied with a request to board; to the hot pursuit of mother ships, anticipating another development that may occur, whereby small craft are used to unload people smuggled aboard a larger craft - which we have not seen so far, as far as I am aware, but which could occur; and to the moving and/or destroying of ships which are unseaworthy or pose a serious risk to navigation, quarantine, safety or public health. The amendments to the Customs Act also provide for customs officers to carry and use approved firearms, which, of course, they need to do

when they are on the high seas. In fact, when I think of my two illegal immigrants in 1983, I cannot help but think, as I did then, that they were awfully lucky to have got as far as Koolan Island. Having handed over their money to be transported, they were lucky they did not get a few miles off the Indonesian port of origin, have their throats cut and get tipped overboard. That did not happen to them. However, the House should have no doubt that some of the people involved in people smuggling as a criminal racket are pretty hard and tough customers. Basically they are trafficking in human misery. The interests of the so-called refugees who are hoping to be transported to Australia are the last thing on their minds.

The Federal Government has taken some other action beyond the border protection legislation by way of new regulations. These have recently been reported in the Press. They provide for the creation of a category of temporary protection visa. This allows for people claiming refugee status to receive up to a three-year temporary visa, which does not allow them to leave Australia and return or be entitled to social security or family reunion benefits. I understand that these regulations are potentially the subject of a disallowance motion, which will be moved in the Senate by Senator Andrew Bartlett of the Australian Democrats. I will be interested to see whether that disallowance proceeds, because it is a very shallow move on the part of the Democrats to try to score some political points when the Government is locked in the midst of a very serious battle to make sure that this potentially overwhelming issue is dealt with.

Hon Tom Stephens: You always try to beat up the Democrats.

Hon SIMON O'BRIEN: On this occasion the Australian Labor Party has joined in this worthy exercise. To give credit where it is due, the federal Australian Labor Party at its caucus meeting yesterday decided not to support that disallowance motion and to support the Government's legislative amendments. I might add that in some aspects some of its spokesmen, particularly Senator Sciacca, did so with not very good grace, but the party did announce that it would support the Government's amendments.

Former Immigration Minister Mr Gerry Hand said he could not see how anyone could refuse to support what is being proposed and that we should either let the minister run the program or let the international smugglers run it for us. That is an unambiguous comment. Another Western Australian, Senator Jim McKiernan, who is known to many members, recently pointed out that if illegal immigrants know they will not get almost automatic permanent residency and, in turn, that they will not be able to sponsor a relative to Australia at a later time after being granted protection here, they might not be prepared to spend large sums of money to come here and languish in detention. Simon Crean MHR also stated yesterday that he wants the issue of illegal immigration to be raised above politics; he said that we should get out of playing wedge politics into bipartisan support. I am very pleased to hear that because this international issue requires a bipartisan approach. I praise the members who want to see such an approach, and I question the motives of those who do not.

Refugee protection is an emotive subject. If members were to go to virtually anywhere else in the world, they would find hundreds of millions of people who would jump at the chance to change places with even the least fortunate in our society because of the benefits of living in Australia and the hope and promise that residency here holds out. I do not think that that is an exaggeration. Many of those people may be impoverished or seeking a better life for themselves in Australia. They apply to migrate and join the queue. Some are accepted and some are not. There are also those who desperately need to leave their country because they face political, religious or other forms of persecution - the threats of ethnic cleansing and the other horrors visited upon people from time to time. Australia has a record second to none of caring for the people placed in the those circumstances.

However, the 1 789 recent arrivals, and those in the pipeline who have paid the people smugglers, are queue jumpers. They are denying those who go through legitimate processes their place in the queue and, as a result, forfeit many of the rights they would otherwise have when they arrive here. Many deliberately destroy their identity papers and refuse to cooperate with Australian authorities while at the same time claim that Australia should look after them. That is why the legislation includes amendments relating to forum shopping. Those amendments give the Government the power not to extend protective obligations to those who have visited several countries since fleeing their home country. I hope all parties will support the Federal Government's approach on this matter.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.54 pm]: There is bipartisan support for the notion of doing all that is necessary and appropriate to stop illegal immigration into Australia and particularly into Western Australia. The Labor Party also wants to stop profiteers involved in illegal immigration and to see them jailed or other appropriate measures taken to ensure that this illegal traffic ceases.

Having said that, the Federal Opposition and the State Labor Party have good reason to look at what is the appropriate response to refugees and people who claim to be refugees. The Federal Government has put on the statute books regulations about which the Labor Party is sceptical. Federally that scepticism has been expressed, but the Labor Party will not support the Australian Democrats in the disallowance of those regulations. Although those regulations, introduced in response to this crisis, will be enacted, the Labor Party believes that they may be counterproductive. However, the Government is the Government, and it has the responsibility to tackle this issue. It is now up to it to prove to everyone that the claims about these regulations are accurate and that they will somehow stop the massive tide of illegal immigrants or people illegitimately claiming refugee status. There is a good chance that offering automatic entry to Australia for three years to any person who turns up on our doorstep claiming to be a refugee might be counterproductive. However, the coalition is in office and it has the freedom to see whether its regulations will be effective. The Government says they will stop these people coming. Let us see.

Members should keep in mind that the Labor Party has provided bipartisan support for all measures introduced by the Federal Government aimed at stemming the tide of illegal immigrants. The examples include support for information exchange and data matching between agencies to improve tracking of overstayers and illegal workers; removing the right

of illegal immigrants to have lawyers present unless they specifically ask for them; changing refugee regulations to address unfounded claims for refugee status designed to hit those seeking to abuse the system while protecting genuine claimants; heavily increasing fines for people-smuggling operations and those associated with these operations; toughening border control, forfeiture and seizure methods designed to exact a heavy cost on boat owners operating a people-smuggling racket; and supporting the arming of customs officers. At the same time, the Labor Party has been calling on the Federal Government to get serious about patrolling our north west coastline. It has pleaded with the Federal Government to upgrade its presence at the Curtin Airbase to a full-time force of military personnel. It has remained bare.

Hon N.F. Moore: What absolute nonsense! You have never promoted that.

Hon TOM STEPHENS: The Labor Party has pleaded with this Government to maintain its engagement in the region, but it has been disengaging from the area. A good example of that is the reduction in Radio Australia broadcasts to our near neighbours. That service could have provided an avenue to send unambiguous messages about our attitude to illegal immigration. Regrettably that voice has been silenced by members opposite and their federal colleagues. The Curtin Airbase has been left bare and coastal patrols have not been upgraded in the manner advocated by the Labor Party and many others in the north west.

Policies have been implemented which have stripped the regions of Western Australia of population. The fly in, fly out mentality, which has become almost sacrosanct in the mind of coalition Governments at both state and federal levels, has also resulted in the decline in population in remote areas. Policies have been introduced which are aimed at leaving vast regions in remote Western Australia depopulated. Policy after policy -

Hon Simon O'Brien: That has nothing to do with it.

Hon TOM STEPHENS: Yes, it does. It leaves our coastlines unprotected from waves of illegal immigrants. The present situation makes coming through those empty lands look easy; yet those opposite continue to produce policies which make it extremely difficult for our population in the regional and remote areas to increase.

As people will have noticed, there is some considerable excitement in certain north west towns, such as Derby, which suddenly has had a population influx of 1 000-odd people, and which has produced some economic activity for a change - in marked contrast to all the other policies of the Federal Government. People in the small business community are excited about that. The hotels are full; the cash registers are ringing; the town is full of officials from the immigration department and protective services people. Extensions have had to be built to the hotels to accommodate this influx of departmental officers. Every hotel room has been taken; every car that can be hired has been hired; every available house has been rented - the place is a full of economic activity associated with this illegal immigrant situation.

What a tragic situation it is that the failed policies and approach to these questions by the Federal Government is the only thing that is producing sustained economic activity in that part of the Kimberley region. Sure, those opposite have encouraged a bipartisan approach. They have described what they see as the lack of grace on the part of the Labor Party on this issue. We simply say that that lot on the other side is the Government. The Federal Government's policies have failed to produce a turnaround, or any beneficial results on these questions. In fact, its policies appear to be counterproductive. Nonetheless, the Federal Government is charged with the task of responding to this issue. Its regulatory regime is intact and those opposite will be able to prove whether it will work to protect our borders from another wave of either illegal immigrants, if that is what they are, or people who incorrectly describe themselves as refugees.

Those opposite should get on with their job. I urge them not to take cheap shots, as Hon Simon O'Brien did in his opening remarks when he spoke about what he called the lack of grace of the Labor Party. There is no lack of grace on our part. We oppose illegal immigration and profiteering from trading in this human cargo. We believe tough measures should be taken and that a panoply of responses is required from the Federal Government, including beefing up its efforts on all of these issues. The Federal Government has failed in that endeavour, as has the State Government. Urgency motions like this are not required; rather, those Governments must get on and do their job.

HON GREG SMITH (Mining and Pastoral) [4.03 pm]: There is no doubt about Hon Tom Stephens; he will try to blame us for everything the Australian Labor Party has done. I remind him that the fringe benefits tax was introduced by the previous Federal Labor Government, and it has been removed by the present coalition Government from most of the -

The PRESIDENT: Order! I have already reminded the House that we are dealing with the substantive motion. I ask the member to deal with the motion.

Hon GREG SMITH: In my maiden speech I referred to the issue of illegal immigrants. I said that the way they have been treated upon their arrival in this country has been no deterrent whatsoever. When they are apprehended, they are fed and housed probably better than they have been before and, in the case of the illegal fishermen, they were paid more than they earned from working on their fishing boats. The problem for the members representing Mining and Pastoral Region is that these illegal immigrants are arriving on our State's shores, but it is a federal issue. When people approach us and ask what we are doing about it, we must tell them that, as state members of Parliament, we cannot do much about the situation, except lobby federal parliamentarians.

I have lobbied Senator Allan Eggleston, who is extremely au fait with the north west of the State. He is a former Mayor of Port Hedland, which is where many illegal immigrants were accommodated before the detention centre there was filled. He has been working closely with some state members of Parliament and the federal minister, Philip Ruddock. The border protection Bill will be debated in the Senate in the next day or two. Under the provisions of that Bill, boats can be intercepted in international waters and turned back before they get to our shores. The minute these illegal immigrants get

into our waters or reach our coastline and claim to be refugees, under international conventions we are bound to investigate whether they are refugees or merely economic refugees. No one piece of legislation or regulation will stop these people. I do not expect the border protection Bill to stop them.

Hon Simon O'Brien: The regulations might be disallowed.

Hon GREG SMITH: Even if the Australian Democrats are successful in seeking to disallow regulations, that will not stop this situation. Hopefully, the Federal Government's package of initiatives will stem the flow of these illegal immigrants.

I will touch on the matter of what we do with these people when they get here. As Hon Tom Stephens says, Derby's economy is booming. It is a refugee-led economy. Other towns in the area have facilities that could accommodate these people. Some of the overflow has been taken to Woomera. Any sensible person would ask why we fly these people all the way to South Australia to house and accommodate them. Learmonth air base is the logical place to expand the accommodation for them. It makes sense. Some are housed on the Curtin air base, a federal facility. Any plane can land on the airstrip at the Learmonth air base. We could take the overflow of these illegal immigrants to Learmonth air base. That would enable us to get them out of the Australia quickly on international flights. Commercial domestic or international flights need not be used if we wanted to get them out of the country quickly. The cost of the upkeep of illegal immigrants to Australia is enormous. The cheapest way to deal with them would be to get them out of Australia as quickly as possible. About two years ago the Thiess group was commissioned to do a study to find an alternative place for a refugee camp or a prison for international illegal immigrants. Learmonth fulfilled all the criteria.

Exmouth is still suffering from the recent cyclone. The businesses in that town are still hurting. Many assistance packages were put in place by both the Federal and State Governments; however, it takes a long time for any town that has been devastated by a cyclone, as Exmouth was, to get back in sync. On top of that, the tourist season in that area has just finished. We are looking at temporary accommodation in that town for these illegal immigrants, although we are not hoping that for the next 10 years, 2 000 illegal immigrants will be held in detention in this country.

I have talked to people in the Shire of Exmouth, who have told me that they are very keen to see Learmonth established as an alternative for accommodating illegal immigrants. There is already accommodation for 350 people, as well as the other infrastructure that is required. Recently a major upgrade was done on this facility. If that happened, all of the illegal immigrants would be accommodated on commonwealth land, rather than areas of the State. According to the Attorney General, there is a cost to the State of having these illegal immigrants in Western Australia.

If the same number of illegal immigrants arrived at Coffs Harbour, a lot more action would be taken a lot more quickly. Since looking into the issue of illegal immigrants I have discovered some facts about why we cannot get rid of them. I have spoken to people in my electorate who see them arriving, virtually on their doorstep. Hon Tom Stephens and Hon Tom Helm would also be aware from speaking to people in Broome, Port Hedland, Kununurra or Wyndham that the problem is right on their doorstep. People in Perth are 2 000 kilometres away from the problem. The people in the north west see illegal immigrants turning up on their doorstep, and their answer is to put a missile through the boats and sink them. Of course, we will not do that. We are far more compassionate than that. The credentials of Western Australians and Australians in accepting refugees has been demonstrated. We took in the Kosovars and East Timorese when they were in need. We are doing our bit on a worldwide scale to assist those who are in need. No-one can question our credentials along those lines.

I will reflect on some of the problems in this issue. I always thought that we could put these people on a plane and send them back - just like at that! However, according to Hon Simon O'Brien, who was a customs officer, some of these people carry no identification and we do not know where they come from. We can try to judge where they may come from. We can ask whether they are Chinese, but they may not respond. They will not say whether they come from Vietnam or from the Arab countries.

Hon Ljiljana Ravlich: Then what do you do?

Hon GREG SMITH: We cannot send them back to China, because the Chinese Embassy says that they are not Chinese. We may say that they are but we cannot prove that they are Chinese. We are stuck with these people. Until we find a country that wants them we cannot get rid of them. That is why we have the situation in the detention centre at Port Hedland where people have been held for four and five years. The people of Western Australia do not understand that. They will not understand it unless the media is responsible enough to get these messages out and to let the people know exactly what is happening and why we cannot get rid of these people when they turn up on our shores. It is a difficult situation to get rid of illegal immigrants when no country wants them. If they will not say they come from China, we cannot send them back there.

Hon Ljiljana Ravlich: You cannot keep them in detention forever.

Hon GREG SMITH: No, we cannot detain them forever. If people want to immigrate to Australia, they must follow a proper process. I have friends from Yugoslavia who desperately want to bring family members to Australia. Toughening up the immigration laws has created a catch-22 situation. At the same time we make it harder for genuine immigrants to qualify, the number of people trying to slip through the backdoor is increasing. We must send the message that if people try to enter Australia without going through due process they are not welcome and they will be sent back to where they came from. Hopefully, the federal Border Protection Legislation Amendment Bill will be passed to enable us to board these boats in international waters and send them back to the countries they sailed past. People do not end up in Australia by accident. One need only pick up a map of the world to see that these boats must pass a lot of countries before they get to the Australian coastline.

HON HELEN HODGSON (North Metropolitan) [4.11 pm]: This is an emotional subject for many people. Part of the emotion relates to some of the concepts, and the way in which people who come to our country are described. A clear distinction exists between illegal immigrants and refugees. Everybody who has participated in the debate has acknowledged that big difference. Refugees are fleeing circumstances in their countries which make it unsupportable or dangerous for them to remain. We all accept that Australia has a responsibility for refugees. Illegal immigrants do not go through the normal processes and do not qualify as refugees. We constantly hear people referring to economic refugees, which is where the issue starts to blur. People assume that the boat people who are arriving either from the Middle East via Indonesia, or from China or wherever, are not fleeing persecution. The assumption is that, because they arrive through this means, they are illegal immigrants or economic refugees rather than genuine refugees. It is important that we recognise that we have an obligation as a member state of the United Nations and a signatory to the appropriate conventions, to support genuine refugees. Illegal immigration is a different matter.

I found some interesting statistics on illegal immigration reported in *The West Australian* on 12 November 1999. The article states that the Department of Immigration and Multicultural Affairs' figures show that at the end of last year 50 600 people were in Australia illegally after overstaying their visas. Of these, 11.2 per cent were British and 8.9 per cent American. The article stated that most people had been in the country longer than one year and 25 per cent had escaped detection for nine years or more. Illegal immigrants are not necessarily boat people. The major influx of people at the moment has focused attention on that issue. However, we must be very careful that we are not bringing into place regulations and requirements that will harm genuine refugees as a reaction to the perception that the people who are coming in on the boats are the major part of the problem. They are not the major part of the problem. They are a major issue that must be dealt with; however, 50 000 people are already here illegally. The numbers in the detention camps at the moment are only a fraction of the problem; they are not the problem.

Some of the problems that we must address relate to the perception that people who come in by this backdoor method must be illegal immigrants. Australia has adopted an approach over the past few years of penalising people who come in through these methods. That is why Australia has a policy of compulsory detention. Australia is one of the few countries in the world that has compulsory detention. I have a list of those countries, but I cannot find it now. Compulsory detention forces people into conditions that are just as bad as the conditions they may be fleeing. I note the comments of Hon Greg Smith that they were fed and housed better than ever before. Without condoning the people who have chosen that means of reaching Christmas Island, the conditions in which they are being housed on Christmas Island are not good. I know the small community there is pressed to find any accommodation for them at all. They are living through torrential downpours in a building that does not withstand the weather. The whole island, including the non-migrant population, is experiencing food shortages caused by the influx of people. It is shameful that the Government does not take steps to remove them from those conditions as soon as possible, rather than leaving them in those conditions for a couple of weeks before they can get them out.

I will move onto the issue of people smuggling. The Australian Democrats do not condone people smuggling. I would like immediately to disabuse anybody of the notion that the Australian Democrats in any way support people smugglers. We have supported any government move to introduce broader powers to intercept and arrest people smugglers. The problem is that we are punishing refugees as well as the people smugglers who are bringing them to Australia. Often the refugees do not know of the conditions that will face them when they arrive. I have received a copy of a letter from Amnesty International which relates specifically to the border control legislation referred to in this debate. It identifies a number of questions that Amnesty believes should be addressed in respect of the legislation before the Federal Parliament. This Chamber is not the place in which to debate that legislation, but it is clear that there are some serious issues which impact on the rights of refugees and our obligations under international conventions to ensure refugees are treated humanely. For example, it is possible that a new class of people will be created who are not allowed to lodge applications for protection visas. Anybody who says they are suffering persecution must be given an opportunity to prove their case.

Earlier somebody referred to the fact that the Australian Labor Party supported measures to ensure illegal migrants did not have access to a lawyer unless they asked for it. That is a fundamental breach of our obligation to people. People should always have access to legal advice when it is required in that sort of situation.

There are also problems of whether the refugee status will be impacted upon retrospectively. Will this legislation impact on those who have already applied for refugee status and whose applications are in the pipeline? I am sure all these matters will be dealt with when the matter is discussed in the appropriate forum but they indicate that, although we support in principle many of the measures necessary to deal with the problem of people smuggling, in the process we should not detract from our obligation to assess whether people are genuinely suffering persecution in their country and whether their lives will be in danger if they return to their own country.

I acknowledge that the decision of the ALP Caucus yesterday to support the Government's regulations means that this will proceed. That is a backdown on some of the positions the ALP has taken in the past. I note that people within the Labor Party Caucus said they remember when similar regulations were trialled years ago and they did not work. This is a gut reaction to the situation that attacks all refugees in an attempt to stop the problem of illegal migrants who arrive by boat. We should deal with the problem where it starts; that is, we should ensure that people in other countries are aware they will not get automatic entry into Australia. However, we must still have compassion and acknowledge our duty as global citizens, so that refugees whose lives are at risk in other countries have an opportunity to seek our assistance and to seek asylum in this country.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.23 pm]: I shall make a few comments, following the Leader of the Opposition's speech, which I found quite intriguing. He said that the ALP supports the Federal Government

at the moment, but it hopes like hell that its measures will fail. That is the message that came through; the Leader of the Opposition was really saying that the ALP will support the Federal Government but he hopes it will fail so that the Labor Party can score a political point.

Hon Tom Helm: What has this to do with it?

Hon N.F. MOORE: I listened to the member's leader carry on for 10 minutes and say nothing about the issue at all. Shadow minister Sciacca spent all yesterday morning saying the ALP could not possibly support the Federal Government's position and how dreadful that would be, and he spent all afternoon saying what a great idea it was, because the ALP had decided to change its point of view. I listened to Con Sciacca on a number of occasions yesterday afternoon, because I am very interested in the Labor Party's position on this, and he said exactly what the Leader of the Opposition said in this place today; that is, the ALP will go along with it but if it does not work, it will be the Government's fault. He hopes like hell that it will not work, so that he can score a political point.

The Leader of the Opposition said in this place that somehow or other the current Federal Government has no interest in the north of this State. What did the Labor Party do when it had 13 years of federal government? The then Government built the Curtin air base, flew in the dignitaries for the opening by Bob Hawke, and then they all flew out again. That was the last time there was an aeroplane at the base, apart from a couple of commercial jets that used it every now and again. The Labor Party built the air base, opened it, and left it without an aircraft. Now Hon Tom Stephens is complaining that there are no aircraft there. It was set up by the Labor Party in federal government as a base, but without any aircraft. That is the current situation. Kim Beazley, as Minister for Defence, went to Port Hedland and promised to build a naval base -

Hon Tom Helm: You did nothing.

Hon N.F. MOORE: We never made that promise.

Point of Order

Hon N.D. GRIFFITHS: The substance of the motion before the House is the need for Federal and State Parliaments to take appropriate action to address the unsatisfactory situation of illegal migration to Western Australia. The comments of the Leader of the House have nothing to do with the motion.

The PRESIDENT: I listened to the four members who spoke in the debate before the Leader of the House, and they certainly were speaking on issues relevant to the motion. I have listened to the Leader of the House and, given the wide scope of the motion, his comments also are relevant. It is a motion of extremely wide scope.

Debate Resumed

Hon N.F. MOORE: Kim Beazley promised that a naval base would be built in Port Hedland, but that did not eventuate. There is a tin shed there.

Hon Tom Helm: Why not build it?

Hon N.F. MOORE: The coalition Government never promised to build one, but the Labor Party did. The member should not complain about it. The Leader of the Opposition then spoke about fly-in fly-out. Who created that? It was the Labor Party in federal government. So much for Hon Tom Stephens' bipartisan approach. Everybody knows we need a strong, unequivocal, determined Australian position on the question of illegal migrants to get the message to the rest of the world that Australia is not a soft touch, and that people cannot wander up and stay here for as long as they like. That is the message we must get across and, regrettably, the speech by the Leader of the Opposition and the position taken by Con Sciacca, the federal shadow minister, do not send that unified bipartisan message to the rest of the world. It says that the Labor Party in opposition did nothing about this problem when it was in government for 13 years, and it now hopes desperately that the attempts being made by the current Federal Government will not work and that it will score a political point. The bottom line is that it is costing the taxpayers of Australia \$115 a day per person, or \$196m this year, for illegal migrants. That is a lot of money and it should not have to be spent in that way. The only way we shall sort this out is by doing the things the Federal Government is doing. However, that will not be the total solution; we need some military presence in the north of Western Australia and some aircraft at Curtin air base.

Hon Tom Helm: Why not do it?

Hon N.F. MOORE: We are not the Federal Government. If the member has not heard the Premier of this State on this subject, he must be deaf. The Premier has spent a lot of time making the point that the Curtin air base and the Learmonth air base should be manned. We also need a coastguard along the coast, and some system which is better than the aircraft which fly back and forth along the coastline. People can set their clocks by those patrols, which were set up by the previous Labor Government, and they are not a great deterrent. Members opposite know that the only solution is to put in place some serious measures that send a strong message to the people who want to jump on the gravy train that they are not welcome in Australia.

Hon Tom Stephens: Radio Australia has been virtually shut down.

Hon N.F. MOORE: The fact of the matter is that Radio Australia does not go to the places that they are coming from. Therein lies the problem. The current federal minister has gone to a number of places in Asia and has made it clear that they are not welcome here. As I understand it, that has had a significant impact in certain places in China.

Motion lapsed, pursuant to standing orders.

STAMP AMENDMENT BILL 1999*Introduction and First Reading*

Bill introduced, on motion by Hon Max Evans (Minister for Finance), and read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.31 pm]: I move -

That the Bill be now read a second time.

This Bill has two purposes. Firstly, it seeks to amend the Stamp Act to ensure duty is paid on chattels that are transferred in conjunction with the grant of a long term lease. Secondly, it seeks to provide an exemption from stamp duty in circumstances where property that is vested in a bankruptcy trustee on the bankruptcy of a person is conveyed from the bankruptcy trustee back to that person.

In respect of the chattels amendments, members may recall that as part of the 1998-99 budget, the Government removed the stamp duty exemption in respect of most chattels that are transferred in conjunction with land. Land was defined to include leases which had an assigned or determined value, to ensure that no disparity existed between chattels transferred with land in fee simple and where pseudo ownership was obtained by acquiring the lease.

However, it has recently come to light that an anomaly in the legislation prevents duty from being charged on chattels that are transferred in conjunction with the grant of a long-term lease. Such grants usually occur where the property cannot be transferred in fee simple, such as when the Commonwealth effectively sold Perth Airport to commercial interests by granting a long-term lease over the land in return for the payment of a substantial premium. This creates an inequitable situation where duty is not charged on chattels that are transferred with the grant of a long-term lease, whereas duty is charged on chattels that are transferred in conjunction with the transfer or assignment of a long-term lease. Furthermore, it also provides an opportunity for persons to structure their affairs so as to minimise their stamp duty exposure where they transfer chattels in conjunction with an interest in land. The proposed amendment should alleviate these concerns. It should be noted that the proposed amendment relates only to the grant of long term leases which include a premium component.

Chattels that are transferred in conjunction with any other lease, including the majority of commercial leases, will not generally be charged with duty. There are currently no identified transactions where the inability to charge duty on chattels sold in conjunction with the granting of a long-term lease would impact on the revenue. However, failure to redress the deficiency in the Act could result in the loss of future revenue through tax minimisation arrangements.

I will now deal with the bankruptcy measure. Upon bankruptcy, the property of the bankrupt vests in the bankruptcy trustee in accordance with the provisions of the Bankruptcy Act 1966. Generally, no stamp duty liability arises upon the vesting of the property as there is no "instrument" constituting a "conveyance", nor is there a "transaction" which may be subject to duty. However, once property vests in the trustee it does not revert in the bankrupt following the bankrupt's discharge from bankruptcy. The trustee is still bound to collect and realise the property in those circumstances and to distribute the proceeds among the creditors, notwithstanding the discharge. In many cases the equity in the property is established and offered back to the bankrupt in order to deal with the asset in the most cost-effective way. However, a conveyance of the trustee's interest back to the bankrupt is a conveyance on sale and is subject to ad valorem stamp duty on the unencumbered value of the property. In the circumstances of a bankruptcy where a person has minimal funds, the imposition of stamp duty may prevent the person from re-acquiring the equity held by the trustee, particularly as the duty is calculated on the unencumbered value of the property. It should be noted that the exemption will apply only where the property is conveyed back to the bankrupt person, and a conveyance to any other person, such as the person's spouse, will continue to attract full ad valorem stamp duty. As the circumstances in which the exemption will apply are highly specific, the cost of providing the exemption is expected to be minimal.

I commend the Bill to the House. For the information of members I seek leave to table the associated explanatory memorandum.

[See paper No 437.]

Debate adjourned, on motion by Hon E.R.J. Dermer.

TITLES (VALIDATION) AND NATIVE TITLE (EFFECT OF PAST ACTS) AMENDMENT BILL 1999*Third Reading*

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.35 pm]: I move -

That the Bill be now read a third time.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.36 pm]: I want briefly to state the Labor Party's opposition to the third reading. Despite the amendments that were made to this Bill during the committee stage - amendments which retain that section of the law that was previously put in place by the Labor amendments when the issues of extinguishment were last before the House - regrettably, this Bill contains provisions with which we do not agree. We do not accept that it is an appropriate response to the native title questions before the State. We believe the Bill should fail because, despite its title, it does not deal with titles validation at all as these titles have already been effectively validated. It ignores the common law position as currently defined by the judgment in *Miriwung-Gajerrong*. The supposed benefits are not benefits at all. The rights and privileges of people who are landholders or licence holders are all in place and do not

need this legislation. This effectively becomes the removal of native title from native title claimants and holders which will inevitably leave Western Australian taxpayers with a claim for compensation through a claims process yet to be revealed. It adds insult to injury to the taxpayers of Western Australia, who have already seen so much of their taxes wasted on indiscriminate and ultimately wasteful legal challenges on questions of native title. We suggested an alternative to the Government which would have avoided the necessity of the Government proceeding down this path. We have advocated an alternative which would aim at ensuring the protection of the interests of non-native title holders as well as the interests and rights of the indigenous community. Regrettably, the rights of those indigenous interests will not be protected by this legislation but will be trammelled by it.

Hon Mark Nevill: What was the alternative?

Hon TOM STEPHENS: The alternative was simply to do two things: First, to strike local area agreements where possible and appropriate; and, second, to proceed through the limited recourse necessary, such as, in reference to Miriuwung-Gajerrong people, carry out some consultation with those successful claimants to establish whether they would be prepared to settle down on an agreement on the areas over which native title was proposed for extinguishment in return for an agreement embracing the area, locality and region.

Instead of doing that, we believe this Bill, as amended in committee, will damage the wider Western Australian interests by putting off the day when agreement on these questions can eventually be settled. As evidenced by the current Act and the debate that occurred in relation to the amending Bill last year, the Labor Party believes in protecting the property rights of all Western Australians, including indigenous Western Australians. This is where we differ from the Government. It will not let the property rights of this minority interest be protected. It relegates those interests to a lesser form of rights. The Government should not be doing that in the current climate in which the need to resolve these native title questions is just as pressing as ever. If it has any doubts in this regard, it should take the novel step of consulting indigenous people about these amendments. The Government would see that there is widespread, statewide concern on the part of the indigenous working party and its constituent elements - the various land councils around this State - which are opposed to the Bill before the House. It would also see that it is a further eradication of their rights and interests in relation to various parcels of land around the State. Some of those parcels of land are within town areas, where the indigenous interests are keen to be included in the planning considerations of those communities; that is, the considerations being given to planning and development issues by the local authorities, as well as by the State. It is interesting that in development strategies that include areas of land such as Leighton Beach, in relation to which there are widespread community attitudes, the Government takes the view that the approval, consent and support of the community is required before proceeding. However, in reference to real court-determined interests relating to native title inside and outside town boundaries, the Government, rather than accommodating the interests of those native title parties, takes this opportunity to extinguish their interests and remove the necessity of doing anything other than tackling the questions of compensation for them - a process which is inevitably tortuous and which will not easily or quickly resolve itself.

We are of the view that the Government's steps down this path go well beyond the common law extinguishment of native title, as has been argued blindly and repetitively by the Government in circumstances in which the common law does not do what the Government claims it has done. There is no detriment to any party other than the indigenous interests in leaving these questions to be resolved by the court determinations that are on track. The best scenario is and should have been that the property rights of indigenous Western Australians be protected while also protecting the property rights of non-indigenous Western Australians. We have suggested means by which this could have been achieved, but, regrettably, the Government has chosen not to take that path and has dismissed any alternative other than pursuing legislation to extinguish native title property rights. The native title select committee, upon which members of the Government served, recommended against taking this path and the recommendations in the native title committee report are there for all to see. This legislation, as amended by the committee, goes in a different direction from that which was charted by the committee report. Despite the Government's rhetoric, it still has the problem, as has been pointed out on numerous occasions, that a number of titles underlying major resource development projects cannot be validated by this Parliament under existing commonwealth law. The concurrence, agreement, support and help of the indigenous interests around this State will be necessary to achieve that result. This will not be made any easier by having legislation such as this on the statute book, which is seen to fly in the face of those parties. The only way these titles will be validated is by agreement. The Government's clear message in relation to the resolution of native title issues is that it will do so by bludgeoning with legislation where it can and otherwise relying on expensive and time-consuming litigation.

The PRESIDENT: Order! The third reading stage is an opportunity for members to talk in general terms about the Bill as it emerged from the committee. It is not a time to return to the second reading debate, in which certain principles were agreed to. The Leader of the Opposition was discussing the Bill as it emerged from the committee, but he has now moved onto other areas which are outside the scope of the third reading.

Hon TOM STEPHENS: As the Bill has emerged through the committee phase of this House, we are left with legislation which, instead of going away from the path of legislation and litigation to resolve questions of native title, is locking down on that two-pronged approach, which is ill-fated. This Bill, as amended in the committee stage, compounds that problem. It is for those reasons that we in the Labor opposition continue to oppose this Bill at its third reading, observing that the Bill has not been sufficiently improved by the committee phase to warrant a change of direction. Instead of reading this Bill a third time, the Government should be focusing on the titles that must be resolved in this State, which will have to be resolved by agreement in the end. We are still left with the issue of historical public works, which may no longer exist, also effectively extinguishing native title by virtue of the failure of this Bill to take on the concerns that were expressed by the Labor opposition. Currently leaseholders' property rights are fully protected and native title is extinguished on their leases by the operation of common law.

The PRESIDENT: Order! The Leader of the Opposition is moving off again.

Hon TOM STEPHENS: Mr President, I am referring to an argument that was put during the committee stage, to which you would not have been privy. It was the argument that the amendment proposed by Hon Mark Nevill did not go far enough in protecting the interests of indigenous people because it simply dealt with the question of the historical leases.

The PRESIDENT: I am aware of the amendment to which the Leader of the Opposition is referring. The third reading stage does not allow him to deal with the merits of an amendment that was discussed in committee, especially if that amendment has been agreed to; that is what the committee is all about. The Leader of the Opposition is entitled to discuss the amendments that were put and agreed to and those that were put and not agreed to, but not those which were ruled out of order, if that were the case. That is the limit of the situation. The Leader of the Opposition should choose his words.

Hon TOM STEPHENS: My words are these: This Bill, as it has emerged through the committee stage, in its failure to take on board the recommendation, appeal and advice given by the Labor opposition in reference to historical public works is and continues to be an additional reason that the third reading of this Bill should not proceed.

Hon Mark Nevill: Why didn't you move an amendment?

Hon TOM STEPHENS: In reference to the issue of public works, we have indicated that the law is better as it stands prior to the passage of this Bill. The interests of native title parties in reference to historic public works have not been protected by Hon Mark Nevill's amendment and are not protected by this Bill as amended by Hon Mark Nevill. Those circumstances are an additional reason we appeal to all members, including Hon Mark Nevill, not to agree to the third reading of this Bill. Leaseholders' property rights are currently fully protected and native title is extinguished on those leases by the operation of common law and the current Act. Negotiations with indigenous interests would be the appropriate way to remedy any impasse but clearly that is not the Government's chosen path. There is no difficulty with future public works construction or expansion. However, through this Bill as amended in committee, rather than negotiate, the Premier prefers to leave open for political advantage the opportunity for promoting division and unnecessary fears. Litigation, legislation and attacks on the indigenous interests of this State are not the way to advance these questions. The Opposition believes this legislation does all of that.

HON MARK NEVILL (Mining and Pastoral) [4.51 pm]: I thank Hon Tom Stephens for his comments, which I will include in the letter I send to the 1 300 leaseholders - many of whom are in our electorate - who have found themselves unnecessarily in the Federal Court when the Native Title Act clearly extinguishes native title on those leases. This Bill confirms that extinguishment.

Hon Tom Stephens: It does no such thing.

Hon MARK NEVILL: Time will tell; the Full Bench of either the Federal or the High Court will decide that. I am satisfied with the position I have taken on this Bill.

The second point Hon Tom Stephens made concerned public works leases. If the Opposition was so keen to preserve these public works leases - that is state public works leases because we cannot do anything about commonwealth public works leases - it could have put an amendment on the Supplementary Notice Paper. That is one way to focus members' attention on whether an amendment should be supported. One does not just get up in the third reading debate and say, "What about public works?".

Hon Tom Stephens: We said it during the committee stage.

Hon MARK NEVILL: I meant in the committee stage and should not have said in the third reading debate. However, one moves an amendment. If the Opposition could not do that, that is its problem. We saw the Bill passed in another place with one opposition speaker. There were suggestions that the Opposition was happy to have me clear the decks.

Hon N.D. Griffiths: Who made those suggestions? Whoever it was was lying.

Hon MARK NEVILL: He might have been lying but there was a suggestion and having one speaker in a debate suggests that the Opposition is less than serious. We had a more robust Opposition in this place. If Hon Tom Stephens cannot get an amendment on public works up - an amendment I may well have supported -

Hon Tom Stephens: Let's go back to committee and find out.

Hon MARK NEVILL: Hon Tom Stephens should do his work before he -

Hon Tom Stephens: I challenge you to get us back to committee.

The PRESIDENT: Order, members! This is the third reading and I am listening to Hon Mark Nevill.

Hon MARK NEVILL: Hon Tom Stephens does not take advantage of opportunities as they arise and then complains about missing them. Hon Tom Stephens is not talking in this debate now about billions of dollars of compensation claims. It has now been reduced to "adding insult to injury". I do not think we will ever get the billions of dollars-worth of compensation claims he was talking about; I doubt we will get any. If we get a few, that is fine. Whenever a State extinguishes native title, whether it is for public works or another purpose, it must do so with fair and just compensation. Paying fair and just compensation is a part of extinguishing native title. If there are any claims, they will need to be paid.

Hon Tom Stephens mentioned benefits to leaseholders. I do not think Hon Tom Stephens has convinced any of the leaseholders of those benefits. I have been contacted by many of these leaseholders and they are quite relieved to find that

they will now not be caught up in the Federal Court. I do not know any Aboriginal person who is actually seeking the land held by these leaseholders.

It was quite clear in this debate that the Australian Labor Party and that part of the ALP which feels strongly about this issue have been supporting the views of an uncompromising group which will never agree to any change. That is why we have never seen any flexibility on the side of the ALP.

Hon Tom Helm interjected.

Hon MARK NEVILL: It is not just about the miners; it is about many other people as well. I know Hon Tom Helm's long-term antagonism towards the wealth-creating industries of this State and I do not expect that will change.

Hon Tom Helm: I used to work for them. Did you?

Hon MARK NEVILL: Yes, I did and I used to do a day's work. I worked underground for six years.

Hon Tom Helm: I worked above ground.

The PRESIDENT: Order! Hon Mark Nevill is meant to be addressing his comments to the Chair.

Hon MARK NEVILL: Hon Tom Helm would probably have a fit if he ever worked underground.

Hon Tom Helm interjected.

The PRESIDENT: Order, Hon Tom Helm!

Hon MARK NEVILL: I do not wish ill of Hon Tom Helm. I will be supporting his re-endorsement for the Mining and Pastoral Region -

Hon Tom Helm: I don't need it, comrade.

Hon MARK NEVILL: - because I cannot think of anything that would help me more to win as an independent.

Hon Tom Helm interjected.

Hon Mark Nevill: Mr President -

The PRESIDENT: Order! This is the third reading. We do not need discussions between individual members about what they will or will not be doing.

Hon MARK NEVILL: Not many people in the Australian Labor Party have discussions with people from all the representative bodies in the State, but I do. I know that the views of many of the people in the representative bodies are very different from the views we are getting from the group which is lobbying Parliament - which is basically the Kimberley Land Council. I get a very different story from other representative bodies. They are not keen to come out publicly against the people driving this uncompromising line, but if the ALP wants to support that line, that is fine.

Hon N.D. Griffiths: What does this have to do with the third reading?

Hon MARK NEVILL: I am responding to Hon Tom Stephens.

Hon N.D. Griffiths: I don't think you are.

Hon MARK NEVILL: Hon Nick Griffiths can get up and have his say.

Hon Tom Stephens: You are doing no such thing. You are getting away with breaches that are unacceptable.

Hon MARK NEVILL: Hon Tom Stephens says that just because he does not like my comments. It is as simple as that. I have spoken about public works in response to Hon Tom Stephens. I have spoken about compensation in response to Hon Tom Stephens and I have spoken about the group which has had undue influence over the leadership of the Labor Party and the better judgment of many others in the Labor Party today. I do not blame everyone for that. History will show that there is nothing unjust in this decision; that it is the fair, reasonable and right way to go. It complies with the federal Native Title Act. The views expressed by Hon Tom Stephens do not accord with the law as it now stands or for that matter with the views of the majority of the people who support the Labor Party.

The PRESIDENT: Order! The Leader of the Opposition happens to be Hon Tom Stephens. When he is in this House he is the Leader of the Opposition unless he advises the House that he is not speaking as the Leader of the Opposition. When members refer to the individual, they should refer to him as the Leader of the Opposition. I have said that before. It is a courtesy which is extended because he holds that office. I would be obliged if members could remember that.

HON HELEN HODGSON (North Metropolitan) [5.00 pm]: It will be no surprise to members that the Australian Democrats will oppose the Bill at its third reading. We have always adopted a harm-minimisation approach throughout the history of this matter. The Democrats have supported amendments in the committee stage which we thought improved the legislation in some small measure. However, the legislation has not been improved sufficiently for it to receive our support. The views of the Democrats on this measure are very similar to those on the original Bill of last year.

Question put and a division taken with the following result -

Ayes (16)

Hon M.J. Criddle
 Hon Dexter Davies
 Hon B.K. Donaldson
 Hon Max Evans
 Hon Peter Foss

Hon Ray Halligan
 Hon Barry House
 Hon N.F. Moore
 Hon M.D. Nixon

Hon Mark Nevill
 Hon Simon O'Brien
 Hon B.M. Scott
 Hon Greg Smith

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

Noes (15)

Hon Kim Chance
 Hon J.A. Cowdell
 Hon E.R.J. Dermer
 Hon N.D. Griffiths

Hon John Halden
 Hon Tom Helm
 Hon Helen Hodgson
 Hon Norm Kelly

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

Hon Ken Travers
 Hon Giz Watson
 Hon Bob Thomas *(Teller)*

Pair

Hon Murray Montgomery

Hon Cheryl Davenport

Question thus passed.

Bill read a third time and returned to the Assembly with an amendment.

The PRESIDENT: The Leader of the House will notice that I put a question which went to a division in what is normally question time.

Hon N.F. Moore: They called it.

[Questions without notice taken.]

RAIL FREIGHT SYSTEM BILL 1999*Second Reading*

Resumed from 20 October.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [5.35 pm]: As this second reading debate draws to a close, it is very important to go over the issues raised by various members. Contributions were made to the debate by Hon Kim Chance, Hon Tom Helm, Hon Bob Thomas, Hon Ken Travers, Hon Ljiljana Ravlich, Hon Mark Nevill, Hon Jim Scott, Hon Norm Kelly, and Hon John Halden. It has been made very clear by the Labor Party that it opposes this legislation, and has done so from an early stage.

Hon N.D. Griffiths: So do your constituents.

Hon M.J. CRIDDLE: That is not quite true. Members of the Labor Party have not given people an opportunity, from a realistic point of view, to go through all the issues placed before them. Members will be well and truly aware that Westrail has improved its position over some time and is in a situation in which it needs to progress and have the opportunity to expand. That is the point we are at now, and that is what this legislation is about. It will allow the sale of Westrail so that people in rural and pastoral Western Australia will have the benefits of a viable rail network into the future that can compete with road transport and carry their produce to the ports in the cheapest possible fashion. The Government took the debate to the regions, and visited Geraldton, Bunbury, Albany, Esperance, Kalgoorlie, Merredin and one or two other places, to get feedback from the community. The issue was well and truly in the public arena for feedback and, as a result, the Government made changes to the initial recommendations put forward, not the least of which changes was agreement to lease the track.

It is certainly a very keen point that this is a business deal from the point of view of the Government. The decision has been made because Westrail is facing a very large debt and it needs input from an A class operator within the rail system. I have spoken to some of those operators and they are keen to get involved in this rail network and progress this matter. People need to be aware of that when they vote on this matter. It is about moving into an environment in which the rail system can survive. The Greens (WA) and others have mentioned that they would like the task taken off road and put onto rail. They must recognise that it can be achieved by a private operator expanding the network and by allowing it to grow. It is obvious to anyone who understands business that this entity is losing money at a great rate. The debt has grown by about \$100m in the past couple of years, and I will address that in more detail later.

The old days which some people mentioned, of regulating transport back to rail, are well and truly over. In an answer I provided during question time, it was clearly indicated that we cannot regulate goods from road to rail, but we can make rail transport the cheapest option. That is what the Government wants to achieve. People must be aware that services into the country areas can be delivered by privatisation of the rail network by involving one of these top operators. Hon Tom Helm, in particular, talked about the employees of Westrail. Members need to be aware that if there is a contraction in the Westrail division, obviously the jobs of workers will be under threat. There is every possibility that that will happen with the cherry pickers who will come in from the eastern States under the access regime that is in place and pick out the best parts of our rail network. We want a vertically-integrated system so that the total network can grow and be protected from anyone who wants to cherry-pick part of that network. A top operator based in Western Australia will give us further opportunities to grow the business in both Western Australia and the eastern States. I remind members that this will provide the opportunity for us to increase rail freight tonnages, provide better services, decrease freight rates - which is one of the important issues

on which we need to focus - and increase investment in the infrastructure and rolling stock. A private operator will provide a more competitive and customer-focused rail freight sector, with the potential to recapture some of that freight from road. Significant and long-term environmental and social benefits will be derived from the transfer of freight from road to rail. Hon Jim Scott raised that in his contribution and continually reminds me that that is the way the Greens (WA) want to go, and I will fail to see why the Greens will not support this Bill if at the end of the day they do not.

The introduction of the third party access regime means that Westrail is vulnerable to aggressive competition, because private operators now have the right to access the track. People should know, because we told them on the trip around the State, that Westrail depends on seven major contracts to generate over 75 per cent of its revenue. Private operators are already talking to some of those customers. Many of the potential competitors for Westrail's freight business are lean, efficient and commercially-focused private rail operators which are prepared to move quickly in response to customers' requirements and to aggressively seek that business. Reforms in the past decade have resulted in Westrail becoming one of the most efficient rail operators in Australia, but that reform process has gone as far as it can go under government ownership. The Government is looking for a strong operator to continue the reform process and deliver a world-class, competitive rail freight service to Western Australia. The Government does not have the money - and that has been made clear - to make the necessary investments in rail, given the ever-increasing demand for funding for areas like health, education and law and order.

As a result of our talks, a number of conditions have been put on the sale of the business and the lease of the railway network, and we will seek to introduce those innovations and operating efficiencies as we progress. This will result in a number of benefits, including competitive freight rates and service quality, and rapid response to customers' needs. People in country regions point out to us continually that they want the services, and I believe they would not quibble about the fact that a private operator could provide those services in country regions. As a person who lives in a country region, I am well and truly aware of the need to have those services. I can remember the time when some of our produce was delivered to our front door. That does not happen nowadays, but other services could be provided that would be beneficial to people in country regions. A good rail service will provide support for regional development by attracting new industry, and it will also make our exports more competitive, which will allow our industries to grow.

Improved career prospects and benefits for staff should not be let go lightly, and if we had a strong operator, that would be part of the prospect. At the end of the day, this is about the future of rail in Western Australia. Do we give it the best possible environment in which to grow and take the pressure off roads, or do we allow it to continue to contract to those traffics that are captive to rail and for which there is no road alternative, which will have serious environmental and social consequences? Rail is the safest choice, and it results in fewer greenhouse emissions due to lower fuel usage. They are the options on which we need to vote.

We must also remember the safeguards. The sale will not simply maximise the price but will also maximise the safeguards that we have put in place to achieve the best result for the community. The new operator will be required to maintain the track and associated facilities in the manner which people in the country expect. The new operator will also be required to comply with the state rail access regime, which provides a guaranteed right for other operators to negotiate track access on fair terms and conditions. This right is backed by an independent arbitration process, and the Rail Access Regulator will monitor and enforce the track operator's adherence to the access legislation. People seem to lack confidence in that area, but I remind members that we will enforce that through the application of penalties for breaches of the Act or access code. I remind members also that the National Competition Council, which is an independent referee, has judged that the Western Australian access regime is effective in the context of a vertically-integrated infrastructure operator. Country passenger train services will operate under special access arrangements, including appropriate priority. Interstate access post-sale will be provided within the context of an agreement between Westrail and the Australian Rail Track Corporation, which will be finalised prior to the sale. Rail safety is a key issue, and the new operator will be bound by the Rail Safety Act and will need to be accredited to own and operate the railway. This will be monitored and enforced by the rail safety regulator - we have put that legislation through the Parliament - and heavy penalties will apply for breaches of those safety requirements.

Continuity of the contracts is another condition that will be put on the new operator. The new operator will be required to honour all the existing contracts between Westrail and its customers; and some of those contracts may be under threat if we do not have operators who can be involved in the competition that is required to maintain them. The State will subcontract with the new operator for the performance of the State's rail obligations under state agreements and will assign the State's rail transport rights to the purchaser of the business. The only exception will be the State's obligations under the state agreement for the Kingstream project. The new operator will be required to retain the grain network as identified in the grain logistics strategic plan, which deals with the period to 2005. The Government intends to continue its support of a body similar to the Grains Logistics Committee as an advisory body to the minister, which after the sale will include a representative of the new rail operator, because obviously Westrail will be replaced by that new rail operator. The needs of the grain network post-2005 will be discussed within this forum, which will then provide advice to the minister. The new operator will also be required to complete the five-year, \$126m upgrade of the grain network that Westrail has in progress.

A lot of discussion has been carried out with regard to the line between Kalgoorlie and Esperance, and certainly with the advent of Portman Mining Ltd indicating that it would like to put its product out through Esperance. It has given some indication of this by the announcement of a shed being built down there recently. The new operator will be required to complete the capital works program worth about \$32m that was commenced by Westrail. Koolyanobbing Iron Pty Ltd has decided to put its product there and the Government has been asked to make a commitment in that area. If an indication of support were given, we would be interested in making sure that further work is done in that area. We have already indicated that the requirement is around \$32m. To upgrade that particular line, we would be interested in that as a condition of sale. When the vote is put, people need to be well aware that that commitment would be in the offing.

Line construction and closure in the network must be able to evolve. If there were a requirement to construct new lines and reopen disused lines, that is something that will emerge in the future. The Government will include in the lease a process which will be followed by a new operator which wishes to modify the network in this way. However, certain major lines will not be surrendered. This is a provision for the Government to invest in, subsidise and operate railways should it wish to do so in the public interest.

The recent trend in freight rates has been downward, and certainly post-privatisation in Tasmania and South Australia has shown a continuing trend in that direction. Prospective purchasers will be asked to explain their intentions with regard to freight rates as part of the bidding process.

With the development of railway lands, the lessee will have a lease for railway purposes only and the Government will control all other forms of development within the rail corridor. All non-railway use of the corridor will be under the control of the minister, but the minister will not approve such use if it may interfere with the operation of the railway itself. That is a clear indication that the railway operation can continue unimpeded.

The taxation liabilities of the new operator will be those of a private company liable for all the normal business taxes, charges and stamp duties, with the exception of the rail corridor itself, which will be exempt from State and local land taxes and rates. The exemption will enable the rail operator to compete on a fair basis with road transport as obviously no rates are applicable to the road network.

The treatment of the staff is a crucial issue, and one of the conditions we have is that the successful transfer of staff currently involved in Westrail's freight business will be essential for the successful start up of the new owner's operation. It is the outcome desired by the Government and it is quite clear that the new operator would require the work force. The task force has addressed the best and fairest way to achieve that package. We will proceed with a package that has been agreed to by Cabinet. The package will become part of the negotiations and will be put in place prior to any sale taking place.

Hon Ljiljanna Ravlich: What about long-term job security?

Hon M.J. CRIDDLE: That will be indicated in the package. It would be unfair of us to speak to staff at this time and give them false expectations.

Hon Ljiljanna Ravlich: If it is in the package why would it be false?

Hon M.J. CRIDDLE: The legislation has to go through the Parliament, otherwise a false expectation will be created. The Opposition would not expect us to talk about those issues. I mentioned earlier the crucial issue of finance and that the railways are very capital intensive. The debt associated with the freight business was \$532m in June 1998. In June 1999 the debt was \$632m, and if the sale were to proceed in March or April we would be looking at a possible debt of \$700m. If we alleviate the debt, we take away the need for the input of \$100m and we take away the need for debt servicing. That is a crucial issue, and I say to the people in the Labor Party and other members opposite that it is the crucial issue that any Government will face in the future. I have not heard anybody come up with a solution with regard to focusing on that debt. The Government puts this proposition forward as a way of overcoming the debt problem that we have.

Hon Ljiljanna Ravlich: That is an easy way out. The Government can con some people but not us.

Hon M.J. CRIDDLE: The Opposition has not addressed the issue. We need to focus on that. The Government has given the Opposition the alternative which is here: Vote for this, solve the problem and give the rail freight system the opportunity to grow and get away from this problem.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Hon Ljiljanna Ravlich will come to order.

Hon M.J. CRIDDLE: I reiterate that the problem here is a simple business problem. We have a debt problem that can be resolved by putting this on the market and getting the best possible operator involved to pay off the debt. It will solve the problem of the input that we must have, because at the moment it is money that we cannot put into other necessary areas like health, education and law and order. The Opposition will have the same problem regardless of what happens. We have the solution here.

Hon N.D. Griffiths: The Government has to manage it better.

Hon M.J. CRIDDLE: The Opposition could not manage anything when it was in Government. The fact has to be realised that we got to a stage -

Several members interjected.

Hon M.J. CRIDDLE: Members should go back in history a little bit and see what it was when we came into Government. We are talking here about a solution to the problem.

The PRESIDENT: Order! The minister should address his comments to me. I do not mind the occasional question being asked by reasonable members but I get sick and tired when three or four members want to interject over each other and make no sense whatsoever.

Hon M.J. CRIDDLE: The debt that has been run up is just to keep the railway in its present condition. If we want the railway system to grow then we will have to make further investment. That is the crux of the matter. We want someone to come in, get the business to grow and allow more of the product to go back onto rail. That is under pressure at the present

time. Those contracts are under pressure. If we get someone to come in and cherry pick part of that railway line, this will blow out further and we will end up with nothing more than a skeleton in a few years. We will have nothing to sell and a huge debt. The Opposition may not know anything about business, but that is the truth of the matter. In his speech Hon Kim Chance suggested that perhaps Westrail had been over generous with some of the freight rate reductions in recent years. With the benefit of hindsight I think he is right, from a commercial point of view. It is not beyond the bounds of possibility that Westrail may wind back some of the reductions and discounts should it stay in government hands. Maybe that is where the freight rates will start to go up. That is the problem we have and is one of the commercial realities. Some members claim that the maintenance costs have been artificially pushed into the capital budget and used to inflate the operating profit figure. Westrail uses the same accounting system that is used by commercial railways around the world and it is approved by the Auditor General. There is no inconsistency with the Australian accounting standards. Regardless of how it has been treated in the accounts, the expenditure on the track is essential to keep the network in operating condition.

I have mentioned the impact of cherry picking on the Western Australia network and I want to emphasise that if we have people coming in and taking the best contracts then what is left of Westrail will be put under enormous pressure. The vertical-separation and vertical-integration debate has been the crux of this matter from the point of view of the Australian Democrats and the Independent Hon Mark Nevill in particular. Everyone seems to agree that the narrow gauge rail network should be vertically integrated and should maintain the efficiencies and economies of scale and stay competitive with road freight. I am glad that some of the members opposite understand that particular point.

Sitting suspended from 6.00 to 7.30 pm

Hon M.J. CRIDDLE: Before the dinner suspension I was talking about the fact that a narrow gauge network should remain vertically integrated to maintain efficiencies and economies of scale and remain competitive with road. I was moving on to talk about the standard gauge network. Apparently some members do not believe that maintaining efficiencies, economies of scale and competitiveness with road are important to the standard gauge network. They suggest imposing extra costs and inefficiencies through vertical separation and say that competition is not possible with vertical integration. Academic economic theories are all very well; however, the fact remains that there is not a single example anywhere in the world of a separated railway system that is commercially successful. Every one of them depends on a taxpayer subsidy, at least for the below-rail component, which subsidy would come out of the Government's coffers if we were to go down that track in Western Australia. For example, the Rail Access Corporation in New South Wales is subsidised, excluding capital grants, by the taxpayer to the tune of \$24 000 a kilometre every year, which demonstrates a problem in that area. Many separated railways depend also on taxpayer subsidies for above rail, such as the National Rail Corporation and FreightCorp in New South Wales.

By contrast, every commercially successful railway in the world is vertically integrated, and members will be well and truly aware that most of them are in North America. However, the rail system in New Zealand and the recently privatised railways in Tasmania, South Australia and Victoria are also good examples. I was briefed recently by the people in Victoria, whose system seems to be moving along quite nicely; they are even taking grain out of New South Wales to help their network. Although it is fair to say that few of the government-owned railways are either integrated or separated, they are commercially successful in the sense that they do not require subsidies. The United States railways are fiercely competitive, in particular the North American railways. Contrary to popular belief, third party access is well established in the US, sometimes as a result of a mutually beneficial commercial agreement, but increasingly as a result of an imposed direction from the regulator; that is, the Surface Transportation Board. This contrasts with Europe where separated railways are more common, but which has negligible on-rail competition.

I reiterate that the vertically-separated railway is based on academic theory and wishful thinking by vested interests and not in any way on established facts and concrete evidence. I have not seen evidence to convince me. I understand that the commonwealth rail track operator has made a strong impression on the Standing Committee on Public Administration, which Hon Kim Chance would know all about. There are allegations of market failure and monopoly abuse should the east-west line be leased to a vertically integrated private operator. However, I am not sure if members are aware that the commonwealth rail track operator intends to lease its own Tarcoola-Alice Springs line to a vertically integrated private sector operator and the Australasian rail consortium is developing the Darwin-Alice Springs line, which contradicts many of the beliefs and stories that have been put around.

Why should a vertically-integrated operator be regarded as unacceptable on the Kalgoorlie-Kwinana line, which has only 30 per cent interstate traffic, but is acceptable to that line between Tarcoola and Alice Springs, which has almost all interstate traffic? Obviously, the access regime is an important part of this legislation and competitive track access is essential to harnessing the benefits of on-rail competition to supplement the benefits of vertical integration. The access code, as it was intended to apply to Westrail, has already been tabled in this place and an amended access code, which will apply to a private operator of Westrail, will be tabled in the Parliament for disallowance. Members will be able to see for themselves the extent to which the regulations safeguard against anti-competitive behaviour by the track owner.

The National Competition Council has issued a draft recommendation that access to the Western Australian access regime is effective; that tick-off is one of the necessary factors in this legislation. The NCC, which is an independent body, scrutinised this regime carefully before it was intended to apply to a vertically-integrated operator. The NCC suggested some changes but it is now comfortable with the access regime, which will facilitate on-rail competition in such an environment. That is one of the issues that I have talked about recently with some of my colleagues on the other side in this place and it is the issue with which they are probably most uncomfortable. However, the access regime will be very strong and, with an independent rail regulator, should give members the comfort they require from this legislation. As I said, a key feature

of the Bill is the independent regulator, who will have substantial powers to determine the cost parameters of access charges and the organisational structure of the rail operator. The amendments to the Bill for an independent regulator are on the Supplementary Notice Paper and I intend to introduce those amendments if the second reading of the Bill is passed. The access regime will be reviewed every three years when it can be amended, should it seem appropriate.

The east-west line certainly has been an issue in this debate. I recently received a letter from Mr Barry Murphy, Chairman of the Australian Rail Track Corporation, indicating that ARTC was interested only in the east-west part of the line and had no interest in the Esperance-Laverton line, as was suggested by some members opposite. I can reassure them that that indication was given late this afternoon. Recently ARTC made an offer regarding the east-west track, which was lacking in some detail and was not financially underwritten by its shareholders, one of which is the Commonwealth Government. I assure members that that proposal contains no offer to reduce the access rates. Promises have been made in other forums of an approximately 20 per cent reduction in access rates. However, no such offer is in the ARTC proposal. Without dismissing it out of hand, I make two points very clear about this proposal. First, ARTC's offer cannot be considered until we pass this legislation. It is important to understand that we cannot take up an offer until this legislation is passed. An open tendering process must be undertaken and expressions of interest sought before we accept any offer such as that. Hon Kim Chance made the point that there would be some concern about ARTC having the opportunity to take over without expressions of interest being sought. The Western Australian Farmers Federation indicated its preference for a vertically-integrated operation, rather than a separated east-west line. That would obviously impact on the grain network. A considerable amount of comment has been made by members opposite. I think I have covered the Labor Opposition's view, to which I referred earlier.

I have also had some discussions with Hon Norm Kelly. He indicated his preference for vertical separation, but that is unacceptable to the Government for reasons previously advised. Based on exhaustive valuations of models around the world, vertical separation is unacceptable to the Government. The Government is prepared to consider including explicit statements in the legislation about the role of the Auditor General.

The maintenance of the track to specific standards is a key part of the proposition. On the basis that we must be able to keep flexibility with track maintenance in a dynamic environment, our approach has been to enshrine it in the lease and its schedules, rather than in the legislation. However, the objective is the same. The lease will be tabled.

In his note to me Hon Norm Kelly also referred to section 37 of the Act dealing with line closures which revert to the government railway in the event the lessee wishes to relinquish any part, and in such circumstances any proposed closure of the line would be dealt with by Parliament. The Government will consider that. The lease, which will contain all the details that are sought, could be tabled. The minimum terms and conditions for the people and employees involved will be established well before the sale.

In response to Hon Jim Scott, as I said before, we would accept an amendment to the legislation that would allow ARTC to bid as a partner and consortium for a fully-integrated sale. It would be treated exactly the same as any other bidder. The term of the proposed wholesale agreement is five to 15 years. We would reconsider that term with a view to making it longer and consequently making it more bankable for ARTC. It would be binding on any purchaser. The wholesale agreement fully meets the objectives of the intergovernmental agreement and ensures Westrail's full participation in a one-stop shop concept. As the Government indicated earlier, that is a requirement. We acknowledge that the upgrading of the Kalgoorlie-Esperance line is an important regional requirement. I referred earlier to the \$32m resleeper program that the purchaser of Westrail Freight must complete. The Government is prepared to contribute \$35m for the upgrading of the cost of the line to accommodate Portman Mining Ltd, to which I referred earlier. That would amount to approximately \$67m being spent on that line.

A number of other issues were mentioned, including the \$2.1m that the Government has committed to the woodchipping mill in Albany. Reference was also made to the subsidy of the freight rate that would be required in the first year of operation to make rail competitive with road. We will certainly consider that if the Bill is passed. The Government has also offered to consider a review of competitive neutrality between road and rail and the potential options for redressing the balance. I think I have already made that known to Hon Jim Scott. A number of issues must be considered. However, there is an enormous potential for rail to increase its market share and that will have considerable benefits for roads. Significant safeguards will be incorporated into the lease, which will be tabled in the Parliament. Twenty-seven out of the 29 submissions made to the Standing Committee on Public Administration supported the proposal. I would not like to see members denying those benefits to the people in the country.

I agree with Hon Mark Nevill's comment that if we leave Westrail within government the outlook for the rail system will be bleak. Members contemplating voting against the legislation should think about that alternative. The option of vertical separation and the sale of only the above-rail component would require significant government subsidy and the track being left in perpetuity. That will not occur within the current budget context. The track would deteriorate, the service would decline and access fees would be forced up. Nobody wants that scenario. As I explained earlier, Westrail's remaining within government is unsustainable. The effects on competition such as cherry picking and freight rate pressures, including debt, do not add up to a long-term business proposition for Westrail in the future.

I have referred to issues that the Government is prepared to consider, including workforce conditions. I have referred to the Esperance line and the preparedness of the Government to consider spending \$32m plus an extra \$35m. Another alternative to which I have referred is Westrail Freight being owned by a holding company, but being run by two separate companies, with their own boards, one to lease the track and one to run the operations. They could be ring fenced and kept separate. The responsibility on those board members would make that an attractive proposition.

In view of the fact that I am continuing negotiations with several members opposite, I seek leave to continue my remarks at a later stage.

[Leave granted for speech to be continued.]

Debate adjourned, on motion by Hon Muriel Patterson.

RAILWAY (NORTHERN AND SOUTHERN URBAN EXTENSIONS) BILL 1999

Second Reading

Resumed from 18 November.

HON J.A. SCOTT (South Metropolitan) [7.49 pm]: As I said when I opened my remarks in this debate, I have found myself in a difficult position, because I am very much in favour of the extension of the rail systems throughout Perth, both north and south of the city. Unfortunately, I find it difficult to support this Bill because the alignment on which the Government is building a rail line to the south is bound to fail. The Government has chosen the old freight route, which is a cheap freight route, from Kenwick across to the southern extension of the Kwinana Freeway, and then travelling south. I said last week that we need a network, with the main line going down the route of the freeway through the main population areas. The main population areas should not be avoided.

Hon Barry House: Where would you get the extra billions of dollars to build that line?

Hon J.A. SCOTT: The theory behind Hon Barry House's position is that if a rail line is built where there are no customers, it will be much cheaper to build. However, there is no point in building a rail line where there are no customers. For the benefit of Hon Barry House, I point out that the rail line will go past the Jandakot Airport and Canning Vale. The major population areas are to the north. Hon Barry House does not seem to understand that no-one will drive back and then do a big loop around the city to use that rail line.

Hon Barry House: It means that we will get a railway to Mandurah by 2006. If we did it your way, we would not have it until about 2020.

Hon J.A. SCOTT: This shows why Hon Barry House should never be in charge of Transport in this Government. The reason that people wanted to build a rail system was not to have a small number of people travelling from Bunbury and Mandurah to Perth; it was to carry large numbers of people to get them off the roads in the city. If Hon Barry House examines the reasons for building another bridge over the Narrows, he will find that 160 000 people travel over that bridge from the south every day. By the time one reaches the Mt Henry Bridge - does Hon Barry House know where that is - the number of people decreases to 90 000.

The PRESIDENT: Order! If Hon Jim Scott speaks to me, I will not interject.

Hon J.A. SCOTT: Thank you, Mr President. By the time one reaches South Lake, there are only 22 000 people. Clearly, the major traffic area is not from Mandurah or Rockingham; it is from those east-west roads that adjoin the freeways - roads such as South Street, the Canning Highway, and also from the east of those roads. By choosing this route, the Government has shown its misunderstanding of what a public transport system is about.

In the southern region, we need a main line along the area of the freeway, and a hybridised line, which would either carry express trains travelling at around 120 kilometres per hour in open areas or travel at lower speeds alongside the streets. Therefore, we need an extension from Fremantle to link Rockingham and then join the other line. The people of Rockingham have been waiting for this line, and even the council said that it would go along with the Government's proposal, on the expectation that a line would pass through Rockingham. However, they have now found that they have been doublecrossed by the Government and that the line will bypass Rockingham. Therefore, people will be required to travel by bus to the station before catching the train.

We need a network. That requires two parallel lines. One would be a hybrid line travelling down the coast so that people in Fremantle are not cut off from the coast.

Hon Barry House: How much would it cost for two lines?

Hon J.A. SCOTT: It would cost a lot less than the money that has been wasted on the northern bypass and tunnel that have been built by this Government. The money expended on that would pay for a considerable amount of rail network in the southern corridor, rather than constructing a road that is not wanted by the people in that area and that promotes more traffic. The proper way to manage this would be to have hybrid railway line links between the lines across streets such as South Street and perhaps up the Canning Highway. This would take a huge amount of the car-driving population off the roads, in which case the extra bridge over the Narrows would not need to be built, and the Government would have been able to save money in that way.

The Government is going about this in completely the wrong way. Its urban transport management design is straight out of some boys' own textbook. The Government thinks that locating the line along a cheap route, which is already owned by Westrail, is a good idea. However, the arguments of Hon Barry House and other members on his side of the House fall into a hole when the cheap cost is mentioned, because an existing line travels south, although not along the freeway, from Fremantle all the way to Kwinana. That line has been disregarded by the Government. It is quite strange, because as I said when I opened my remarks, under the previous Government, a lengthy south west area transit study was carried out. Unlike on this occasion when the minister has overridden local concerns and has decided that the line will run in a particular

direction, the then minister, Hon Eric Charlton, chose a route along an area that would never be developed because it was on a water mound and went past an airport, where surely no population will ever be centred. That line does not even service the airport, which would at least make it of some use. However, unfortunately, it does not go there.

Instead of the Government backing up its claims that this was a good route with worthwhile data, on the many occasions when I asked questions in this place, I received a large amount of misleading information from the then minister, saying that most people did not want to travel south via Fremantle, as was the situation at that time, but that they preferred to go to Perth. However, these people are being sent to Kenwick. Of course, similar to the Kenwick line, the Fremantle line continues on to Perth. Therefore, his statements were fallacious. When I asked him how many people travel between the Rockingham area and Kenwick compared with the number of people who travel between the Rockingham area and Fremantle, he gave me forward projections for the period after a rail line to Kenwick had been built, and he said that more people would go to Kenwick. When I asked him from where he had obtained this data and what modelling had been used, he provided me with a sheet of paper, which stated that the figures should not be trusted because the data were doubtful. The data were based upon the amount of people who used certain stations already in existence in Perth. However, none of the major stations was on that line. I think the top two stations were on the northern line and the next most popular station was Fremantle.

How he managed to work out that more people would be picked up at Thornlie and so on than would be picked up on another route, I do not know. There was absolutely no logical sequence to his argument, particularly when one looks at the population centres on a map of Perth. This freight line was specially built to avoid population because at that time trains were very noisy. The freight would travel right to the south of the city and avoid people. The Government has chosen this route on which to build its southern rail extension. I am at a loss to understand why it is sensible planning. There is only one advantage about that line: Even though it is further, it will be quicker than going via the freeway or via Fremantle, because there will be so few passengers the train will not have to stop very often. In that way, we will have a much quicker service. That will be fine for a long-distance commuter service to Bunbury and Mandurah, but it will do nothing to take the burden off our urban roads, which is what this rail system was supposed to be about. However, this Government does not seem to understand that. The article on the front page of the *Weekend Courier* of January 30 last year, which is headed "Rail row sparks local rebellion", states -

Some Rockingham residents claim Rockingham City Council has been railroaded by the State Government over the Kenwick rail connection to Perth.

A majority of people at Rockingham City Council's AGM this week supported a motion by Port Kennedy resident David Hume rejecting the council's decision to support a rail route through Kenwick until such time as proper and adequate community consultation had been done.

Mr Hume is the convenor of the Peel Districts Railway Foundation Inc., which has gathered more than 500 signatures in the past six weeks supporting a rail link to Perth, but through Fremantle.

Mr Hume told the council people wanted the Fremantle link and if the councillors had collected signatures at Rockingham City Shopping Centre as he had, they would know too.

"Councillors should ask the people what they want," he said.

That could also apply to the State Government. It continues -

"You (councillors) are not speaking for the majority of the people in Rockingham."

"The Government has said the rail line could bypass Rockingham and be built later than sooner but we do not accept the Kenwick connection and the council has bowed to that."

The Rockingham City Council has been blackmailed into accepting that decision.

Hon Barry House: Blackmail! They accepted reality.

Hon J.A. SCOTT: They have been railroaded.

Hon Barry House: Reality is a foreign concept to you.

Hon J.A. SCOTT: Unfortunately, the reality of this matter is that the Government will build a line that is designed to fail. Not only is it designed to fail, but also it is designed to look after mates. South Lake is the only major centre anywhere near the urban area that is likely to use this rail, and not even a lot of passengers in South Lake will use it because, instead of going up the freeway to Perth, they will have to travel many kilometres to the east before travelling back into the city. They will circumvent the city. That will mean that many South Lake residents will go by car. There is a proposed new development at Thompson Lake, and clearly the developer has quite a good influence with the Government. That will be a real boon as the railway line will be stopping there for quite a long period before completing its construction to bypass Rockingham, on to Mandurah and Bunbury eventually, if the Government gets around to doing this. In creating this line, the Government has completely failed to understand the local movement of people and the needs of the metropolitan area. It has been stated on many occasions that the main traffic movement was through to Perth. That is simply untrue. I have already quoted the data about the Kwinana Freeway in which only 22 000 people from south of the South Lake rail bridge continue north along the freeway; yet, on the roads going from that area into Fremantle, 30 000 people travel along Rockingham Road, 16 000 travel along Cockburn Road to Fremantle and 16 000 travel along Forrest Road. That adds up to a grand total of 62 000 people travelling from the area south. How did the Government reach this decision? It has obviously ignored its data because these were the latest figures from Main Roads when I collected them. The Government

does not want to take notice of where people want to go. It wants to construct a line to create its own social planning. If social planning is done very well, it may be successful. However, this is totally stupid social planning. It will cause massive problems in the tourism industry along our coastal areas as there will be a dead-end at Fremantle. Big problems will be caused for the businesses in Fremantle if the link is broken between the area south and the entertainment that is provided in Fremantle. It will do nothing about the majority of traffic movements in the southern corridor which are not north-south, but in fact east-west and which the Government seems to forget. It will cost us a lot of money in the long run. The Government is prepared, for some unknown reason, to build a line in the wrong place. I am not quite sure whether that reason is to support the development at South Lake or whether it is to combine the upgrade between Kewdale and the new port at Kwinana, which is more than likely the real reason behind this. The so-called electrification will go along that same route.

Hon Barry House: Another conspiracy theory.

Hon J.A. SCOTT: It already has required the raising of a number of bridges along that area. The Government is doubling up and doing this on the cheap instead of just building it properly. I now turn to the sorts of data that the Department of Transport has put forward to explain why it has chosen this route. I will hold up this document for members. This is the single page document that was provided to me. This was the great study that was carried out, with which Hon Eric Charlton provided me. This was a modern thinking-type study, too. I forget what he described it as at the time.

The PRESIDENT: Order! Hon Jim Scott can hold up as many documents as he likes. However, if he can describe it for *Hansard*, it would make a lot more sense.

Hon J.A. SCOTT: I will get on to that after embellishing it a little bit. This is the estimated weekly boardings for 2006 for the Kenwick-Jandakot section of the Perth-Mandurah railway. The numbers for the Spencer Road, Thornlie station are 3 100 to 3 900; Nicholson Road 2 400 to 3 000; Canning Vale 2 800 to 3 600; Karel Avenue 1 000 to 1 300; and Beeliar Drive 800 to 1 000. That is a total of 10 100. That is based on the Perth suburban rail system's average weekday boardings for March 1996 in the top six suburban stations. It said Warwick had the most with 5 100 but it does not go anywhere near the area the minister is talking about. The second was Whitfords with 4 700 and members will know Whitfords is probably at the opposite end of the city to where he is talking about. The third highest was Fremantle with 4 400. Once again, that is not a very good argument to show that we will get more people from the Kenwick area. Midland was fourth, Stirling fifth and Joondalup sixth. I am not sure how on earth the minister managed to work out from this data that people would use those stations unless he has deliberately withheld some information from me. I hope he has because if that is all he is using to make his claims, it is pretty thin stuff. Clearly, it does not support his argument. One can never get a straight answer out of the minister. I asked him many times about the number of people currently travelling between those areas and he was unable to tell me that.

Hon B.M. Scott: The figures are available. You are talking about 1996 data.

Hon J.A. SCOTT: These questions were asked in 1997. However, I think the whole point of this exercise is to show members of this House that if we want a successful rail service, it does not matter if it costs more to build it provided it does the job we need it to do. There is no point having a cheap railway which does not carry very many passengers.

Hon Barry House: You would deny Mandurah a railway. That is what you are saying.

Hon J.A. SCOTT: I am not trying to do that. I want a railway line which will be properly used by many people. The Mandurah line will not be built for many years.

Hon Barry House: The Mandurah line will be built by about 2050 according to your theory.

Hon J.A. SCOTT: According to the Government's theory, it will take even longer because the reality is if we build the line from Kenwick to Mandurah - and the member must recall that this will be built in stages and there will be a line to Jandakot initially -

Hon Barry House: Of course it will be built in stages. You cannot build the end bit first.

Hon J.A. SCOTT: One could build the end bit first. However, the reality is the Government has rocks in its head if it expects huge populations to flood onto the trains if it builds a line through an airport area where nobody lives, because one cannot build around an airport, or if it builds a line on a water mound where people do not live because people do not build on water mounds if they want to protect the water supplies.

Hon B.M. Scott: You allow for 3 000 people a day going to work from the Mandurah area to Rockingham and 1 000 people from Rockingham who work in Mandurah every day.

Hon J.A. SCOTT: When? When will the line be built?

Hon B.M. Scott: Now.

Hon J.A. SCOTT: No, when will the line be built from Mandurah to Rockingham? The train line will not be going into Rockingham at all.

Hon B.M. Scott: That decision has not been made.

Hon J.A. SCOTT: It will be many years before we see the line go to Mandurah. The reality is that the Government's rail link to Mandurah is many, many years away as it is. However, if members opposite think it will be sped up by building the initial stages through an area in which it will not be used, they are mistaken. Patronage encourages the Government to extend

rail lines; the more patronage, the more the line will be extended. The northern line is a good example of that. As I remember, the then coalition Government was against that railway being built but this coalition Government knows that extending the line is a good idea. It is extending the line because of good patronage.

I would like to ask the minister a question about the northern line. The diagram of the northern line which has been provided shows a gap between the rail systems at Currambine. I wonder what that means.

Hon M.J. Criddle: We are shifting the existing station into the centre of the road. One is black and one is red.

Hon J.A. SCOTT: They will join up as one line. I was hoping that was the case rather than it being a stopping point where people would have to get off one train and onto another. I would not have been surprised by that given the route of the other line. All in all, we have a line which will be built on a route which has no public support. The Government has railroaded the Rockingham City Council into agreement on this line. The council is now writing to members of Parliament and complaining about the way it has been dealt with.

Hon Barry House: You ask the people of Mandurah and then say it has no support.

Hon J.A. SCOTT: We could ask the people of Mandurah whether they would rather go straight up the freeway or do a dogleg out to Kenwick. If one were allowed to do such wagering, I would wager that the great majority would rather go straight up the freeway.

Hon Barry House: What if the question also said, "Would you like this railway in 2006 or the one going straight up the freeway in 2025?"

Hon J.A. SCOTT: That is nonsense. The member knows if the Government does not get money back on the line, it does not have money to go into rail and that the most successful lines run through populated areas, not areas where people do not live.

Hon B.M. Scott: None of them make any money though.

Hon J.A. SCOTT: I am not sure how many public transport systems -

Hon J.A. Cowdell interjected.

Hon J.A. SCOTT: That is what I was about to say. If we look at the road system, we will see that the hundreds of millions of dollars spent on the short patch of road through the north of the city - which was opposed by many people - has not gained any money for anybody.

Hon B.M. Scott: That is not the issue.

Hon J.A. SCOTT: It is the issue.

Hon B.M. Scott interjected.

Hon J.A. SCOTT: No roads make money.

Hon M.D. Nixon: The motorists more than pay for the roads.

Hon J.A. SCOTT: We have just heard some sort of crazy comment about how roads actually make money. I think the member meant that the taxes on petrol make money - taxes like the so-called WA Inc levy which was applied to get rid of the WA Inc debt and seems to remain long after. It has never disappeared and it is still not enough to pay for the current debt situation this Government has gotten into.

Hon Barry House interjected.

Hon J.A. SCOTT: It is not bending the truth. We have a \$600m budget deficit at the moment.

Hon Simon O'Brien interjected.

Hon J.A. SCOTT: I am afraid I have not been speaking about SGIO and I do not think I mentioned it.

Returning to the rail situation, we would like to see the Government build a rail line which is designed to get people off the roads and out of cars. It would save hundreds of millions of dollars because we would not need to build these massive road structures which cost something like \$1.5b in road trauma alone. Roads also result in large sums of money being spent on illness caused by pollution - another issue which is not added into the cost of road traffic in this State. If members truly added up the costs of roads, they would find that public transport by train is very cheap. Cars are literally costing us the earth at the moment. About one-third of the total area of Perth is taken up by car areas, with roads, parking and so on. Therefore, the city is much further extended than would otherwise be the case.

The cost of establishing outer urban block facilities about seven years ago was \$57 000 above what was paid for each block; that resulted from the need to extend the sewerage facilities and so forth. Spending money on a good rail system which passes through population areas can save money, not lose money. I am afraid that the coalition, and members opposite particularly, are unable to think beyond the one-line equation, and do not understand that the total result of providing a proper train service is not a cost but a very big saving.

I would like to support the rail system, but I cannot support this proposed route, which would be a disaster. The Government should be ashamed for riding over years of consultation in which people agreed to have certain routes established. This

Government threw out the reports and disregarded what the community wanted. The Government will put in place what it wants, which is in the wrong place.

HON SIMON O'BRIEN (South Metropolitan) [8.22 pm]: I was interested in the views of Hon Jim Scott, who, like me, represents the South Metropolitan Region. At that point our policy views diverge sharply. Interestingly, the member will not support a Bill which will provide a much-required facility in the South Metropolitan Region. Indeed, it will join the South Metropolitan Region along the common border outside Canning Vale, and head through the region to its exit at the Rockingham-Mandurah municipal border. It will extend to Mandurah itself, which is in the South West Region. I state simply for the record, on behalf of the constituents I represent, that I want to see the railway go ahead. Every contact I have had with people in areas to be affected indicates that I represent their interests, despite the comments of the previous speaker. Hon Barbara Scott, my colleague in the South Metropolitan Region, can vouch for that comment through her experience, as she outlined in her contribution to this debate last week.

I was a little surprised to hear at the planning stage that the preferred option was for the railway line to go to Kenwick, as opposed to Fremantle. However, it did not take long to understand, through reading the information made available by the Department of Transport, that it is not about the railway line going to Kenwick at all - it is about the rail line going via Kenwick to the destination of the Perth central business district. That is the point of the exercise. A rapid transit link from Rockingham, Mandurah and other places on the south side into the Perth CBD is required, and this eclipses the requirement for people from those areas to travel to Fremantle. I grew up in Fremantle and I caught the train from Fremantle to Perth on many occasions. The trip took 38 minutes then, and it takes 38 minutes now.

Hon J.A. Scott: It took only 30 minutes when I took that trip.

Hon SIMON O'BRIEN: Perhaps it takes longer when I travel as my own company. Whatever the travelling time from Fremantle to Perth, if one has travelled from Rockingham, Mandurah or other places south to Fremantle, one will be nowhere near the Perth CBD. If one's destination is the Perth CBD, and one has another 30 or 38 minutes to travel, it becomes an unrealistic option.

Hon M.D. Nixon: They will not go.

Hon SIMON O'BRIEN: Of course not. The Kenwick route will get people to the Perth CBD in the quickest time. We have heard a lot of nonsense from Hon Jim Scott that this proposed southern railway line will run where no passengers will be found. That is simply and utterly untrue. Let us take the journey from the city. Will no-one board the high-speed train at Oats Street to go to the CBD? A high-speed line will be combined with the Armadale line. Does the member not want people on the Armadale line and the south east corridor to have access to high-speed transit?

Hon J.A. Scott: Would you not like it for the Fremantle option?

Hon SIMON O'BRIEN: I will come to the Fremantle option, as the member is incapable of understanding reality; therefore, I must rise to my feet to put straight some of the nonsense the member stated. The railway will pass by areas near the Kwinana Freeway, and will join the established Kenwick connection. Apart from passing by Jandakot Airport, which in terms of the overall scale of the project is not a great distance, it will pass through some reasonably heavily and increasingly populated areas in Canning Vale, Waratah, Ranford and a range of other centres, including Thornlie, before it reaches the Kewdale line. A great demand exists in those areas for commuter transport to the Perth CBD. To suggest that no passengers are to be found along that route is simply untrue.

I understand that Hon Jim Scott believes a railway should proceed along the freeway. Many open areas have no people resident immediately adjacent to the freeway either. I fail to see the relevance of the member's comment. The idea is to move people from the remote population sites in Mandurah and Rockingham to the Perth CBD. The fact that distances are found between population centres along the route, with broken suburbia, does not matter one jot. One does not have unbroken suburbia in any direction.

Hon J.A. Scott: You do not understand the public transport concept at all, do you?

Hon SIMON O'BRIEN: It is most frustrating trying to reason with people who cannot listen to reason. I have that frustrating experience every time I debate Hon Jim Scott on such matters. His sense of reality, and his refusal to accept the expert advice of the Department of Transport, its officers and its experts, because he does not like what he is hearing, amazes me.

Hon J.A. Scott: The City of Melville agrees with me, as do the East Fremantle, Fremantle, and South Fremantle Councils and others.

Hon SIMON O'BRIEN: I did not stop that interjection because I was momentarily catching my breath and wondering whether to laugh. I will not bother to respond.

Some people have a legitimate need to travel on public transport from the major centres of Rockingham, Mandurah and other southern centres to Fremantle, and other options will be available to them. The Rockingham-Fremantle bus transit way is going ahead and will provide public transport at a scale consistent with the current demand. There is no point in building railways along that route when there are not the passengers to use it. A first-class bus route is being established to provide rapid transit along that route.

I am pleased to acknowledge that the Minister for Transport has directed that any future plans must include reserved space along the Roe Highway between the Kwinana Freeway turnoff and Fremantle. That will allow for a future railway spur to go from the Kwinana Freeway and fork off to Fremantle via Roe Highway. Of course, that will create the direct link to

which Hon Jim Scott was alluding, and it will do so when there are sufficient passengers to justify it. I do not know when that will be, but I suspect it may be many years hence. The figures do not stack up at this time.

Hon J.A. Scott: That is nonsense.

Hon SIMON O'BRIEN: I do not like being told by interjection over and over again that what I am saying is nonsense when it is the simple, unvarnished truth as presented by the experts retained by the Department of Transport. It started with people imagining that this railway would need to go over the Mt Henry Bridge and the Narrows Bridge. Many people were surprised to find that that option was not being actively considered. That makes a lot of sense because large sections of the route have no proximity to a passenger base. In addition, we are confronted with substantial engineering problems crossing the Canning River, the Swan River and tunnelling to gain access to the city from the west. I am advised that if a route crossing the river were ever considered in the future - perhaps it will be in 100 years - it would start at Applecross and go to a point that would enable it to service the university and hospitals to the west of Perth before it turned into the city. That is not what we are talking about in respect of this Bill.

The minister's and this Government's requiring that there be sufficient reserve along the Roe Highway for a future railway to Fremantle shows their foresight. It is a pity that that foresight was not displayed in the planning and building of the Kwinana Freeway, which has traffic intersections at five locations leading down to Thomas Road. The tender documents for the flyovers that will shortly be built over the freeway had to be modified because it was found that there was not sufficient room to put the railway between the current roadways. So much for the previous Government's commitment to a southern railway.

I know Hon Barry House has been following this debate with interest. He might be able to tell the House more about the previous Government's promise to build this southern suburbs railway. I understand that at one stage the then Government erected a sign in Mandurah indicating that the railway would reach a certain point. That is all the people of Mandurah ever got; they did not get a sleeper, rolling stock -

Hon J.A. Cowdell: That is because they have had a coalition Government for the past seven years.

Hon SIMON O'BRIEN: We are trying to ensure that this railway goes ahead - not in 2015 or 2020, but in 2006. That is this Government's aim and it beats anything the Labor Government could offer.

Hon J.A. Cowdell: We built the northern suburbs line.

Hon SIMON O'BRIEN: I come from the southern suburbs and we do not have a railway. We require one, and this Government will build it. Of course, that will not happen if the opposition parties in this House conspire to defeat this Bill. It is a pity that we must suffer some of the mischievous misinformation that is put about by the watermelon party.

Hon J.A. Scott: Such as what? Explain one bit of misinformation.

Hon SIMON O'BRIEN: I have just spent considerable time doing that. I wonder which way the member reclines in bed.

Hon J.A. Scott: You said councils were against it. You should look at the newspapers.

Hon SIMON O'BRIEN: I said no such thing. The member was interjecting about councils and I did not respond. The member will use figures selectively, and even make them up on occasion. He does not care. I have seen him in the public domain. His regard for the facts when dealing with political issues is not particularly good.

Hon J.A. Scott: Give one example.

Hon Ljiljana Ravlich: He does not have one.

Hon SIMON O'BRIEN: I would not know where to start. Some of the things he has said about Jervoise Bay and limestone quarrying proposed in Leda are fantastic. He made some amazing statements at Medina about a proposed limestone quarry allegedly to be used for Jervoise Bay. That is total nonsense. I investigated that beforehand and found that the limestone was not required. The member still refuses to admit the facts.

The PRESIDENT: Order! I have just read the Bill again to ensure that I had not missed something. Its purpose is to grant authority to the Government to build two railways along a certain alignment. I am not sure that the limestone at Leda has great relevance.

Hon SIMON O'BRIEN: Thank you, Mr President, for reminding the House about the purpose of the Bill. When talking about something as important and as complex as public transport systems, we touch on a range of side issues. This Bill provides for the extension of the northern suburbs railway and the building of the southern suburbs railway. As such, I want to see it passed. I wish members in this place who claim to represent constituents - I doubt whether they see any real constituents -

Hon J.A. Scott: Where do the people want the railway to go?

Hon SIMON O'BRIEN: I am trying to bring my remarks to a close. I do not want to waste my time on some of the inane remarks which are coming from members opposite.

Hon Ljiljana Ravlich: It cannot happen soon enough.

Hon SIMON O'BRIEN: I can tell you, Mr President, that many of the constituents in the South Metropolitan Region, whom

I represent, and they vastly exceed the number represented by Hon Jim Scott, want this railway to go ahead. He should stop his false posturing and bellyaching and let us get on with building some things for this State.

HON J.A. COWDELL (South West) [8.40 pm]: I support this Bill. In passing, I must refer to the disparaging remarks from those on the opposite side of the Chamber about the efforts of the previous Labor Government. It ill behoves members opposite, who represent the party that, in government, was committed to closing the metropolitan rail system, and succeeded in closing the Perth to Fremantle line. It is the party that disparaged the northern suburbs rail line. When it resumed power, the then Minister for Transport, Hon Eric Charlton, continually decried the waste of public funds in supporting that northern line, which has proved to be a spectacular success. This is the party that has not appropriated any significant funds for the extension of the rail network in its seven years in government, until now.

I welcome the interest of the Government, as shown by this Bill; it is better late than never. I will refer specifically to the southern line. This is long overdue. The Government has been in office for seven years and we are still waiting for a definite timetable. I refer to the second reading speech, in which the minister referred to a timetable for a three-stage implementation program. He states -

Commencement of services from Thomsons Lake to Perth within four years of inception;

I am not quite sure what is meant by the word "inception" in this sense. It continues -

. . . commencement of full services from Rockingham two years later; and services to commence from Mandurah 18 months after that.

Four years plus two years, plus one and a half makes seven and a half years. That is almost another eight years - not exactly a speedy record. This Government has spent seven years thinking about it, and proposes another eight years as the minimum time in which to do something about it.

As I say, I welcome the initiative, but we cannot say that this is a party - or a Government - that is committed to a metropolitan rail network. Indeed, as members will be aware, when we look at the billion dollar road program over 10 years, rail is the poor relation and does not figure in the priorities of this Government. I must acknowledge the recent significant expenditure of \$20 000 on the glossy pamphlet distributed in the city of Mandurah; all residents got that in the mailbox! I suppose another \$20 000 was spent on a glossy pamphlet which contained a photograph of Hon Barbara Scott and was distributed in the Rockingham end of the electorate. These pamphlets showed things were under way. Unfortunately, we have seen many of these pamphlets over the years.

I have expressed concern on behalf of my constituents as to the timing of this project. I took comfort from the part of the minister's speech which referred to the northern suburbs rail extension, which I presume will be between four and six kilometres. Mention was made of a timetable and other matters. When we got to the southern suburbs, the second reading speech was a little more nebulous. The minister has made it conditional; although the four kilometres of rail in the northern suburban line is not, the southern rail line is. The set of conditions in the second reading speech reads -

The actual implementation program will be finally determined by such factors as development of a cashflow which is consistent with other government obligations;

That means if the money is not spent on anything else and some is left over, the rail line will be built. That is an interesting proviso.

Hon J.A. Scott: For the fourth time.

Hon J.A. COWDELL: Yes. It continues -

. . . a realistic program for the delivery of rolling stock; and the need to establish and refine operational procedures for the new services and their integration with existing services.

There are three opt-out provisions. Of course, the most concerning factor is the proposal that the funding is conditional upon the sale of AlintaGas. That was always our understanding. Now it is made conditional on the fact that there are no other priorities. In the second reading speech, the minister has confirmed that there are now other conditional factors in terms of the funding.

I was disturbed to read a concept in an article in the Mandurah newspapers only last week attributed to the Premier, that if the sale of AlintaGas did not go ahead, instead of looking at 2008, eight years hence, we would be looking at 2015 for the building of this rail line. I support this initiative, and we will support this Bill; however, I am concerned that there is no definite timetable or funding for the southern extension as there appears to be for the northern suburbs.

Hon M.J. Criddle: How would you fund it?

Hon J.A. COWDELL: We have always promised to fund this project from consolidated revenue and not make it conditional on the sale of assets, as we did for the northern suburbs line.

Hon M.J. Criddle: You would borrow it!

Hon J.A. COWDELL: We would for this project. Once again, we hope on this occasion that the Government will back its glossy pamphlets and plans with some funds. We have noticed that the Government has managed to fund its billion dollar New Roads program and to find \$100m for a convention centre. The metropolitan rail system has been at the absolute bottom of the priorities list, and it has now again been put at the bottom of the waiting list.

I also express concern at what I feel is the deception of the people of Rockingham with respect to this so-called community

consultation on the loop. I ask the Government to indicate whether it is serious in adding \$100m to this exercise for sinking a railway line in a loop in Rockingham. If it is seriously considering this additional expenditure of \$100m, surely it could provide some light rail relief for Rockingham, whether it is by a line into the shopping centre or a speedy transition to rail to Fremantle. I note the master plan of the Department of Transport envisages the replacement of the much touted busway between Rockingham and Fremantle with a light rail option in due course. That would be far more appealing to the people of Rockingham.

Hon B.M. Scott: Does the member want Mandurah people to go by light rail to work? That is as fast as a tram.

Hon J.A. COWDELL: I am not talking about a replacement for the Kenwick line, but an addition to replace the bus line. I am talking about the replacement of that busway with a light rail connection. The ALP and I support the legislation, and I look forward to the Government's backing this initiative and indicating a definite timetable and funding program. At the moment the minister's speech has so many provisos and conditions as to raise considerable doubts in the City of Mandurah as to the timing of this rail link.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [8.50 pm]: I am pleased to hear that all members opposite, bar Hon Jim Scott, support the rail link that the Government intends to put in place. It will be a great addition to the rail network extending south of the metropolitan area. The south west rail master plan was a comprehensive document that was put together in a professional manner. I congratulate the people involved for putting together such a good document.

Hon Ken Travers spoke positively about the northern rail link in the initial debate, and has spoken to me on many occasions about this issue. The completion date for the master plan for his area is not far away. The draft is complete and we will release that in the near future so that the public can have a good understanding of the northern suburbs extension. Hon Tom Stephens spoke briefly and supported the plan. Hon Barbara Scott gave us a clear understanding of what was happening in Rockingham. She has done a good job on the data collected in that area based on the three options in the master plan. She informed me she has received 9 000 written submissions and 500 applications for oral submissions. That represents a comprehensive survey of that area. I look forward to receiving that report and understanding the issues in that area. Hon John Cowdell outlined a similar study that is occurring in the Mandurah area.

When Hon Norm Kelly spoke the other day I was disturbed to hear that he was concerned about not having all the information. I understood that he had been well briefed on the Monday prior to that discussion. I hope that he received the information he required.

Hon Norm Kelly: I was concerned it was brought on earlier than suggested.

Hon M.J. CRIDDLE: I spoke to Hon Norm Kelly on a number of occasions about the Bill being brought on.

Hon Jim Scott gave us his requirements for road and rail links in the southern suburbs. The member has good intentions, but this rail link is one of the major regional spines of the network as well as the extensions to the Kwinana Freeway and the busway services north of Jandakot at the present time. I am interested in Hon Jim Scott's comments about the Kwinana Freeway. For an extended distance along the river side of the freeway there are low populations and I wonder whether the bus would pick up any passengers. If the member looks to the south, he will see that area has a lot of potential for development. Having visited the area I see a lot of potential for the population in that area to grow. All the indications are that if we had the line up and running by 2006, we would have similar patronage to that on the northern line at the present time. Hon John Cowdell pointed out the good service that is provided on the northern line. There will certainly be people who will travel on that rail network.

A bus transit way is being built between Fremantle and Rockingham at present. It will be a good facility and I am sure that people in that area will be well served. The indication we had was that the patronage on that section of busway did not require a rail link at this time. Maybe in the future a light rail will be a possibility.

The circle route is also part of the network which will link across the systems. It has proved successful. Between 45 000 and 49 000 people travel on the circle route. That is a large number of people. The public have accepted the service. Regardless of whether Hon Jim Scott likes those buses or not, people use the service and enjoy travelling on the buses.

The railway to the south has been supported by all local governments in that area. Some of the figures that Hon Jim Scott quoted were early figures. Modelling was not based on the northern suburbs line but rather on a proper consideration of all trips undertaken throughout the metropolitan area for all purposes. The modelling used is perhaps the most sophisticated in Australia. After considering all those trips for all purposes, the time and cost of trips and the type of trips, we made a mathematical assessment of the trips including whether the trips were by private car or could be made by rail. It seems to be a pretty sophisticated way to arrive at these decisions, compared with some of the ideas expressed by Hon Jim Scott.

Hon Simon O'Brien was keen for these lines to go ahead. They will be constructed on a corridor which is two kilometres wide to the north and four kilometres wide to the south, which will accommodate the Rockingham requirement. I am pleased that we have so much support in the House for this Bill. I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Assembly.

NUCLEAR WASTE STORAGE (PROHIBITION) BILL 1999

Second Reading

Resumed from 21 October.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.00 pm]: The Government supports the Bill. As members know, it is a private member's Bill introduced by the Opposition in the Legislative Assembly and repaired by the Government. It has now reached the Legislative Council for its consideration. The Bill was originally a stunt introduced by the Labor Party to outgreen the Greens (WA) and the Australian Democrats, and to try to score political points on an issue of concern in the community. As I said during the Address-in-Reply debate, the original Bill was badly flawed and it would not have achieved the purpose for which it was intended. The Government decided to amend the Bill to make it work. The Bill now before the House will achieve the end which the original mover sought, but it also will achieve what the Government wishes to achieve; that is, it will prevent Pangea Resources Australia Pty Ltd developing a nuclear waste dump in Western Australia.

I made the point before that the Labor Party's credentials on this are to be questioned. I mentioned during my previous comments that the Leader of the Opposition, Dr Gallop, to my knowledge and to the knowledge of the public, has not made any representation to the British Prime Minister to do anything about this. As members know, 70 per cent of Pangea Resources is owned by British Nuclear Fuels Ltd, which is a government agency in the United Kingdom. Ironically, in the context of a few debates in this House recently, it is about to be privatised by the Blair Labour Government. I find that interesting because the Labor Party in this State is saying that this State cannot touch anything to do with nuclear energy or nuclear fuels because it is politically opportune to say that, and yet in the United Kingdom its colleagues, who represent New Labour - I guess we will hear about New Labour in Western Australia soon - are happy to privatise whatever needs to be privatised, and it is flogging off British Nuclear Fuels.

Hon Kim Chance: By the same logic that makes you pro-nuclear because your friends in the United States have nuclear reactors. It is the same logic. It is absurd but your accusation is also absurd. You are rattling nonsense. You are dribbling.

Hon N.F. MOORE: No, no. We have heard ad nauseam about the special relationship between the Leader of the Opposition in Western Australia and the British Prime Minister.

Hon Kim Chance: It has nothing to do with it. This is a statute of the Western Australian Parliament.

Hon N.F. MOORE: The member should allow me to finish and make my point.

Hon Kim Chance: Then make some sense.

Hon N.F. MOORE: If Hon Kim Chance does not make sense of what I say, I am obviously talking sense. If Dr Gallop was so concerned about the future of Western Australia and the devastation that would be caused by a nuclear waste dump, why did he not ask his mate the British Prime Minister to tell this fully government-owned agency to go away?

Hon Kim Chance: What guarantee would that give?

Hon N.F. MOORE: Possibly none. If the Labor Party is so concerned about this that it had to introduce private member's legislation to stop anything happening, it might at least have used that special relationship we hear about to ask the British Government to do it a favour and tell Pangea to go somewhere else. It would have been smart politics on the part of the Leader of the Opposition. He could have told people in Western Australia that he had encouraged or convinced his friend Tony Blair to send Pangea somewhere else. He did not do that. I am surprised about that because I think it would have been good politics. I should qualify my remarks by saying that perhaps Dr Gallop did that, and we have not been told. Perhaps he got knocked back and did not want to tell anyone. We do not know about that either.

The Labor Party introduced legislation to deal with the issue and, as we all know, the legislation was not adequate and it had to be fixed up. The Government has stated all along that Pangea is not welcome in Western Australia, and that has been the State Government's position ever since this matter arose. It is not correct for people to say that the Government has been equivocal on this matter. The Premier wrote to Pangea Resources enclosing a copy of the resolution passed by the Legislative Assembly, which was sponsored by the Government, advising that it was the view of all parties in the Legislative Assembly and that Pangea was not welcome. He followed that up with a visit to the United Kingdom, and I was fortunate enough to accompany him to a meeting with British Nuclear Fuels personnel in Manchester. Again, Pangea was told it was not welcome in WA.

It seems Pangea still does not have the message. I keep reading in the Press about its arranging seminars around the place. Recently it has been in the goldfields trying to encourage people to its point of view. I do not have a problem with people who want to do that; in a democracy everyone is entitled to argue their case, but Pangea has been told in no uncertain terms by this Government that it is not welcome if its intention is to dump nuclear waste in Western Australia. The Government cannot stop Pangea holding meetings and setting up an office; it is the company's business. The message is simple and clear. Pangea will not have a nuclear waste dump in Western Australia while this Government is in office. The Bill will be passed tonight or tomorrow, and it will place into law the views of all the parties in this Parliament. However, members also know that the next Parliament will be made up of different members, and the next Parliament can change any Act passed by this Parliament. As long as all members understand that, I can say only that as far as this Government is concerned this project will not go ahead. I hope the Labor Party, when it takes government in due course, as it inevitably will, will not allow it. Then Pangea must wait for some aberration to occur in the future when neither the Labor Party nor the Liberal Party is in office, and someone else can deliver what the company wants.

Hon Norm Kelly: It could be sooner than you think.

Hon N.F. MOORE: That would be a serious aberration! Imagine if the Greens (WA) or the Australian Democrats ran the country - the mind boggles. In an earlier debate Hon Jim Scott spoke about what we need for public transport and where

the money could come from. It is always a case of the money coming from the Government, but in the next breath he said the Government should close down businesses because they are causing pollution. I do not know where the money is eventually supposed to come from, if countries do not create wealth.

Hon Barry House: Under a toadstool at the end of the garden.

Hon N.F. MOORE: It would have been smoked by now! Wealth must be created in order to provide public services, and I despair at the prospect of the Greens (WA) ever running the country because I suspect it would go completely broke and be unable to deliver the public services that are so fundamental and vital to society.

I will not take more time other than to indicate that the Government strongly supports the intent of the legislation, which is to ensure that no radioactive waste dump is permitted to be located in Western Australia. I am quite sure the whole House will agree, and I have no doubt that at the end of the day Pangea Resources will get the message that nobody wants it here for the particular purpose it has in mind at present. The Government supports the Bill, which as I have indicated already has been fixed up by the Government in the other place to ensure it achieves the purpose for which it was originally intended.

HON GIZ WATSON (North Metropolitan) [9.09 pm]: I support this Bill, surprise, surprise! The Greens (WA) welcome this legislation into the House for debate. Certainly, we shall enjoy contributing to debate on this vital issue. All members will be aware that from the outset the Greens have raised the prospect of a nuclear waste dump in Western Australia when everyone was saying it would never happen and that people should not worry about it. Over the past 12 months people have gradually realised that these proposals by international companies to dispose of nuclear waste around the planet are real proposals that are an inevitable result of an industry that has got itself into an enormous dilemma worldwide.

I want to raise in this debate exactly why we need to have this kind of legislation in this State. The Greens (WA) originally raised this issue in October 1998 when it was first made public by the release of information that was obtained from British Nuclear Fuels in England and then released to Friends of the Earth in Melbourne. We were alerted to the Pangea proposal very early, and the general reaction was, "We will not worry about it. It will just go away." It is a credit to the level of community activism and outrage in this State that we have now reached the point where all the political parties in this State recognise that it is not sufficient just to move motions in this Parliament saying that we do not support the Pangea proposal and we need to enact specific legislation.

Over the past 50-odd years, the nuclear industry worldwide has created a monster for itself. That monster is nuclear waste. Those countries that have chosen to go down the route of generating electricity from nuclear reactors have created a waste product that is not disposable and will remain a danger to not only human beings but all forms of life on this planet for hundreds of thousands of years. Needless to say, the industry has continued to produce this waste material, the majority of which is stored adjacent to nuclear reactors in America, Switzerland, France and England in what are called euphemistically "swimming pools". Spent fuel rods that are pulled out of a nuclear reactor must be stored with a permanent cooling system, because they release enough thermal energy to cause that fuel material to melt down and create an uncontrolled nuclear reaction, let alone create an enormous amount of extremely harmful radioactive material. In fact, if one were to stand for more than 10 seconds adjacent to a spent fuel rod that had been taken out of a reactor, one would receive a lethal dose of radiation.

It is important that members understand the nature of the waste material that Pangea is proposing to bring into Western Australia. The industry tends to say it is just radioactive material and to equate it with uranium oxide before it goes through the reactor process, when the reality is that that waste product is hundreds of thousands of times more dangerous than that uranium oxide. The dilemma that the nuclear industry has got itself into in trying to achieve what it claims will be electricity that is too cheap to meter is that it has now run out of options for storing this material adjacent to reactors and is at crisis point. That is why it is paying companies like Pangea to try to find a disposal site in a remote location somewhere on the planet. However, the problem with this proposal is that, of the range of very bad options that we have internationally to deal with nuclear waste, one of the worst things to do with it is put it underground. The material must be stored above ground where it is visible and can be monitored, because if it is put in containers and buried, sooner or later, whether it be in 100 years, 1 000 years or 25 000 years, those containers will breach. That is inevitable, because no man-made material is known to last for thousands of years. The problem with putting it underground is that it is virtually impossible to detect a leak before it gets into the environment. However, if the material is stored above ground adjacent to where it is produced, it can be re-contained when - not if - a leak occurs. It is not a good option, but the industry has created a monster that it does not know how to deal with.

The other issue with the Pangea proposal is that it involves the transportation of this material around the planet. The ability to maintain the integrity of the containers in which that material is stored over transportation by land and sea increases the risk of accident a hundredfold, and despite what the industry consistently claims and lies about, accidents involving nuclear material have occurred, and they are exacerbated by the fact that this material is being transported over enormous distances and is putting at risk every community and ecosystem along the way.

This proposal by Pangea has been pushed very much by its trying to persuade Australians that we have an international obligation, and perhaps even a moral obligation, to assist in the worldwide problem of disposing of nuclear waste. That question is very skewed. The problem that has been created by the production of nuclear waste is the problem of those countries that have chosen to profit from the generation of electricity from nuclear sources. I have some sympathy for the argument that if Western Australia were involved in the mining of uranium, a question would arise about our international obligations. The Greens' position is that we must stay completely out of the nuclear cycle, and our moral obligation is to ensure that uranium stays in the ground.

The second aspect is that our responsibility as global citizens is to ensure that nuclear waste material is contained and guarded as close as possible to where it is produced so that we minimise not just the risk of accidents associated with its transportation but also the risk of deliberate sabotage or terrorist attack on that nuclear material, because a great deal of this material can be used for the production of warheads and nuclear weapons, and that is very much an aspect of any waste dump proposal.

The proposal to have a waste dump in Western Australia has also been supported by Pangea on the basis that the geology that it has identified in the Centralian super basin, which is also known as the Pangea formation, is on horizontally-bedded sedimentary rock. These are all the attributes of a stable site for a nuclear waste repository. The research that I and my office have done on this matter indicates that the geology in the area is not as stable as has been suggested and is underlaid by numerous fault lines. Another issue is that nobody can guarantee that this particular part of the Australian continent will remain stable for the next 200 000 years. It is inevitable that if such a waste dump were placed in Western Australia, sooner or later the material would breach its containers and pollution would find its way into the ground water.

Another reason that we need this Bill and that mere motions and statements from the current Government are insufficient is that this industry is exceedingly persistent, desperate and, at this point, well funded. Pangea Resources Australia has a budget of \$5m a year for at least three years until the point when it intends - and it still states that it intends - to put a proposal to whatever Government is in office in Western Australia at that time. The Greens have argued right from the outset that legislation at all levels is necessary to put every barrier in place to prevent this proposal going ahead.

I want to move to some specific comments about the details of the Bill and also to foreshadow that at this point we still have some concerns and will be seeking to move an amendment to the Bill. There has been some debate in this place and the other place as to whether the original Gallop Bill has been amended sufficiently to close the loopholes. I have some outstanding questions regarding the definition of nuclear waste as it is currently in the Bill. Having studied the debate in the other place, I certainly agree that most of the amendments are welcome; we support them as they have improved the Bill. There is always the potential danger that legislation will be rushed for political reasons. I am absolutely adamant that we must get this piece of legislation as watertight as possible. I sincerely believe that at some time in the future, if not in the near future, either Pangea or some other interests will make serious attempts to establish such a waste dump in Western Australia, so we must get the legislation right.

The Bill as it stands seeks to prohibit the construction and operation of a nuclear waste storage facility in this State. Of course, that is welcome. One of my major concerns about this Bill is that it does not address the issue of the transportation of nuclear waste in this State. This is a particular problem because we know from the documentation Pangea has produced and made public that it is quite likely to consider a dedicated port on the south coast. We know that the geology of the waste site that Pangea is interested in constructing extends into South Australia. It is quite possible that a scenario would arise in which the company established a privately owned port facility on the south coast and then built a rail line from there into South Australia. We certainly think that the fact that the proposed legislation does not prohibit the transportation of waste is problematic. I have been advised that it is not possible to amend the Bill to address that issue of transportation, so I intend to look at amending other state legislation in order to rule out the issue of the transportation of such waste.

The objective of the Bill is to protect the health, welfare and safety of Western Australians, which is to be commended. It also prevents government or public moneys being made available for the purpose of encouraging or financing any activities associated with the development, construction or operation of a nuclear waste storage facility. Again, that is commendable and we support it.

The definition of "nuclear waste" is probably the most problematic issue in this Bill. Having spent a lot of time looking at the wording in this Bill, and this afternoon having had the opportunity to discuss the definition with a number of people from the Radiological Council and minister Day's office, I believe it is a very difficult problem. Certain nuclear material is already being used in this State in medical facilities and industry - the mineral sands industry in particular. There is concern that the definition in this Bill will not inhibit the importation of existing radionuclides, for example, or the storage of medical radioactive waste. It will be difficult to ensure that the definition is tight enough to prevent any company such as Pangea being able to find a loophole and being able to argue that its material would be acceptable under the current definition. The problem with the definition is that waste is defined as material for which no future use is envisaged. We know from Pangea's documentation that it has flagged that the material that it seeks to dispose of or store in a facility in Western Australia could at some future time be used for another purpose. By its own admission, it is leaving the door open for a future use for this radioactive material. I am still looking carefully at that wording. I have an amendment on the Notice Paper which I will be seeking to move.

I am pleased that the Bill also constrains the Executive. One of the problems I am still struggling with is that the Bill leaves the power of accepting or rejecting materials in the hands of the Radiological Council, with the additional safeguard that if the Radiological Council does accept that some material can be stored in Western Australia, it cannot happen unless agreed to by both Houses of Parliament. That is a good additional safeguard. However, I am concerned that a proposal for some material to come into the State to be stored will be in the hands of the Radiological Council. That might seem to be well and good, but one of the things that we know about the nuclear industry is that it has an enormous capacity to infiltrate boards, councils and other bodies worldwide. We should not be under any illusion that Pangea Resources, if it were really determined, would seek ways to influence bodies such as the Radiological Council. I hope it will not be able to do that; however, it is problematic that decision-making power still rests with that council. The details will no doubt emerge when we debate any amendments to the Bill in the committee stage.

The Greens would have liked to see the Bill tackle the whole of the nuclear cycle. We accept that the Bill has a specific

purpose; that is, the prohibition of a nuclear waste storage facility. Although we would like to broaden the Bill to include a prohibition on uranium mining and the transportation of any nuclear waste associated with uranium mining and the nuclear industry in this State, we accept that would be dealt with more appropriately in another Bill. We hope to propose that type of legislation in the near future.

It is important also to be aware, even when this legislation is, hopefully, passed before we conclude this session of Parliament prior to Christmas, that the federal legislation is critical to the importation of nuclear waste issue. To that end my federal colleague, Bob Brown, has introduced a Bill into the Senate to prohibit the importation of nuclear waste into Australia. I ask members in this place to encourage their federal counterparts to support that legislation as there is always a remote possibility that if a future Federal Government thought it was a good idea to have a nuclear waste dump somewhere in Australia, it would seek to impose its will on whichever State it chose to have that facility.

When I read of the legal impediments that could be put in the way of the Pangea proposal for a nuclear waste dump in Western Australia, I discovered that Pangea had attempted to sell the nuclear waste dump idea to a number of countries. One of the countries with which it had no luck was Namibia, which has written into its Constitution that it will not receive any nuclear waste. That raises an interesting question: Perhaps we should consider adding a further safeguard by amending the Australian Constitution. However, amendments to the Constitution are difficult to achieve in this country.

Another issue which I have been pursuing vigorously is the role of local authorities in handling proposals for a nuclear waste dump in their area. I note that Pangea visited Kalgoorlie and Laverton recently and met with the councils there to present its argument for a nuclear waste dump. Pangea has clearly said that it will continue to meet with people around the State to put its case. In the past six to eight months I have been in regular communication with a number of councils around the State which have expressed enormous concerns about the prospect of having a waste dump in their shire or having nuclear waste material transported through their shire. On the evidence that I have seen, including legal advice that has been offered to the Shire of Chapman Valley, it is within the power of local councils, towns and cities to amend their town planning schemes to make it illegal to store in or transport nuclear waste through their local areas. Until this legislation is in place at the state level, local councils should continue down that track. If we are to be 100 per cent sure about this issue, there is no reason for local councils not to make those changes to clarify their position and to send a further message to the company that it is not welcome in those local authorities' areas.

A point has been made that even if we pass this legislation, Pangea will continue with its game plan to conduct technical studies, to establish an office in Perth and to continue to meet with whomever will listen to it. The only way to ensure in the long run that Pangea's project is unsuccessful, in addition to any legislation we implement, is to ensure the upkeep of public vigilance. The debate about a nuclear waste dump has shown an enormous increase in public awareness of the issues surrounding the nuclear industry. I am unsure of the total number of petitions that I have tabled in this place from members of the public who are opposed to the establishment of a waste dump in this State; however, they include the names of more than 35 000 people. Objections to a waste dump continue to pour into my office on a daily basis. The level of community outrage has been extraordinary. My office has been inundated with phone calls from people who say to me, "I am certainly not a greenie and I have never been involved in any issue like this before, but I want you to do all you can to ensure that this company is not allowed to set foot in this State."

It is interesting also to note that the public submissions called for by the Shire of Chapman Valley, which resulted in the resolution to amend its town planning scheme to prevent the transport and storage of waste in that area, drew comment from organisations such as the Tourism Commission. The Tourism Commission pointed out that the prospect of a nuclear facility in Western Australia was of enormous concern to people involved in tourism in that it would have a devastating effect on the clean, green image of the State. Similarly, Agriculture Western Australia expressed concerns about the incompatibility of nuclear waste with the sale of Western Australian agricultural products for the same reasons; that is, if we become known as a State with a nuclear waste dump, the reputation the State has of producing clean and safe agricultural products also will be in jeopardy. The Western Australian Municipal Association also expressed concern vocally on the matter. It supported the resolution of the Shire of Chapman Valley to amend its town planning scheme and voiced its similar extreme concern about any proposal for a nuclear waste dump in WA.

The level of media interest in the proposed nuclear waste dump has been extraordinary. It is very welcome because one of the issues that has been debated more fully in this State is an understanding that we cannot separate the mining, enriching and exporting of uranium from the other end of the industry; that is, the production of intractable waste that remains harmful for tens of thousands of years. That is a very important debate to have here in Western Australia because, unfortunately, an enormous number of uranium deposits are in this State. It has been a real wake-up call for Western Australians to realise that if we develop uranium mines in this State we will be part of a nuclear fuel chain that results in material that has grave consequences in countries that have nuclear reactors and the problem of dismantling nuclear weapons. Western Australians have a vital role to play in preventing the beginning of that nuclear waste cycle. The mining cannot be separated from the waste. As I say, if we have any moral or international obligation in this matter, it is to ensure that the material remains in the ground and is not mined in Western Australia.

In the past almost 12 months an enormous number of public meetings have been held throughout the State on this issue. I have probably attended dozens of such meetings and spoken to a great many concerned members of the public, from Esperance to Geraldton and in the metropolitan area.

The Greens also took the opportunity of inviting international experts on this matter to come to Western Australia and explain exactly what is occurring internationally in the nuclear industry. Initially, people here were unaware of exactly how dire is the nuclear waste issue. It has prompted an enormous education campaign that has spurred hundreds of thousands

of people into action not only to oppose the waste dump but also to become more active in opposing uranium mining in this State.

The proposal has also provoked an enormous amount of international communication and solidarity. I was particularly heartened when I spoke to people in the United States who live with the dangers of nuclear waste on a daily basis and who are enormously concerned about the dangers of that material being in the proximity of their homes and children. They said clearly to me - I am sure they have said the same to others in this State - they do not want us to buy the argument that we can help the world by taking the waste into Western Australia; the only way to solve the issue that they as a collective have created is to close down the industry. We must be sure that one of the reasons Pangea Resources Australia Ltd is so keen to have a waste dump in Western Australia is to put it out of sight and out of mind and therefore allow the nuclear industry to argue that everything is okay. The industry will continue to operate and produce waste material.

I sincerely doubt the veracity of the proposal by Pangea Resources for a 40-year life waste dump, at which point it would be closed. I am sure that once such a waste dump was established in Western Australia it would be kept open and continue to be filled. Large monetary carrots would be dangled in front of whoever happened to be around at the time to convince them to continue to receive toxic material for ever and a day.

The nuclear industry worldwide must be wound down. Attempts by the industry to resolve the issue of intractable waste have failed. It has attempted to bury the material in countries such as Russia and England but those attempts have failed. It has attempted to gain access to Yacca Mountain in Nevada in the United States but has again failed to gain environmental approval. Interestingly, the Pangea proposal for a waste dump here in Western Australia is exactly the same as the proposal for Nevada, except in Western Australia it will not be necessary to burrow under a mountain. The Australian video presentation released by Pangea, which many members may have seen, is exactly the same as the one circulated in relation to the American dump.

The problem of nuclear waste will not go away. It will require monitoring, vigilance and creative scientific endeavour to find a solution to its disposal. To allow a waste dump to be established anywhere in the world, particularly here in Western Australia, will merely accommodate an industry that is corrupt and on its knees trying to fulfil its promise of creating cheap power, which is a nonsense. At present the cost of nuclear power is being eclipsed by the lower cost of many renewable energy sources. The nuclear industry has survived world wide only due to very heavy subsidies from the various Governments involved.

The nuclear energy industry is in dire straits and is desperate to find somewhere to dump its waste material. This Bill will go a long way to preventing that occurring here in Western Australia. However, we must be vigilant in ensuring that it does not merely displace the problem to another State, such as South Australia. Pangea is certainly making overtures in South Australia and believes that, as it is a relatively economically cash-strapped State, it might be tempted by the proposal. Therefore, once we have dealt with this legislation adequately and ensured it is as watertight as possible, we should encourage our respective federal colleagues to implement legislation to prevent the importation of nuclear waste. It may even be necessary to consider enshrining in the Constitution a section opposing the dumping of nuclear waste in this country, as has occurred in other countries.

With those comments I look forward to the debate in committee. The Greens (WA) will be seeking to tighten the definition of nuclear waste in the Bill.

HON NORM KELLY (East Metropolitan) [9.49 pm]: The Australian Democrats will support the Nuclear Waste Storage (Prohibition) Bill. We are pleased that it has such bipartisan support in this Parliament. Public meetings were held on this matter earlier this year. Traditionally at these and similar environmental meetings, one tends to have political speakers from the Australian Labor Party, the Australian Democrats and the Greens (WA). Unfortunately, more often than not, the Government does not choose to provide a speaker at such events. There were some doubts about whether we would receive government support for a Bill such as this. However, we are pleased that the Government has embraced the vehement opposition that the Western Australian public has already expressed to a nuclear waste facility being established in this State.

We are disappointed that the legislation does not contain a prohibition on uranium mining, because we believe that by allowing for the possibility of uranium mining we compromise our position. Arguments have been raised that if uranium is mined in and exported from a State, there is a degree of responsibility to take back the waste products from that uranium. I do not agree with that argument. I believe that the waste should be dealt with and contained in the areas in which it is generated, such as in nuclear power stations and the like, because one of the big problems can be the transport of these waste materials. Although we are disappointed that that prohibition on uranium mining is not contained in this Bill, we accept the need to get this legislation through the Parliament as quickly as possible to send the clearest possible message to the proponents of the Pangea Resources Australia Pty Ltd proposal that they are not wanted in this State; clearly, they are not wanted in Australia. The clearest possible message must come from this Parliament, representing the people, that this is the case. Although we cannot bind the actions of future Parliaments, we need to send that clear message and encourage the proponents not to expend further money in this State in trying to gain the support of people in positions of power for their proposal. A parliamentary group called Parliamentarians Against Uranium Mining has recently been established, and I encourage members in this place who have not already joined this inter-party group to do so. Hon Giz Watson, the federal member for Fremantle Carmen Lawrence, and I are joint founders of that group, and we are building up the membership.

Hon Tom Stephens: You might be able to get Hon Norman Moore to join.

Hon NORM KELLY: I have application forms downstairs.

Hon N.F. Moore: I must say that I do not have much in common with Carmen Lawrence.

Hon NORM KELLY: I am sure that Hon Giz Watson would be very happy, if more members from the other side of this Chamber joined that group, to push for a ban not only on uranium mining but also on all nuclear activities in this State, including nuclear weapons coming into Fremantle and Bunbury ports on a regular basis, nuclear-powered warships and the like.

Hon B.K. Donaldson: You want to ban those coming into Fremantle?

Hon NORM KELLY: Absolutely. I am ashamed that a country like New Zealand, given its scant resources, can take such a strong stance against nuclear proliferation compared with a country such as Australia, which still seems to be required to kowtow to the American imperialists.

The economic inducements which are being offered by Pangea could be tempting to those people who look simply at the economic benefits that will come to this State. I refer to a letter that I received from Pangea a couple of weeks ago. This is information which is drawn from the Access Economics report of November 1998 entitled "The Economic Impact of the Nuclear Waste Repository Project". The letter from Pangea states that the project would generate approximately \$200b in revenue; \$90b in payments to Australian Governments through royalties, payroll and company taxes; direct employment during the construction phase of 23 000 jobs; direct operational employment of 2 000-plus jobs associated with the continuous manufacture of ships, transport casks and disposal containers; and that, after the operation had commenced, Australia's gross domestic product would increase by about 1 per cent, resulting in an increase of more than 50 000 jobs nationally. Taken on purely economic lines, these are impressive figures. In the report, it is interesting to see the impact that this Western Australian-based proposal would have on the country. It indicates that there would be an average annual increase of over 300 jobs in Tasmania and the Northern Territory. It is stated that every State and Territory would receive these economic benefits. For a State that is in need of economic improvement - Hon Giz Watson referred to a cash-strapped South Australia - these figures can be very alluring with a view to solving economic ills. However, it is important to look beyond simply these economic figures, which are at this stage only preliminary figures. If we were to consider such a proposal seriously, we would need to examine these figures further before accepting them as solid information.

Unfortunately, in all the information I have received from Pangea, inadequate account is taken of the wishes and opinions of the Australian public. I find this particularly interesting, because in this proposal the people from Pangea say that they wish to operate this facility for 40 years, at which time the responsibility for it would revert to the Australian Government, and therefore the Australian people would have to deal with such a facility for the 199 960 remaining years during which it would be a radioactive risk to them. Therefore, although Pangea is willing to give the responsibility back to the Australian people, it is not willing to accept their wishes when they say that they do not want this facility. This is a measure of hypocrisy, in that Pangea is wishing to burden the Australian people in this way, but it will not listen to them in the first place.

One of the strongest arguments against this proposal is that intergenerational debt will be levied on future generations of Australians. The potency of this nuclear waste facility would remain for approximately 200 000 years. We cannot readily comprehend the enormity of that figure and the effect that such a proposal would have on future generations of Australians. Pangea has argued that Australia is a more suitable site for such a facility than China, southern Africa and Argentina. It dismisses those places because of their political instability. However, in view of the fact that this country has been settled by white people for only 200 years, it seems amazing that Pangea is putting forward political stability as one of the arguments to commit this country to a facility of this type for the next 200 000 years. In the same way, when we look at the geological -

Hon Simon O'Brien: That is how long it will take for a Democrats Government to get in.

Hon NORM KELLY: We will definitely be in there in half that time.

Debate adjourned, pursuant to standing orders.

REAL ESTATE LEGISLATION (FIDELITY GUARANTEE FUNDS) AMENDMENT BILL 1999

Receipt and First Reading

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

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [10.00 pm]: On behalf of the Minister for Finance, I move -

That the Bill be now read a second time.

The Real Estate Legislation (Fidelity Guarantee Funds) Amendment Bill 1999 amends the Fidelity Guarantee Fund provisions of the Real Estate and Business Agents Act 1978 and the Settlement Agents Act 1981.

The funds are designed to provide protection to people who suffer a loss in a real estate, business or settlement transaction through a real estate and business agent or a settlement agent misappropriating moneys. This amendment Bill gives consumers greater protection in their dealings with real estate and business agents and settlement agents, by improving their access to the fidelity guarantee funds. This proposal is consistent with government policy to promote equity and fairness in the marketplace.

The funds are administered by the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board. Currently, the Acts require a person to give the boards notice of a claim within 12 months of the

consumer becoming aware of the defalcation on which the claim is based. Defalcation includes criminal or fraudulent conduct by agents in the course of their business which results in a pecuniary loss or a loss of property to any other person.

Under the current provisions, the boards have been required to decline claims made against the funds in circumstances where notice of the claim has not been given within the 12 month time limit. The amendment Bill extends to three years the time in which consumers can give the boards notice of their claim. The boards will also have discretion to accept a claim lodged between three and six years after the consumer becomes aware of the defalcation, where the boards consider it just and reasonable in the circumstances to allow the claim to be lodged outside the three-year period. The discretion is intended to enable the boards to consider the circumstances of each claim and the reasons for the delay in giving notice of the claim. This ensures that the boards can deal with claims lodged outside the time limit where they consider it just and reasonable to do so. A further benefit is that it will also increase the number of claims which the boards are able to deal with because of the time limit being extended. However, specifying the maximum time for giving notice of a claim as six years prevents the claim period from being open-ended and is consistent with normal limitations on civil actions. This will also provide certainty for the administration of the fidelity guarantee funds.

This amendment Bill will apply to all claims where, after enactment, notice can be given within the amended time limits, even if they are currently outside the existing time limits. This means that consumers who have not previously given notice of a claim because it was beyond the existing time limits, will now be able to have their claim considered. Claims of which the boards have already had notice, but which have not yet been determined, will be subject to the extended time limits following enactment of the legislation. The boards will also have specific powers to revisit claims previously declined on the basis they were not lodged within time. This ensures that people who have previously suffered a loss as a result of a misappropriation by an agent, and who have had their claim declined because notice was not given within the current time limits, will be able to have their circumstances reconsidered by the boards within the six-year period. If notice of a claim has already been given, and is within the amended time limits following enactment of the new provisions, the boards are required to consider the claim in accordance with the new time limits. Additionally, the claimant will not have to give notice of the claim again. This ensures an obligation on the boards to identify and reconsider claims that fall within the scope of the amendments. In this way, consumers will benefit from the amendments without having the onus of determining whether their claim is likely to be within the scope of the amendments.

The boards have been consulted during the drafting of the legislation, and the Bill's key features have been explained to stakeholders, including agents, consumer groups and other interested parties. There has been general support for the legislation. The amendment Bill demonstrates the Government's commitment to protecting all individuals in our society. The Bill increases consumer protection in the event that a real estate and business agent or a settlement agent misappropriates money in the course of a real estate, business or settlement transaction by extending the time frames for the giving of notice of a claim against the funds.

I am sure that these measures will be welcomed by those who are concerned to ensure that adequate protection is available for consumers in transactions within the marketplace. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.06 pm]: On behalf of the Minister for Finance, 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 while 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. However, 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 intend to provide health care only 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 only to the provision of health care services 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 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 persons. 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.

Debate adjourned, on motion by Hon E.R.J. Dermer.

BILLS - ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. State Trading Concerns Amendment Bill 1999.
2. Court Security and Custodial Services Bill 1998.
3. Court Security and Custodial Services (Consequential Provisions) Bill 1998.

SENTENCE ADMINISTRATION BILL 1998

Assembly's Message

Message from the Assembly received and read notifying it had agreed to amendments Nos 1 to 21, 23 to 43, 46 and 47 and agreed to amendments Nos 22, 44 and 45 subject to the amendments made by the Assembly.

SENTENCING LEGISLATION AMENDMENT AND REPEAL BILL 1999

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos 1, 3 to 7 and 9 to 17, had disagreed to amendment No 2, and had agreed to amendment No 8 subject to the amendment made by the Assembly.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.23 pm]: I move -

That the House do now adjourn.

Members and Ministers Seeking Leave - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [10.24 pm]: In reference to members and in particular ministers seeking leave, this evening the Opposition accommodated the Minister for Transport's seeking leave without notice to continue his remarks at a later stage. I do my best to try to extend as many courtesies as the Opposition possibly can. I find that courtesy is now being misconstrued by some to suggest that we have somehow or other missed an opportunity to force debate. If members are proposing to seek leave, obviously only one voice is necessary to deny it. Some courtesies make matters easier. I try to extend as many courtesies as I can. I am not sure that I would be able to give the courtesy of leave if a similar circumstance arose again where we had not had the opportunity of discussing that request. Clearly we are coming to the end of the parliamentary session and major issues are before us. Given the contentious nature of some of those issues, to improve the chance of our working through those issues in a way that does them and the lie of

the land in this Chamber any justice, some common courtesies would include members giving notice before seeking the leave of the House to do certain things, otherwise they may find they will not be granted that leave.

Stein, Mr Eric - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [10.25 pm]: It is fortuitous that I follow my leader's comments on courtesy. I have been asked to read out a letter from a friend of mine in Kalgoorlie, Mr Eric Stein, who is a prospector, an engineer and an inventor; in fact, one of his inventions for extracting gold is being taught at the School of Mines. He wrote a letter to the Minister for Mines on 10 November 1999, and this is my first opportunity to refer to it. He asked me to read it out. I sought advice and I choose to leave out certain parts of the letter as some of the wording is inappropriate. This gentleman is 88 years of age, and I do not think he has been insulted by anyone before as he has been insulted by the Minister for Mines. It is appropriate to read out the letter and give him hope that he can go to other places with some of his comments. The letter is headed "Eric Stein, Unit 5/552 Hannan Street, Kalgoorlie, WA 6430", and reads -

Dear Mr Moore,

I refer to your letter dated 3/9/99, received on 17/9/99.

In your letter to me you state: "Regarding your queries as to what I believe to be the motives and agendas of certain parties, I do not consider it necessary or appropriate to discuss these matters with you".

It seems to me minister that you are a gutless wonder in that in your letter dated 30/6/99 you stated to me that "certain elements in the TLC, the Hon Tom Helm MLC and Mr Steve Kean" "have their own motives and agendas".

I asked you in my letter dated 12/7/99 (because you raised it in your letter dated 30/6/99) to tell me what you believe are the motives and agendas for each of the above people that you have named.

In fact, to use your words, these persons appear to be "**easy targets**", for you and your department to denigrate and attack in letters to me. Minister you conveniently open your mouth . . . stating certain persons have motives and agendas, particularly when you won't ever tell me what these motives and agendas are for all these people named by you, including Mr Ross Atkins.

Just the fact that you make such baseless statements to me in your letter dated 30/6/99 about agendas and motives of certain people demonstrates just how pathetic you and your department are . . .

If you have nothing to hide minister . . . then simply answer and provide the information I requested in my letter dated 12/7/99.

In your letter to me you also state "This is a cumulation of over two years of deliberation on this complex issue between the Government, prospectors and the corporate mining sector. It reflects my belief that, as prospectors and the larger mining companies have different targets, the activities of each group on an exploration licence can be managed in such a manner that they don't infringe on their respective activities and aims."

What a joke you are Minister, it took you and your department over 2 years to recognise what you have stated above. It seems you would be better off acting in the "Yes minister program" which used to be on television.

It is only a "complex issue" Minister because you and your department, through your policies, choose to favour large companies over and above prospectors and you fail to recognise how important the prospector is. With the right regulatory environment set by you as government the prospector can both help and benefit both companies and the state of WA while still respecting each other.

It is about time minister that you and your department woke up to yourselves and stopped trying to con the prospectors in this state into believing that you are doing a wonderful job, and it's time you and your department started doing a hell of a lot more than what you have outlined in your letter dated 3 September 1999.

Instead of denigrating and ridiculing people you and your department should take an objective stance and listen to everyone's comments on any and all matters.

Yours faithfully
Eric Stein

This man deserves to have this letter publicised.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.31 pm]: I do not propose to go over the issues raised by Hon Tom Helm again tonight, other than to say that a number of people in Kalgoorlie write to me and to the Mines Department every second day on a range of issues of concern to them. Every time I have written to them, I have suggested that they take up their complaints with the Ombudsman, the Anti-Corruption Commission or anyone else who will give them a chance to have an independent assessment of their complaints. The offer is still there.

No matter what I say or do, I cannot keep Mr Stein or the Keans of Kalgoorlie happy. They do not accept any proposals from me or information provided by the Department of Minerals and Energy, which is highly respected and regarded in Western Australia. I take exception to some of the comments made about the department, but the officers concerned can defend themselves.

It is interesting that Mr Stein suggested I have been ridiculing someone. I have not said anything publicly. I have written

a letter to Mr Stein that has been referred to in this House. I did not read it out in this place, nor did I give it to the media so he could be ridiculed. I presume that he was the only person who received the letter, because it was sent to him. I cannot understand how he thinks I am ridiculing him. On the other hand, Hon Tom Helm has read Mr Stein's letter to me, which I am told had to be edited, seeking to ridicule me. He cannot have it both ways: He cannot criticise me when I write to someone privately and that person responds to me and then read out the response in Parliament. That is outrageous.

I could come into this place every night and read out letters addressed to me about the member. He would be horrified at what people think of him.

Hon Tom Helm: Go for it!

Hon N.F. MOORE: I do not try to embarrass or to ridicule the member. Some of these letters would probably ensure that the member is endorsed and that is why I do not read them. Heaven help the Mining and Pastoral Region if it goes down the path I think it will go down.

It would be very easy for us as members of Parliament to read out the letters we get about other members and ministers. We could try to ridicule and embarrass them - as the member seeks to do tonight - but we do not. I respond to Mr Stein and Mr Kean every second day, and they and Hon Tom Helm will never be satisfied. Why does the member not tell them to go to the Ombudsman or the Anti-Corruption Commission?

Hon Tom Helm: Just do not be rude to an old person.

Hon N.F. MOORE: These letters that come in on a regular basis are all typed on the same typewriter, they have the same underlining and contain the same phrases, but they are signed by different people. I have come to the conclusion that one person is writing them all.

Hon Tom Helm: Are you suggesting that he cannot write his own letters?

Hon N.F. MOORE: I believe someone is writing them for him. I will happily try to sort out his problems, but I regret that no matter how hard I try, I cannot. The more the member gets involved in this, the less chance there is of reaching a resolution.

Hon Tom Helm: Another threat!

Hon N.F. MOORE: I am not making any threats; I am simply explaining the facts of life. The member gets it so wrong so often that people tear out their hair in despair.

Question put and passed.

House adjourned at 10.34 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PREMIER'S PROJECTS, REVIEW

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

- (1) Will the Premier take an early opportunity to abandon some, if not all, of his fanciful and expensive pet projects?
- (2) Does the Premier yet recognise that his Belltower, the Barrack Street square, the convention centre, the maritime museum and many of his other personal projects are destroying the financial capacity of the State to respond with appropriate and much needed budget allocations to areas of core State Government responsibility?
- (3) When will the Premier take responsibility and reset the priorities of his Government to respond to the demands of the Western Australian community for a higher level of support for the State's hospitals, schools, police and public transport?

Hon N.F. MOORE replied:

- (1)-(2) There are no pet projects. The Government has a commitment to provide a quality lifestyle and quality services for all Western Australians. In fact, in its last budget the Government was able to commit to a record level of \$3.3b worth of capital works programs across Government. These capital works projects were in *addition* to a 24.4% increase on Government spending in health, an 11.6% increase on Government spending on education, and an increase of 6.11% on Government spending on law and order over 1998/1999 budget levels. The projects mentioned represent less than 5% of the Government's total Capital Works Budget for 1999/2000.
- (3) The Government's priorities are attuned to the interests of the Western Australian Community. Since its election, the Government has built 3 new hospitals, and has initiated a substantial redevelopment of a fourth; 28 new primary schools and 3 new secondary schools. It is also the first Government to introduce a comprehensive and highly successful "Technology in Schools" initiative which will see \$100 million allocated over 4 years, resulting in an additional 26 100 computers in schools by the year 2002. The Government has been able to do this at the same time as reducing the legacy of the previous Labor Government's debt. The level of net State debt in WA has fallen by 40% since the election of Coalition Government in 1993. The Government's performance compares very favourably with that of the previous Labor Governments. In the area of law and order, as an example, this Government has opened 23 new policing facilities at a cost of more than \$41 million and a further seven projects are under construction. During the last six years that the Labor Government was in power it had a total police capital works budget of \$60 million. During the past six years that the Coalition has been in government it has spent \$162 million. An increase of over \$100 million and an average annual increase of \$17 million.

GOVERNMENT VEHICLES, ASSESSMENT OF IMPACT OF RENTAL INCREASES

133. Hon KEN TRAVERS to the Minister for Finance representing the Treasurer:

I refer to the employment of an actuary to assess the impact of rental increases on the overall cost of the decision to contract the Government vehicle fleet and I ask -

- (1) Has this assessment been completed?
- (2) If yes, will the Treasurer table the assessment?
- (3) If not, why not?
- (4) If no, when will the assessment be completed?
- (5) Will the Treasurer table the assessment when it is completed?
- (6) If not, why not?

Hon MAX EVANS replied:

- (1) The actuary has provided advice on the financial performance of the fleet over its first three years of operation. The actuary has also reported on the projected performance of the facility into the future.
- (2) A copy of the first advice was tabled in another place on 12 October 1999. The latter report will be used by the Government in negotiations with other parties to the facility. Its public release could prejudice the State's interests in the negotiations and is not appropriate.
- (3)-(6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

235. Hon LJILJANNA RAVLICH to the Minister for Mines:

For each department or agency in the Minister for Mine's portfolio can the Minister provide the following information -

- (1) How many staff were recruited to each department or agency in the Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -
 - (a) Chief Executive Officers;
 - (b) Senior Executive Service; and
 - (c) Level 1-8?
- (2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?
- (3) What are the names of the external agencies that were utilised?
- (4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon N.F. MOORE replied:

- (1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management. Please refer to the answer given in response to question on notice 52.
 - (b) 2 (97/98) 2 (98/99)
 - (c) 71 (97/98) 68 (98/99)
- (2) 121 Internal and 23 (including CEO) External.
- (3) Morgan and Banks Management Services Pty Ltd
Deloitte Touche Tohmatsu
Gerard Daniels Australia Pty Ltd
Sector Vision Consulting
CP Resourcing
Beilby
- (4) \$47 892 (97/98)
\$71 744 (98/99)

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

279. Hon LJILJANNA RAVLICH to the Minister for Mines:

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Mine's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon N.F. MOORE replied:

- (1)-(5) Circular to Ministers No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act* 1985 and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

280. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Tourism's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon N.F. MOORE replied:

- (1)-(5) Circular to Ministers No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act 1985* and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

281. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Sport and Recreation's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon N.F. MOORE replied:

- (1)-(5) Circular to Ministers No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act 1985* and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH SPEAKING BACKGROUNDS

366. Hon LJILJANNA RAVLICH to the Minister for Mines:

- (1) For all Government departments and agencies under the Minister for Mines' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
- (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
- (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon N.F. MOORE replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to the member's Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

367. Hon LJILJANNA RAVLICH to the Minister for Tourism:

- (1) For all Government departments and agencies under the Minister for Tourism's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
- (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of culturally and linguistically diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
- (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon N.F. MOORE replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to the member's Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

368. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

- (1) For all Government departments and agencies under the Minister for Sport and Recreation's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
- (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of culturally and linguistically diverse backgrounds?

- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
- (a) electronic media; and
 (b) print media, in -
- (i) 1994/95;
 (ii) 1995/96;
 (iii) 1996/97;
 (iv) 1997/98; and
 (v) 1998/99?

Hon N.F. MOORE replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to the member's Electorate Office. The answer was tabled. [See paper No 239.]

BUSINESS INVESTMENT, INCREASE

455. Hon N.D. GRIFFITHS to the Minister for Finance representing the Treasurer:

- (1) What has been the percentage increase in business investment (trend terms) between 1992 and 1998 in Western Australia in constant 1996/97 prices?
- (2) What has been the comparable increase for -
- (a) Australia;
 (b) Victoria; and
 (c) New South Wales?

Hon MAX EVANS replied:

- (1) The percentage increase in business investment in Western Australia between 1992 and 1998 in trend terms and in constant prices was 104.5%.
- (2) The comparable increase for:
- (a) Australia was 76.7%;
 (b) Victoria was 116.7%; and
 (c) New South Wales was 67.7%.

DEPARTMENT OF LAND ADMINISTRATION, 33 NICHOLSON ROAD, FORRESTFIELD

571. Hon J.A. SCOTT to the Attorney General:

Further to question on notice 1520 of May 5, 1999 -

- (1) When the Crown Solicitor lifted the \$20 mortgage what action was taken to investigate the encumbrances on the title?
- (2) If no action was taken, why not?
- (3) Was the issue of encumbrances on the property raised with the Planning Commission by the Crown Solicitor?
- (4) If yes, what was the advice given by the Planning Commission?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(2) The Crown Solicitor did not discharge the mortgage. This was done by the Mortgagee.
- (3) No.
- (4) Not applicable.
- (5) Because the vendor was obliged to provide title clear of encumbrances.

GOVERNMENT CONTRACTS, CHAMBER OF COMMERCE AND INDUSTRY

592. Hon KEN TRAVERS to the Leader of the House representing the Premier:

- (1) Have any of the Government agencies for which the Premier is responsible had contracts with, or made payments to, the Chamber of Commerce and Industry in each of the following years -
- (a) 1996/97;
 (b) 1997/98; and
 (c) 1998/99?
- (2) If yes, what was the nature of each of the contracts and what was/were the payments made?

Hon N.F. MOORE replied:

Ministry of the Premier and Cabinet

- (1) (a)-(b) Yes.
(c) No.
- (2) In 1996/97, \$280.00 was paid for seminars attended by staff. A further \$140.00 was spent on the purchase of publications. In 1997/98, \$3,000.00 was spent on training, \$80.00 for a publication and \$25.00 for attendance at a seminar.

Treasury

- (1) (a)-(c) Yes.
- (2) 1996/97 - Subscription for the publication Resource and Energy Projects Service of \$460;
1997/98 - Training course for \$2,610; and
1998/99 - Subscription for the publication Resource and Energy Projects Services of \$525.

Anti-Corruption Commission

- (1) (a)-(b) Nil.
(c) Yes.
- (2) \$440 Staff Training 9/7/98
\$210 Staff Training 25/10/98

Gold Corporation

- (1) (a) \$9,470.11
(b) \$5,715.17
(c) \$6,675.22
- (2) The payments were made for membership fees and Certificates of Origin, plus services provided to the Perth Mint.

GOVERNMENT VEHICLES, MATRIX GROUP LTD'S CONTRACT

691. Hon BOB THOMAS to the Minister for Finance representing the Treasurer:

I refer to the Government's vehicle fleet contract with Matrix Group Limited -

- (1) How many vehicles has the State Supply Commission failed to return on time?
- (2) What costs have been incurred to date as a result of the State Supply Commission being unable to return vehicles on time?

Hon MAX EVANS replied:

- (1) None.
- (2) Not applicable.

MATRIX FINANCE GROUP, APPOINTMENT OF MR R. JARVIS

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

I refer to the claim in *The West Australian* of Wednesday, October 13 1999 by Matrix Finance Group Managing Director, Garrick Hawkins, that before Ron Jarvis joined Matrix the Government "was approached at a most senior level to ensure that his appointment would not be of concern", and ask -

- (1) Which person within Government "at a most senior level" was approached by Matrix?
- (2) What level and position does that person hold?
- (3) Was the Premier consulted and did the Premier give consent to the appointment?
- (4) If not, why not?
- (5) What policies are in place to protect the interests of the West Australian public in the movement of Government employees from the public payroll into private enterprise?

Hon N.F. MOORE replied:

- (1)-(5) I am informed that the Under Treasurer was approached prior to Mr Jarvis accepting the position. It was not considered necessary for the Premier to be consulted on the matter. Mr Jarvis was not in a position to adversely affect the interests of the WA public by moving to Matrix. There are a number of safeguards to ensure private companies that engage former government employees do not gain an advantage when supplying goods and services to the public sector. Government employees find guidance in codes of ethics and codes of conduct made under the Public Sector Management Act, policy and ethical standard statements in government buying, a competitive tendering and contracting framework, and best practice guidelines for contract management. Such guidance helps ensure that purchasing and contracting undertaken by government is fair, equitable and in the best interests of the Western Australian public, regardless of whether private organisations involved employ former government workers.

PASTORAL LEASES, ABANDONED MINE SITES

766. Hon KIM CHANCE to the Minister for Mines:

I refer to the matter of extent abandoned open cut mines on Pastoral Leases in the area encompassed by the Gascoyne-Murchison Rangeland Strategy and ask -

- (1) Is it correct that once mining companies cease mining activity on such sites the responsibility for their maintenance passes onto the pastoral lease holder?
- (2) What is the extent of the mining companies obligation to ensure that once such sites are decommissioned they are not accessible to the public?
- (3) What is the extent of the mining companies obligation to return the surrounds of such a site to its environmental condition preceding mining activity?
- (4) Are mining companies required to ensure that abandoned mine sites do not have an impact on the local environment by (for example) becoming a watering hole for feral animals?
- (5) Is the Minister for Mines aware that after the passage of time many of these mine sites become accessible to both feral and domestic grazing animals and supply such stock with an uncontrolled watering access point?
- (6) Is the Minister aware that such a situation places much of the work being done by landholders to implement Total Grazing Management strategies at risk?
- (7) What action does the Minister propose to take to provide relief to pastoral lease holders of their responsibility for the maintenance of these sites?

Hon N.F. MOORE replied:

- (1) The responsibility for maintenance of mine sites remains with the mining company until such time as the mine rehabilitation is acceptable to the State Mining Engineer and the company is released from further obligations.
- (2) Mining companies are required to leave sites in a safe and stable condition. Bund walls are established to prevent inadvertent access by the public.
- (3) It is a condition of approval for the commencement of mining operations that the site be returned to an environmental condition acceptable to the State Mining Engineer.
- (4) A mining lessee's obligations in respect to the environment at a mine site cease when it is determined that acceptable rehabilitation has been carried out after mining has been completed.
- (5)-(7) The issue of domestic and feral animals accessing abandoned pits is a matter that has been raised with me in relation to Total Grazing Management (TGM). This is an issue which requires consultation between the pastoral and mining industries. A joint meeting involving representatives of the Department of Minerals and Energy, the Pastoral Lands Board, Pastoralists' and Graziers' Association and the mining industry was held in December 1998 to discuss TGM and related issues. Further discussions will be held as soon as legal advice sought by the Department on the general question of liability for the ongoing maintenance of abandoned sites is received.

GOODENOUGH, MR IAN

789. Hon KEN TRAVERS to the Leader of the House representing the Premier:

- (1) Has Mr Ian Goodenough ever been employed by the Department of Premier and Cabinet?
- (2) What was his position and employment conditions?
- (3) For what period was he employed?

Hon N.F. MOORE replied:

- (1) No. Mr Goodenough is employed by both the President of the Legislative Council and Speaker of the Legislative Assembly.
- (2) Mr Goodenough is a 0.4 Research Officer for the Hon George Cash MLC and Ms Katie Hodson-Thomas MLA employed under the Electorate and Research Officer Workplace Agreement 1997.
- (3) From 22 September 1997 to the present time.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

796. Hon KEN TRAVERS to the Attorney General:

- (1) On how many occasions did each department under the Attorney General's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -

- (a) nature of the occasion/event/project;
- (b) name of the contractor/consultancy; and
- (c) cost of the contract/consultancy?

Hon PETER FOSS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The Member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

797. Hon KEN TRAVERS to the Minister for Justice:

- (1) On how many occasions did each department under the Minister for Justice's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon PETER FOSS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The Member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

799. Hon KEN TRAVERS to the Attorney General representing the Minister for Federal Affairs:

- (1) On how many occasions did each department under the Minister for Federal Affairs' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon PETER FOSS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The Member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

805. Hon KEN TRAVERS to the Leader of the House representing the Premier:

- (1) On how many occasions did each department under the Premier's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon N.F. MOORE replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

814. Hon KEN TRAVERS to the Minister for Finance representing the Treasurer:

- (1) On how many occasions did each department under the Treasurer's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

815. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) On how many occasions did each department under the Minister for Public Sector Management's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

821. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Women's Interests:

- (1) On how many occasions did each department under the Minister for Women's Interests' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

831. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) On how many occasions did each department under the Minister for Family and Children's Services' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon M.J. CRIDDLE replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

832. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Seniors:

- (1) On how many occasions did each department under the Minister for Seniors' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
- (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon M.J. CRIDDLE replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

REWARD AND NORTHERN ORE BODY OPEN PITS AND FLOOR PILLARS, WILLIAMSTOWN

844. Hon TOM HELM to the Minister for Mines:

I refer to question on notice 561 of September 14 1999 and Homestake Gold of Australia and Normandy Mining Ltd with KCGM as the Manager of the proposed Reward and Northern orebody open pits and floor pillars in Williamstown -

- (1) Can the Minister for Mines state why in relation to the Northern Ore Body floor pillar "there is a very low probability that adjacent houses may be affected by peripheral cracking"?
- (2) What is the actual probability figure?
- (3) If not, why not?
- (4) Can the Minister state in relation to the Reward Ore Body why "there is a very low probability that peripheral cracking will extend more than 20 metres from the crest of the pit"?
- (5) If not, why not?
- (6) Can the Minister state why "there is a very low probability that cracking may affect ROB exhaust fans" which "are situated between the pit and adjacent houses"?
- (7) What is the actual probability figure?
- (8) If not, why not?
- (9) Can the Minister detail and provide a copy of what is in the "Emergency Plan"?
- (10) If not, why not?

Hon N.F. MOORE replied:

- (1)-(8) The passages quoted from my answer to Question on Notice No. 561 concerning the probability of certain events relate to information contained in the consultant's Geomechanical Assessment Report of the NOB and ROB open pits that formed part of the Project Management Plan submitted by KCGM for the proposed pits. The report did not contain actual probability figures.
- (9)-(10) Public access to such a document may compromise the effectiveness of procedures in certain types of emergency. I therefore suggest that the honourable member approach the company direct for any specific information required as to the content of its "Emergency Plan".

BUILDING AND CONSTRUCTION INDUSTRY TRAINING PLANS, COST

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

- (1) Can the Minister for Employment and Training advise the total cost of producing the Building and Construction Industry Training Plans?
- (2) What was the cost of each of the following -
 - (a) consultancy costs;
 - (b) managing agent fees to the organisations;
 - (c) directors fees; and
 - (d) the actual cost of producing each ITP?

Hon N.F. MOORE replied:

- (1)-(2) No. The industry training plans form part of the non-core industry training advisory services provided to the State Training Board and have not been costed separately. Non-core services encompass the provision of strategic industry intelligence and advice on specific industry skill requirements.

TERTIARY EDUCATION, YEAR 2000 COMPLIANCE

891. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Employment and Training:

I refer to the Auditor General's report on the Western Australian Public Tertiary Education Sector 1998 Annual Reporting Cycle (report No 5 June 1999). This report included the following recommendations -

"It is recommended the universities, colleges and the West Australian Department of Training continue to afford a high priority to addressing Year 2000 risk and aim for achieving compliance well in advance of December 1999 to allow for potential resourcing or other problems. Contingency plans for key services should be developed as soon as possible."

- (1) With respect to both the colleges and the West Australian Department of Training will the Minister for Employment and Training confirm that Year 2000 compliance has been achieved?
- (2) If such compliance has not been achieved, by what date will it be achieved?
- (3) What has impeded the achievement of this compliance?
- (4) Have contingency plans been developed for key services?

- (5) If contingency plans have not yet been developed, why not?
- (6) By what date is it anticipated that these contingency plans will be developed?

Hon N.F. MOORE replied:

Western Australian Department of Training and Employment

- (1) The Department of Training and Employment has achieved Y2K compliance for Departmental and Corporate Information systems.
- (2)-(3) Not applicable.
- (4) The Department of Training and Employment has developed contingency plans for key services.
- (5)-(6) Not applicable.

Central Metropolitan College of TAFE

- (1) No.
- (2) The first week of December 1999.
- (3) Upgrade of building systems.
- (4) Yes.
- (5)-(6) Not applicable.

West Coast College of TAFE

- (1) No.
- (2) 30 November 1999.
- (3) Hardware upgrade.
- (4) Yes.
- (5)-(6) Not applicable.

South East Metropolitan College of TAFE

- (1) No.
- (2) December 1999.
- (3) Unable to gain access to classroom until 17 December 1999.
- (4) Yes.
- (5)-(6) Not applicable.

South Metropolitan College of TAFE

- (1) Yes.
- (2)-(3) Not applicable.
- (4) Yes.
- (5)-(6) Not applicable.

Midland College of TAFE

- (1) No.
- (2) December 1999.
- (3) Skilled staff to carry out classroom testing unavailable until end of Academic year.
- (4) Yes.
- (5)-(6) Not applicable.

South West Regional College of TAFE

- (1) No.
- (2) 30 November 1999.
- (3) Availability of service providers.
- (4) Yes.

(5)-(6) Not applicable.

Great Southern Regional College of TAFE

(1) Yes.

(2)-(3) Not applicable.

(4) Yes.

(5)-(6) Not applicable.

Central West Regional College of TAFE

(1) Yes.

(2)-(3) Not applicable.

(4) Yes.

(5)-(6) Not applicable.

Hedland College of TAFE

(1) No.

(2) 30 November 1999.

(3) Awaiting vendor advice.

(4) Yes.

(5)-(6) Not applicable.

Karratha College of TAFE

(1) No.

(2) 22 November 1999.

(3) Delivery of Y2K compliant module upgrades not received until 12 November 1999.

(4) Yes.

(5)-(6) Not applicable.

Kimberley College of TAFE

(1) Yes.

(2)-(3) Not applicable.

(4) Yes.

(5)-(6) Not applicable.

MINIM COVE, LANDFILL PROGRAM

898. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Lands:

In relation to the Minim Cove development at Mosman Park -

(1) How many tonnes of waste soil and other material were taken off the site ?

(2) How many tonnes of waste soil and other material remain on site in the containment area?

(3) How many tonnes of clean fill are to be introduced to the site?

(4) When is the landfill program expected to be completed?

Hon MAX EVANS replied:

(1) Approximately 160,000 tonnes.

(2) Approximately 360,000 tonnes.

(3) Current plans are to achieve a balanced cut to fill over the site. Subject to final engineering advice the need to import quantities for fill may be eliminated.

(4) The cut to fill program is expected to be completed by January 2000.

MINIM COVE, COMPENSATION CLAIMS

900. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Lands:

In relation to the Minim Cove development at Mosman Park -

- (1) What requests for compensation have been received by LandCorp regarding any damages caused by the ongoing works and development plans at the Landcorp Minim Cove site?
- (2) What payments have been made or agreements reached?

Hon MAX EVANS replied:

- (1) One claim from Rocky Bay Village for vibration damage - \$14,941.10. One claim from Mosman Park resident for vibration damage – Value unspecified.
- (2) No payments have been made or agreements reached.

MINIM COVE, ACCIDENTS AND FATALITIES

901. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Lands:

In relation to the Minim Cove development at Mosman Park -

- (1) Have any fatalities or traffic accidents occurred during the transport of toxic waste material, or the return of empty trucks, from the Landcorp Minim Cove development at Mosman Park?
- (2) If yes, will the Minister for Lands detail any such accidents and fatalities?

Hon MAX EVANS replied:

- (1) LandCorp has been advised of one accident involving a fatality.
- (2) Information on the detail of the accident would have to be sourced from the Police Service.

RETIREMENT VILLAGES DISPUTES TRIBUNAL, REFEREE

915. Hon CHERYL DAVENPORT to the Minister for Justice:

Given that the Referee appointed to preside over the Retirement Villages Disputes Tribunal also oversees Strata Title disputes, I ask -

- (1) How much time per week and month is spent by the Referee investigating claims lodged with the Retirement Villages Disputes Tribunal?
- (2) How much time per week and month is spent by the Referee investigating claims lodged relating to Strata Titles disputes?

Hon PETER FOSS replied:

- (1) The Retirement Villages Disputes Referee deals with very few matters. *The Fair Trading (Retirement Villages code) Regulations 1998* requires the Administering Bodies to establish a Village Disputes Resolution Committee to hear and mediate disputes that arise within a village. In the past twelve months the referee has had only one matter before him and that matter is still continuing. The Referee estimates that he has spent a total of 20 hours dealing with this matter over the past twelve months which averages to .38 hours per week and 1.66 hours per month.
- (2) The Strata Titles Referee spends approximately 28.6 hours per week or 112.8 hours per month dealing with Strata Titles disputes.

QUESTIONS WITHOUT NOTICE

TAXI FEES, NEW YEAR'S EVE

611. Hon TOM STEPHENS to the Minister for Transport:

I refer to plans by Swan Taxis to charge a minimum fee of \$100, inclusive of a \$50 booking fee, for customers on New Year's Eve.

- (1) Does the minister accept that this is proper given that the taxi industry is regulated and its fares are set by government?
- (2) Is Swan Taxis entitled to set any booking fee it desires?
- (3) Has the minister taken any action to have this matter reviewed?
- (4) If so, what action has the minister taken?
- (5) Does the minister approve of the actions of Swan Taxis, and does he believe it is reasonable for Swan Taxis to charge such exorbitant fees?

The PRESIDENT: The Leader of the Opposition should express his question as "is it reasonable" rather than "does he believe it is reasonable".

Hon TOM STEPHENS: Thank you, Mr President.

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(5) It is important that the member understand that the booking fee recently announced by Swan Taxis relates only to the guaranteed provision of a service by the company on New Year's Eve. It was introduced in recognition of obvious service difficulties the company will encounter on that special night. Normal telephone bookings, for which no charge applies, and street or rank hails will operate on the night as is normally the case. In accordance with the taxi dispatch service licence, Swan Taxis can negotiate contract fares on the provision that it is done with 24-hours notice and in writing. Nevertheless, upon hearing the proposal, I was concerned that it might adversely impact upon the normal availability of Swan taxis on the night, and so I asked the Department of Transport to initiate discussions with the company. As a result of those discussions, Swan Taxis has agreed to place a cap on the number of special bookings so that a minimum of 90 per cent of its New Year's Eve fleet will be available for normal telephone bookings and street and rank hails.

NARROWS BRIDGE, NEW

612. Hon TOM STEPHENS to the Minister for Transport:

I refer to the construction of the new Narrows Bridge.

- (1) Has the construction contractors, Leighton Contractors -
- (a) indicated that changes are required to the original specifications for the job; and
 - (b) requested that any variations on the contract be agreed to?
- (2) If it has requested variations, how many have been requested and what is the estimated value of these variations?
- (3) Have any of these variations been agreed to?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) (a) Leighton Contractors has not indicated that any major or essential changes are required to the original contract requirements. Leighton Contractors has requested a number of relatively minor changes to the contract requirements which Main Roads has accepted with no additional cost to the contract.
- (b) No formal variations have been requested.
- (2)-(3) Not applicable.

ELLENDALE DIAMOND FIELD

613. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Resources Development:

With respect to the Ellendale diamond field located in the Kimberley, I ask -

- (1) What role has the Minister for Resources Development undertaken with respect to any proposed development, and in particular has the Minister for Resources Development sought any development proposals; if so, when and from whom?
- (2) Are any development proposals before the Minister for Resources Development?
- (3) If so, what are they, and from whom, and when, were they received?

Hon N.F. MOORE replied:

- (1) The Minister for Resources Development has encouraged the development of the Ellendale diamond deposits and has now approved a proposal from Argyle diamond mines joint venturers to develop the deposits under the Diamond (Argyle Diamond Mines Joint Venture) Agreement Act.
- (2) Development proposals for the Ellendale diamond deposits were approved on 18 November 1999.
- (3) The proposals are for the mining of the Ellendale diamond deposits through an open tendering process to engage a third party developer. They were received from Argyle Diamond Mines Pty Ltd on behalf of the joint venturers on 5 November 1999.

KWINANA MOTOR SPORTS COMPLEX

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

Further to question without notice 507 of 10 November, to which the minister responded that neither he nor Cabinet made a decision to withhold the environmental review societal risk assessment relating to the proposed Kwinana motor sports complex, I ask -

- (1) Who made the decision to withhold this report?

- (2) Who decided the document was part of Cabinet's deliberative process?
- (3) Who told the Information Commissioner that the document would not be released as it was part of Cabinet's deliberative process?
- (4) Who decided that the Ministry for Planning would lodge an appeal in the Supreme Court to prevent the release of this document?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The decision to claim the document as exempt under the Freedom of Information Act was made under the internal review process by the executive director, corporate management division of the Ministry for Planning.
- (2) The executive director, corporate management division of the Ministry for Planning determined that the document was exempt under the internal review process.
- (3) Please refer to (1) and (2).
- (4) The Chief Executive of the Ministry for Planning decided to appeal to the Supreme Court against the Information Commissioner's decision.

NEVILL, HON MARK, MEETINGS ABOUT NATIVE TITLE (STATE PROVISIONS) BILL

615. Hon HELEN HODGSON to the Leader of the House representing the Premier:

- (1) On how many occasions since 23 December 1998 has the Premier, members of the Native Title Unit or consultants to the Native Title Unit met with Hon Mark Nevill in respect of the proposed Native Title (State Provisions) Act?
- (2) In respect of each meeting, what was the date, its duration and who represented the Government at the meeting?
- (3) Was the purpose of each meeting -
 - (a) to seek the views of Hon Mark Nevill on what the legislation should address;
 - (b) to brief Hon Mark Nevill on the content of the legislation; or
 - (c) some other purpose; and, if so, what was the purpose?

Hon N.F. MOORE replied:

I am surprised that the member did not ask what they had for morning tea! I thank the member for some notice of this question and ask that it be placed on notice.

WOMEN'S SUFFRAGE, CENTENARY CELEBRATIONS

616. Hon MURIEL PATTERSON to the minister representing the Minister for Women's Interests:

I refer to the celebrations of the Centenary of Women's Suffrage in Western Australia and ask what special initiative to celebrate the Centenary of Women's Suffrage has been undertaken by the State Government's Centenary of Women's Suffrage Committee in collaboration with the Friends of Kings Park and the Kings Park Board?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

On Sunday, 21 November the Minister for Women's Interests opened a permanent memorial to the women of Western Australia receiving the vote 100 years ago in an area of Kings Park which is of special significance to women.

As part of the Centenary of Women's Suffrage celebrations, a suffrage precinct below the Pioneer Women's Memorial has been redeveloped with major landscaping, a large pavilion, a bookleaf telling of women's fight for the vote and soon-to-be-installed plaques acknowledging the role of women's organisations. The project is part of a \$1m redevelopment of the area extending up to the Pioneer Women's Memorial, which will be completed in the next couple of months. By creating a beautiful area that is conducive to family activities in one of Western Australia's most visited areas, this refurbishment will be a living memorial to the contribution of women to the State.

As the member outlined in her question, the enhancement is a joint effort by the State Government's Centenary of Women's Suffrage Committee, the Friends of Kings Park and the Kings Park Board. It has been undertaken with a \$500 000 grant from the Lotteries Commission, donations in kind from students of the West Coast College of TAFE, Central Metropolitan College of TAFE and other donors.

On that occasion the minister announced also an extension of the Government's Centenary of Women's Suffrage grants program under which \$100 000 a year was allocated over three years to 64 individuals and community organisations. The continuation of the grants scheme will be a perpetual memorial to suffrage and the significant role women have played in the State's development. The grants program will be advertised later this month.

DAWESVILLE CHANNEL MARINA, OWNERSHIP

617. Hon J.A. COWDELL to the Minister for Transport:

With respect to the Dawesville Channel marina facility, I ask -

- (1) Was the public originally informed that this facility would be retained in public ownership?
- (2) When was this policy changed and when was the public informed of the change?
- (3) What was the cost to the Government of the construction of the ramps and jetties included in this lease?
- (4) What is the estimated income that will be derived from Eastport Marina Pty Ltd for the 21 years of the operation of the head lease?
- (5) What development is Eastport required to undertake in return for the 21 plus 21 year lease and what is the monetary value of these works?
- (6) Are any conditions, such as the capping of public charges, imposed on the lease?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Thorough research of all public statements would take many days. The ownership of the site remains with the Minister for Transport.
- (2) The opportunity to lease the site and develop a marina was publicly advertised in October 1994. The City of Mandurah participated in the preparation of the expression of interest document.
- (3) The estimated cost is \$600 000.
- (4) The actual rents are determined by market valuations from time to time. An indicative estimate for the current lease is \$35 000. The Department of Transport anticipates that the proposed new lease will generate \$585 000.
- (5) Construct a 164-pen marina, including a fuelling jetty, public toilets, a service jetty, a marine services building, public car parking and complete the construction of the 157-bay boat trailer parking area.
- (6) No, the marina will be in competition with other facilities such as the new Mandurah ocean marina.

PRISONERS, TUBERCULOSIS

618. Hon JOHN HALDEN to the Minister for Justice:

I refer to the positive testing of prisoners for tuberculosis at Casuarina prison and ask -

- (1) What has been the cause of the delay for testing of all inmates and staff at Casuarina prison?
- (2) Is it possible that other prisoners or staff may have become infected and have not yet been identified?
- (3) In light of the fact that current testing procedures are inadequate, what steps is the minister taking to have these circumstances and procedures changed?

Hon PETER FOSS replied:

- (1)-(3) All procedures have been supervised by the public health department of the University of Western Australia. I do not accept that any of those procedures are inadequate. The Government will do exactly as it is told by the experts in this matter. There has been far too much speculation in this matter as to the source of the infection, which has no medical basis whatsoever. If the member wishes to have guidance as to what should happen, he should contact Dr J. Gill, a renowned expert, who will tell the Government what should happen. We will do exactly what Dr Gill says should be done.

CONTRACT AND MANAGEMENT SERVICES, ADVERTISING CONTRACTS

619. Hon TOM HELM to the Leader of the House representing the Premier:

Further to question without notice 491 of 9 November 1999, can the Premier advise how much of the estimated \$112m will be allocated to regional and rural newspapers and radio stations thereby helping local media organisations to stay online and provide a service to their communities?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The \$112m referred to by the member is not all government expenditure. It includes expenditure by public benevolent institutions, local government, the Western Australian Municipal Association and tertiary institutions, such as our universities, all of which are permitted to use the Government's master media agency contract. The \$112m is also a 4-year projection and the exact expenditure by the Government and all of these other organisations in rural and regional Western Australia cannot be predicted.

If it is helpful to the member, the Government's master media agency, Media Decisions, has advised that \$3.77m was spent in advertising in regional and rural newspapers and radio, which represents 10 per cent of all advertising. However, the expenditure can best be equated when *The West Australian* is removed from these calculations. *The West Australian* is circulated through the entire State and, because of its reach into the majority of homes, most government agencies find that it is both essential and economical to advertise in it. If *The West Australian* is removed from the calculation, regional newspapers receive about 45 per cent of the remaining print media budget. Separately, of the money spent on television, 15 per cent goes to the regions, and radio gets 21 per cent.

As part of the Government's objective to give all regional and rural media an opportunity to pitch for the advertising dollar, a major regional media expo is planned for the new year. This will be arranged as part of the master agency agreement and will give all of those regional media outlets a chance to show why they should receive a greater share of the advertising budget. This demonstrates a clear and strong commitment by the coalition Government to the media and communities in regional and rural Western Australia.

HEALTH DEPARTMENT, CORPORATE SPONSOR'S BOX

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

- (1) Has the Health Department used taxpayers' funds to obtain a corporate sponsor's box for any major sporting group in either 1998-99 or 1999-2000?
- (2) If yes, can the minister confirm that funding for the sponsor's box in 1998-99 or 1999-2000 has been drawn from the Office of Aboriginal Health?
- (3) What has been the cost to the Office of Aboriginal Health for the corporate box in each year of the sponsorship?

Hon MAX EVANS replied:

I thank the member for some notice of this question. I believe I answered a very similar question the other day.

Hon Tom Stephens: A similar question.

Hon MAX EVANS: The answer is still the same if it is the same question.

- (1) No. The Office of Aboriginal Health accepted a proposal from the Fremantle Football Club for a mentor program for Aboriginal youth in the 1999 calendar year, which included provision for a corporate box. However, shortly after acceptance of the proposal, provision for the corporate box was removed at the request of the Health Department.
- (2)-(3) Not applicable.

I await the third question.

USS *CONSTELLATION*, NUCLEAR ARMS

621. Hon GIZ WATSON to the Attorney General representing the Minister for Police:

I refer to the recent visit of the United States aircraft carrier *Constellation*, and ask -

- (1) Can the minister tell me whether the vessel was carrying nuclear arms?
- (2) If yes, what safety contingencies are there in Fremantle in the event of an accident involving nuclear arms?
- (3) Can the minister tell me if any additional safety measures are taken during visits by US vessels which might be carrying nuclear weapons?
- (4) If yes, what are these additional provisions?
- (5) Is the minister aware that these visits increase the risk to Western Australians of a nuclear accident?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Responsibility for this matter rests with the Commonwealth Government, which has neither confirmed nor denied whether the vessel is carrying nuclear weapons.
- (2) As responsibility for this matter rests with the Commonwealth Government, I have sought information from that source and will advise the member when it comes to hand. Notwithstanding this, in instances where nuclear powered warships visit Western Australia, the Police Service develops an operational order to safeguard the people and the environment of Western Australia against radiation effects of a potential nuclear reactor accident. In addition, partnerships with relevant organisations and experts, such as the Australian Nuclear Science and Technology Organisation and a state radiation officer, are identified and the responsibilities of each body in the event of such an accident are defined.
- (3)-(4) See (2).
- (5) It is necessarily the case that the existence of nuclear weapons or nuclear-powered warships represents a greater risk than if they were not there.

WESTRAIL, GRAIN TRANSPORT CONTRACT

622. Hon NORM KELLY to the Minister for Transport:

- (1) Can the minister confirm that Westrail is unwilling to give an assurance to grain growers that the benefits of operational efficiencies from a private Westrail operator will be passed on in the new grain transport contract?
- (2) Does the minister accept that this reluctance will mean that savings brought about by administrative staff cuts by a private Westrail operator will not be passed on to grain growers?
- (3) Is the minister willing to take action to direct Westrail to ensure these benefits will flow on to grain growers in the form of cheaper freight rates under a privatised Westrail?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) The Government has vigorously pursued an agenda to encourage competition in the freight transport market in Western Australia.

Regulation of major transport activities to rail was removed in July 1995. Since then regulatory changes have been made to support ongoing efficiency improvements in road transport. Within the grain network, road transport competes aggressively with rail and, therefore, Westrail is continually under pressure to match road rates.

The Government also proclaimed the Government Railways (Access) Act in 1998 and is seeking national competition certification for the rail access regime to operate within Western Australia. This initiative is in line with national competition policy objectives and will allow other rail operators to compete with Westrail for Westrail's business. This opening up of rail transport to competition will put further pressure on Westrail to keep its rates competitive. These initiatives will ensure that, under either government or private ownership, Westrail must either match the competition in the market or face the prospect of losing business. This is the best form of assurance to grain growers that Westrail will share benefits of cost reductions in grain transport. I might well elaborate on that in the very near future.

INTERNET GAMBLING

623. Hon SIMON O'BRIEN to the Minister for Racing and Gaming:

Has the minister established a position on the use of Internet gambling, in particular, digital television and the use of government controlled organisations, such as the Lotteries Commission and the Totalisator Agency Board?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The Government does not support the licensing of Internet gambling providers that will offer casino style games to Western Australians. However, the TAB will continue to offer its Internet betting service to account customers along with its telephone betting service. The Lotteries Commission does not sell its products via the Internet. However, the 1998 amendments to the Lotteries Commission Act authorise the commission to sell lottery tickets electronically.

WESTRAIL, HERITAGE COTTAGE AT 308 CHAPMAN ROAD, GERALDTON

624. Hon KIM CHANCE to the Minister for Transport:

- (1) Was an undertaking given by the Westrail housing officer by way of a letter dated 25 August 1997 to Mrs C. Lofthouse that she would be given the first option of purchase of a Westrail property, a heritage listed cottage at 308 Chapman Road, Geraldton, part of Geraldton Lot 2930, once the subdivision of that lot was completed?
- (2) Did the letter indicate that the subdivision would be completed about the end of 1997?
- (3) In recognition of the length of time that has passed since this undertaking was given, and the danger that the heritage property will begin to deteriorate quickly if it is not renovated soon, will the minister facilitate the earliest possible excision and sale of this property?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) Yes.

- (3) No. The Western Australian Planning Commission has refused subdivision applications for the entire reserve on which this property is situated. It is unknown when or whether approval will be given. Mrs Lofthouse has the ability to undertake any necessary renovations, as the lease agreement provides that the property has been leased to her on an as is condition with the lessee being responsible for all maintenance, including any structural work.

Mrs Lofthouse has been kept aware of the circumstances regarding the subdivision process.

DEPARTMENT OF TRAINING, BROCHURE ON MR IAN HILL

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

In relation to the "Chief Executive Performance Assessment Report", a glossy brochure promoting the performance of Mr Ian Hill, the chief executive officer of the Western Australian Department of Training and Employment, I ask -

- (1) Is this self-promotion document accepted by the minister as the assessment of Mr Hill's performance?
- (2) If yes, who carried out the assessment?
- (3) Did the minister approve the preparation and distribution of this document to all departmental staff?
- (4) What was the cost of this exercise?
- (5) Will this form of assessment reporting be standard in all departments under the minister's jurisdiction?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The minister is strongly supportive of the open and transparent process in which Mr Hill operates in relation to his performance assessment and reporting requirements. The document produced was a summary of the chief executive's performance report intended for the information of his staff, highlighting a range of initiatives undertaken by his department to improve opportunities for training, skills and jobs for all Western Australians.
- (2) All staff at the department are involved in preparing information for the assessment, as it provides a valuable mechanism for raising staff awareness of the agency's objectives and progress. This is a vital component in the investors in people program to which the department is committed, and a key element of the department's approach to quality management. The minister applauds the teamwork demonstrated by departmental staff in this area and has signed the full assessment according to the guidelines developed by the Public Sector Management Office.
- (3) The minister congratulates Mr Hill on adopting such an open and transparent approach to his performance assessment, and in involving all members of staff in the development and reporting of the performance agreement against key outputs, activities and outcomes. It is a decision that did not require ministerial approval.
- (4) The document was designed in-house, and printed at a cost of \$1 389.
- (5) Each chief executive officer has his own management style.

SCARBOROUGH SENIOR HIGH SCHOOL SITE, SALE

626. Hon E.R.J. DERMER to the Leader of the House representing the Premier:

I refer to the Premier's claim that the Government will not proceed with the Leighton Shores development unless it has broad community support, and ask -

- (1) Does the Premier apply the same criterion of broad community support to the Government's proposal to sell the Scarborough Senior High School site?
- (2) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The decision to close Scarborough Senior High School was made after extensive community consultation through the local area education planning process. Due to the low enrolment of 317 at that school, subject choice for students was limited. The decision to close the school has improved educational opportunities for students in the local area.

Students previously at Scarborough Senior High School are now attending Carine and Churchlands Senior High Schools. Carine will receive \$2m from the LAEP process for a new performing arts centre and general upgrade. Churchlands will receive approximately \$5m in addition to fire restoration funds, which will make it possible to undertake a major upgrade at the school. Without the sale of the surplus school site it would be very difficult to meet the cost of these improvement programs.

The disposal of the site will be subject to public scrutiny at two levels: Through the metropolitan regional planning and rezoning process and the planning approval mechanism of the City of Stirling.

MOTOR VEHICLE WRECKING INDUSTRY

627. Hon KEN TRAVERS to the Leader of the House representing the Minister for Small Business:

- (1) Is the minister aware of the gradually accelerating destruction of the motor wrecking industry?
- (2) Is the minister aware of the huge black-market operations being assisted by the advent of free advertising for illegal wreckers by the *Quokka* magazine?

- (3) If not, will the minister make inquiries to ascertain the situation?
- (4) Is it government policy that legitimate businesses be protected from unfair competition and allowed to survive?
- (5) Will the minister investigate the circumstances of unfair illegal wrecking and car sales to ascertain whether government policy requires ministerial intervention?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The minister is aware of the concerns of licensed motor vehicle wreckers in regard to the operations of backyard wreckers from previous investigations made by the Small Business Development Corporation on the minister's behalf. He is also aware that the matter is being considered by the Ministry of Fair Trading, the Police Service and the Motor Trade Association of Western Australia.
- (2) The minister is aware that the *Quokka* offers free advertising under certain conditions to the general public and that this service could be potentially misused by black market and motor vehicle wreckers.
- (3)-(4) The Ministry of Fair Trading has responsibility for issuing motor vehicle dealers' licences which cover the operation of motor vehicle wreckers; therefore any inquiry into illegal, unlicensed operations should properly be investigated by the Ministry of Fair Trading and the Police Department.
Unlicensed motor vehicle wreckers acting in contravention of the Motor Vehicle Dealers Act do not have the support of the Government.
- (5) If the member is aware of any motor vehicle wreckers acting in contravention of the Motor Vehicle Dealers Act he should bring the matter to the attention of the Ministry of Fair Trading and the Police Service or their responsible ministers for investigation.

FISHING BOAT HARBOURS, SALE

628. Hon TOM STEPHENS to the Minister for Transport:

I refer to the commissioning of consultants to look at the sale of the Hillarys, Exmouth, Challenger and Fremantle fishing boat harbours. Will the minister table information on how much revenue each of these harbours has generated in each of the financial years from 1992-93 to 1998-99; and if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Consultants engaged by Transport have been instructed to examine a broad range of options that might enhance the commercial performance of these assets. Outright sale is not a preferred option. I seek leave to table a document which sets out the revenue details requested.

Leave granted. [See paper No 438.]

TOTALISATOR AGENCY BOARD

629. Hon MARK NEVILL to the Minister for Racing and Gaming:

Does the minister or the Government have any proposals before them to float the Totalisator Agency Board?

Hon MAX EVANS replied:

No, I have no such proposals before me. If the Northern Territory floats its TAB in the next six months, the Western Australian TAB will be the only TAB in Australia that is still in government hands. I changed the board and the CEO of that organisation, and in seven years its turnover has increased by 70 per cent. In New South Wales where the TAB has been floated, the turnover has increased by only 11 per cent, and less than 1 per cent in the past year. Victoria, with its big TAB pool, made only 14 per cent. We are running a good business and it has been changed around. There is no point in our selling it. It might fetch \$200m or \$300m. The returns go back to the codes. If the TAB were floated, it would have to pay company taxes and dividends to the shareholders. How much would be left for the codes? At the moment the codes do very well and I have no intention of selling the TAB. The board is also of that opinion, but one day somebody might want to do a trade sale.

TUART FOREST, REMAINING STANDS

630. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

- (1) Will the minister identify the remaining stands of tuart forest in Western Australia?
- (2) Will the minister identify which areas of tuart are extensively affected by borers or other parasites?
- (3) Are any stands of tuart forest not largely infected by this parasite; and if so, where are they?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Tuart forest originally occurred on the Swan coastal plain between Jurien and Ludlow. It still occurs commonly

throughout this range. The largest remaining stands are in the Tuart National Park and the Yalgorup National Park, with other stands occurring throughout the Perth metropolitan area; for example, at Bold Park, Star Swamp bushland and Yanchep National Park. A map showing the occurrence of tuart will be forwarded to the member as soon as it is available.

- (2) Tuart forest in and adjoining Yalgorup National Park has been affected by tuart borer, to the extent of causing significant branch death and in many cases the death of tuart trees.
- (3) Tuart borer is a naturally occurring insect found throughout the natural range of the tuart. The infestation normally does no more than minor damage to individual branches. No other areas of tuart forest are as badly affected by tuart borer as those at the Yalgorup National Park.

AGRICULTURE STUDY TOUR

631. Hon BOB THOMAS to the minister representing the Minister for Primary Industry:

With regard to the recent "Doing more with Agriculture", agriculture and nature-based study tour to Europe and the United States -

- (1) Will the minister table the name of each participant on the tour and the organisation they represent?
- (2) What was the total cost of the tour?
- (3) What was the source of funds for the tour?
- (4) Will the minister table an itinerary for the tour?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) Relevant participants' names and cost details will be provided in the Government's quarterly travel return document to be tabled in the Parliament.
 - (3) A combination of funds was provided from Agriculture Western Australia and the individual tour participants.
 - (4) An itinerary will be provided directly to the member.
-