



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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1999

LEGISLATIVE COUNCIL

Wednesday, 24 November 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.00 pm, and read prayers.

DERBY TIDAL POWER PROJECT

Motion

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

That this House -

- (1) Calls on the Environment Minister to ensure there is a thorough and immediate adjudication of the EPA's review assessment of the Derby tidal power project.
- (2) Calls on the Energy Minister to -
 - (a) table all of the papers and documents used by the Office of Energy in its selection of the gas power projects and the demotion of tidal power to the reserve list; and
 - (b) outline what specific weight has been given to regional economic and infrastructure development needs in arriving at the decision to select gas.
- (3) Calls on the Federal Government to allocate funds to the Derby tidal power project from the annual \$66 million that is to be spent on renewable energy power supplies for remote areas.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.06 pm]: A lot of time has elapsed since giving notice of the original motion on tidal power. During that time there has been a variety of changes in the circumstances surrounding the project. A result of which is that the motion presently before the House does not accurately capture the current circumstances with which the State is faced. I alert the House that at the conclusion of my remarks I will seek leave to amend the motion. Before doing so I hope to make available to the House a copy of the proposed amendment to my motion.

Basically, the amendment to the motion pays regard to these facts: First, there has been a successful adjudication of the Environmental Protection Authority review of this project which I believe should be welcomed. Second, there has been a government decision that Cabinet will engage in further consideration of the tidal energy project's best offer, and that will lead to a comparison of that best offer with the final proposal that will come forward from Energy Equity Corporation and Woodside Energy Ltd. That was a decision of the State Cabinet that was announced in Derby, and was the subject of a press release from the Minister for Energy and of a brochure that was widely circulated in that community. Some members of the House will be familiar with those announcements, and it is appropriate that the House welcome that decision.

Originally I proposed to direct the Leader of the House; however, on reflection and on the basis of wise counsel from the Leader of the House, I propose instead simply to have the House call upon him, through the second part of my motion, to consider tabling the papers that are referred to that are currently the property of the Office of Energy or of the Government. I also propose to insert a new paragraph which will urge the State Government to work with the proponents of the Derby tidal power project and the Derby-West Kimberley Shire Council in a joint approach to the Federal Government to seek federal funding for this project. I also propose to add a reference in the final paragraph of the motion to the fact that \$360m of renewable energy funding exists in the coffers of the Federal Government by virtue of its collective decision making on renewable energy and greenhouse gas issues. That is the intent of the amendments that I will seek the leave of the House to move at the conclusion of my remarks. If that leave is denied, the alternative will be for one of my colleagues to move those amendments should that colleague get the call during the remainder of the debate. I appreciate the offer of the Leader of the House to grant that leave, and I hope that leave will be afforded by other members, remembering that a single voice may deprive me of that leave I seek in this process that I have unleashed.

In my view, the Derby tidal power project remains a significant and important issue for the people of the Derby-west Kimberley region.

Hon Derrick Tomlinson: It was been since 1956.

Hon TOM STEPHENS: Indeed. Despite the publicised complaints and concerns about the type of technology that is referred to as operating in Canada and France, the reports on those projects, including the report of this Parliament that was delivered in the other place by the committee that examined tidal energy, on which Hon Ian Thompson served, with the support of the shadow Minister for Energy, Eric Ripper, and the then member for Northern Rivers, Kevin Leahy, make no reference to any concerns about the technology that is associated with the Canadian project, upon which this project at Derby relies in part. The community of the Derby-west Kimberley area remains resolute in its determination to get this project up and running. Clearly the only way that will be possible is if the Government willingly joins in partnership with the tidal energy proponents and explores with the Federal Government whether the funding programs that are available through federal coffers can unleash sufficient funds for this project so that when this project is compared with the project of Energy Equity Woodside, it will be back in the race.

Hon Derrick Tomlinson: You talk about equality and being back in the race. What sort of a race is it when one project has a \$100m handicap?

Hon TOM STEPHENS: It is a race in which the people of Western Australia have the opportunity of approaching the Federal Government to secure funds, substantial amounts of which come from the State in any case. For instance, \$30m of those funds annually comes from the diesel excise that is paid into the federal coffers, largely by Western Power, for the use of diesel within the power generation systems of Western Australia. Here is an opportunity to try to grab some of those funds and bring them back to Western Australia for a renewable energy project on which federal funds will need to be spent anyway, and against which the only complaint is that it does not stack up against the cost to Western Australia of relying upon the gas project.

Hon Derrick Tomlinson: That is an excellent argument, but would you argue that \$100m should go to subsidise Woodside?

Hon TOM STEPHENS: There are no funds available for -

Hon Derrick Tomlinson: It is \$100m of federal funds which has come out of Western Australian pockets.

The PRESIDENT: Order! The Leader of the Opposition is speaking to his motion, to which, no doubt, Hon Derrick Tomlinson will wish to speak in due course.

Hon TOM STEPHENS: As Hon Derrick Tomlinson knows, the gas project will not be eligible for the funding programs that are currently being constructed by the bureaucracy in Canberra for energy projects around Australia that are aimed at reducing greenhouse gas emissions; nor will the gas project be eligible to attract funds under the renewable energy programs that the Federal Government is currently constructing. In the face of that, the gas project has many other advantages, but those advantages must be offset against the reality that this State has obligations, one of which is to reduce our greenhouse gas emissions from power generation. In the face of that, and against the backdrop that the Federal Government has funding programs on offer, it would be absurd if the Minister for Energy were to be aided and abetted by his coalition colleagues to put his head well and truly into the sand of the fine deserts of the Western Australian landscape and to disregard the reality that exists on the national stage; that is, that funds can be secured and programs do exist, and this project can be made a goer if the State Government will join forces with the local community and the tidal power project proponents to ensure that those funds are secured and this project is given a chance.

Last week, it occurred to me to make this additional comment: We may be able to enhance the prospect of success for the tidal power project if we can get the State Government to be more flexible in its power purchasing strategies for the Derby-west Kimberley region by exploring the option of utilising gas for part of the Derby-west Kimberley region, with the prospect of Broome being linked to gas-fired power generation, and utilising the tidal power project for the communities contained within the Derby-West Kimberley Shire; that is, the towns of Derby and Fitzroy Crossing and neighbouring communities, including the growing community at Curtin air base, the mining projects on the way to Fitzroy Crossing and the neighbouring Aboriginal communities. I am told by the proponents of the tidal power project that although that in itself will not enhance the prospect of success of the tidal power project, a base load is required before this project can be a success, and that base load is the cumulative effect of all three population centres. In the face of that, I urge the State Government to continue to adopt a flexible approach and not to adopt any option that precludes tidal power from being utilised to generate power for the people of the west Kimberley.

This project stacks up and has reputable proponents. The likes of Leighton Engineers, and the people associated with Tidal Energy Australia Pty Ltd are not to be trivialised or ridiculed as they are clearly experts in their field of engineering and tidal energy power generation. Peter Wood from Tidal Energy is a very experienced participant in the development of tidal power projects in other parts of the world. In the face of that expertise, it is inappropriate for people to rubbish that contribution.

In the face of those arguments, I commend my motion. I urge members to bring this debate to early resolution so an unambiguous message can be delivered to the Minister for Energy and his cabinet colleagues and the Federal Government. In that way, the Commonwealth will understand that the Western Australian upper House is most anxious to secure funds from these coffers for this purpose. On behalf of the people of the west Kimberley region - especially the towns of Broome, Derby and Fitzroy Crossing - I support the motion, and ask you, Mr President, to put to the House the request that leave be granted for my motion to include the circulated amendments.

Amendment to Motion

The PRESIDENT: The Leader of the Opposition seeks leave of the House to delete certain words and to substitute words so that his motion will read -

That this House -

- (1) Welcomes the positive adjudication of the EPA's review assessment of the Derby tidal power project and the State Government's announced decision that would see further Cabinet consideration of the tidal energy's "best offer" and comparison with the final proposal from Energy Equity Woodside.
- (2) Calls on the Leader of the House representing the Minister for Energy to -
 - (a) table all the papers and documents used by the Office of Energy in its selection of the gas power project and the demotion of tidal power to the reserve list;
 - (b) outline what specific weight has been given to regional economic and infrastructure development needs in arriving at the decision to select gas.
- (3) Urges the State Government to work with the proponents of the Derby tidal power project, and the Derby-

West Kimberley Shire Council, in a joint approach to the Federal Government to seek federal funding for the project.

- (4) Calls on the Federal Government to allocate funds to the Derby tidal power project from the annual \$66m that is to be spent on renewable energy power supplies for remote areas from the \$360m renewable energy funds.

Leave granted.

Motion, as amended

HON GREG SMITH (Mining and Pastoral) [3.24 pm]: I welcome the amendments incorporated by the Leader of the Opposition and I am happy to support the motion. I am glad we are working in a bipartisan way as I have been involved with the project for some time. Peter Wood and the Derby Hydro Power Pty Ltd people approached me two years ago or more with plans for the proposed tidal power project. I was very excited when I was shown the concept: It is not a tidal power project like most others; that is, it will not operate only during the incoming or outgoing tide. It will be continuous power generation using the high tide to fill a high basin, and the low tide to empty the basin with a permanent low basin. Water will constantly run from the high basin to the low basin. One negative raised is that the neap tides will result in a reduced amount of power production. However, when the report on the petition I tabled was presented to Parliament, I said that more renewable energy projects will come on stream over the years in Australia, particularly as a result of moneys allocated to renewable energy. Therefore, the community and industry will learn to work with renewable energy. Industry will structure its power demands around availability. For example, when a neap tide occurs, we may see the Western Metals mine shut down for maintenance. Other large volume power usage industries will reduce power usage at certain times to accommodate energy production.

Tidal power has been the dream of countless people associated with the Kimberley who have seen the enormous tides. Nine metres of water come in and go out every day. It is an enormous volume of water. Anyone who has flown into Derby when the tide is out has seen the mud flats extending for 15 or 20 miles in directions around Derby. This project will do more than simply provide power for Derby; it will provide an environment to improve the quality of life for Derby residents as it will add to the amenity of the area. Lang Hancock wrote when he first saw the tides rushing in and out of Prince Leopold Gorge that there must be a way to harness and use that energy. Sir Charles Court articulated those thoughts, and Hon Bill Withers, who was a member for Northern Province, made speeches in this place, I think, 15 years ago about tidal power.

Hon Derrick Tomlinson: When Hon Tom Stephens was still in the seminary.

Hon Tom Stephens: The member was not in the Chamber 15 years ago. It was certainly a speech he made prior to that.

Hon Derrick Tomlinson: It was 1956.

Hon Tom Stephens: Bill Withers was not here in 1956.

Hon GREG SMITH: When Bill Withers was here is irrelevant. It has been recognised for a long time that the energy of those tides could be harnessed to produce power. When a project is proposed which brings that dream to a reality by harnessing the energies of the tides, it captures the imagination of everyone in the Kimberley. It does not matter which political party one belongs to, or one's ideology - the ability to harness those tides to create energy is supported by all.

A problem is that the establishment of renewable energy projects is far more expensive than the establishment of fossil fuel projects. When the tidal power project was put up in the tender process against the gas or diesel projects, it did not compare favourably because the cost of power was considered over only 20 years. However, once the capital expenditure is allocated, the tidal power project will operate for 100 years. Is the expenditure of taxpayers' money now worth the investment to have cheap renewable power in 30 years, and not only for the next 10 years? The tidal project confronted the problem in the tendering process of being asked to provide prices for a certain time; the proponents had to stretch the write-off of capital debt over 24 years, so the prices submitted were not competitive with the gas project. Also, while the tender process was under way, the goods and services tax was being debated in Federal Parliament and Derby Hydro prepared its tender documents without taking account of any funding to be provided for renewable energy projects. At the same time, the Australian Democrats in the Federal Senate were negotiating with the Government to establish a fund specifically targeted at renewable energy projects.

I have had the argument with colleagues and other people in the metropolitan area about the \$120m, which is the amount the proponents are looking for from the taxpayers to assist with the construction of this project. The proponents are prepared to pay that money back over time, and they are not asking for a grant. There are many things on which that money could be spent and, of course, if people thought that amount would be taken from the money available to be spent on schools, health, roads and other core activities of government, they would not consider spending \$120m of state government revenue on establishing this project. They would let the private sector go ahead and build the gas powered project. It would cost the State nothing and it would deliver power to people in the Kimberley more cheaply and efficiently than it has been done in the past 20 years. However, these amendments moved by the Australian Democrats in the Senate have allocated \$66m per annum specifically targeted to renewable energy projects. That money cannot be accessed and spent on other projects. It cannot be used to fix up problems being experienced in hospitals and so on. Therefore, money allocated to this project would not be taking money away from the other core activities of government and contributing to the construction of the tidal power project.

Another issue raised was that if \$120m of taxpayers' money were spent on this project, the Government would be trying to pick winners. I do not agree with that argument. Of course, if all the proposals were for gas-fired projects, and the Government proposed to support one proponent and not others, it would come into that category. However, this is a unique

situation involving a renewable energy project which has a lifespan between 100 and 120 years. Bearing in mind the length of that project, and comparing it with other projects in the marketplace, it would not be a question of trying to pick winners. I do not know the lifespan of a gas powered station, but I imagine that after 50 years it will require more capital to maintain it.

The Derby Hydro people have said they will repay any funds allocated. They have said that renewable energy projects are extremely expensive to establish. If the \$120m or some part thereof were allocated from the Federal Government's renewable energy fund and eventually paid back, a permanent fund could be set up to provide for the high capital cost of establishing renewable energy projects. The loans would be paid back within the normal commercial time frames applicable to the additional commercial loans that would be necessary to build the projects. Once the loans taken out in the commercial marketplace were paid back, the developers could pay back the loans from the Government. Those repayments going into a permanent fund, together with the \$66m per annum, would provide enormous capital for future projects. Perhaps the loans could be interest free for the first 10 years and then all the capital could be repaid. These are some of the options now available which were not available when Derby Hydro submitted its tender documents, because the negotiations had not taken place at that time. It all happened at the same time and it was difficult for the proponents to structure their price for power and the finances required. They originally asked for \$120m from the Government, and a Government's first response is always that it does not have that money.

The argument has also been put that a grid should not be constructed in a cyclone-prone area. The people in the Kimberley and Derby area do not buy that one, because there are electricity grids in the Pilbara, from Karratha to Port Hedland, which is the area in Western Australia most prone to cyclones. Derby has only ever had one minor cyclone go through the area, and it has never been wiped out by a cyclone. I believe the construction of a grid is a bonus and not a negative aspect, because all the settlement that has taken place in this country has been associated with the provision of electricity.

The two commodities our civilisation needs are power and water. Once those two commodities are available, any area can be developed and settled. If there was a grid in place in the Kimberley, it would be possible for low-grade mineral deposits to be developed which it is not financially viable to develop now. Aboriginal communities could get access to the grid. The cost of providing power to Aboriginal communities at present is enormous, because generating systems are often not properly maintained or they run out of oil and break down. It is a very expensive process. Tidal power could provide energy 24 hours a day. Currently power cannot be provided to station homesteads from a high tension grid because the transformers that would be necessary are too expensive and they cannot be connected. Even people on pastoral properties who have used various schemes and other renewable energy projects to provide power 24 hours a day find that it adds enormously to the quality of their lives. People living in the metropolitan area cannot comprehend what it is like when a generator is turned off overnight. If babies wake in the middle of the night and need some care, the mother must do that while carrying a torch or candle. The quality of life is improved greatly when people have a permanent power supply. The establishment of a grid in the Kimberley would be a positive and not a negative aspect, and it would enhance the potential for the development of horticulture in the Fitzroy Valley and those sorts of places if there were a grid from Derby to Broome.

The people of Derby have become passionate about this project, and I can understand that. Those who have been there know that it has constantly suffered from a retraction of government services. It has slowly lost its services to Broome. I said a couple of weeks ago that everybody thinks Broome is a great place to live. When men who are transferred to Broome tell their wives, they cannot wait to start packing and move there. The wives of those who are transferred to Derby drop their bottom lip and ask if they have to go. Derby is a great town and I like it as much as I like Broome. It has a far better community spirit. Broome has become a tourist town, it has a high turnover in population, and many new people. It does not have the country town feeling of an old-fashioned town such as Derby. In Derby all the people know each other, and they acknowledge each other in the streets. The Government should try to facilitate the establishment of the tidal power project; Derby deserves that. The people of Derby are disappointed; they say openly that they are willing to accept that they cannot have the tidal power project built, if there are good reasons for that decision. However, there seems to be an enormous gulf between some of the claims made by the proponents of this project and some of the reasons given that it should not go ahead.

I will welcome an open assessment of the prices at which Derby Hydro will provide power and the prices at which other proponents have said they will provide power. I have in writing from Derby Hydro that it will provide power for 12¢ a kilowatt, yet people have said to me that the price was up around 30¢. It has been suggested that the technology for building the barrages or dams is questionable in Doctor's Creek, yet when one talks to Robin Saunders, the engineer from Leighton Contractors Pty Ltd, he says that there is nothing questionable about it at all and that it is among the most basic technology to be found. He said that Leightons have built bridges and dams in far more precarious locations than this. He said there was nothing questionable about building dams in the tidal flats. He said that drill samples had been taken showing good clay there, and that rock has been analysed. He says that building the dam is quite a simple process.

The question of cyclones is often brought up. People ask what would happen if a cyclone went through that area. As part of the tender the proponents must provide back-up power to Derby and Broome. In the event of there being a problem, some of the back-up power would probably come into play. People can put up ifs on any project and ask, "What if, what if?" and have a negative attitude towards it.

The problem of the people in Derby is that they feel that we have not been supporting them all the way. If we approached the Federal Government and asked how we could get the money and the Federal Government said that we could not have it, that we could have \$20m but not \$120m, and then we came back and said that we had tried to get the project up and running but the Federal Government had said no, I think the people of Derby would begrudgingly accept it, but they would accept it at the end of the day.

It is a tough call for the Minister for Energy because he has had to carry out a tender process with all due diligence. He has had to carry out the most proper process that he could. He has now reached the end of that process and has chosen the best proponent in the form of the Woodside Energy equity proposal. Now it is up to Cabinet to make a political decision, which is what it will end up being if Derby Hydro gets the tender for the provision of the power. I sincerely hope that Cabinet will give it due consideration and will negotiate with the Federal Government to see what assistance is available. It would be a shame if that did not happen. If I had my way, I would be in Canberra on bended knee begging for money to get this project up because the project would be a great demonstration to the world that Australia is taking seriously the reduction of greenhouse gases.

All the enormous projects in the Burrup Peninsula will be producing greenhouse gas emissions. We must do something on the reduction of emissions side of the equation to counteract the increasing emissions. The federal Minister for the Environment should be congratulated for the deal he negotiated in Kyoto by which we can have a 7 per cent increase in greenhouse gas emissions. Some of the enormous projects that are planned for the Burrup Peninsula for gas and petrochemicals will be net contributors to greenhouse gas emissions. Even if we expand the Woodside project to produce more natural gas, which in itself does not contribute a lot of greenhouse gas, turning it into liquid natural gas produces greenhouse gases. Therefore, by exporting LNG to China to help it reduce its greenhouse gas emissions, we will put up our gas emissions. Later on down the track we must discuss getting some credit for the contribution that we will be making to places like China in reducing their greenhouse gas emissions, while our emissions are increased to some extent.

Hon Tom Helm: We get credit. It is called money.

Hon GREG SMITH: We do get credit, yes. It was the argument put up by the federal Minister for the Environment while negotiating at Kyoto. I was talking the other day to a person from Kununurra who had been on a trip to China to visit banana plantations. He said that the Chinese use low-quality brown coal to produce power. He said that in China the only green leaf on a banana plant is the new one that has recently uncurled, and that the pollution is terrible. We could not imagine the smog and pollution. We have all seen lush, green banana plants in places like Carnarvon and Kununurra. He said that in China the banana plants each had one green leaf and all the rest of the leaves were covered in black soot. Surely the contributions that we make to reducing gas emissions in China by providing it with natural gas should be credited to us to some extent.

As regards the use of gas and the development of the North West Shelf project, I have been told by people from Woodside that the amount of gas that will be used in the west Kimberley if we move to a gas project is minuscule in Woodside's big picture. It will not amount to one LNG tanker full per annum. Using gas in the west Kimberley will not contribute to Woodside's decision as to whether to go ahead with the construction of another train. If that were one of the spinoffs of Woodside being a proponent, if that extra gas would influence the decision to go ahead with another train and contribute to the further development of Karratha, there would be a strong argument for saying that what we were missing out on there we would be gaining here.

Hon Tom Stephens: Nonetheless, it is a significant contribution if you look at exploring new technology. It would be a good showpiece project to demonstrate that we are trying to do something, even if the greenhouse gas emissions savings are not huge.

Hon GREG SMITH: That would be right. What price do we put on a showcase project? The crux of the whole argument is that the State Government has not got \$120m. We still have no commitment from the Federal Government as to what it will contribute. It has been said that it will make some money available. I will be making a telephone call later today. I believe that all Western Australian federal members of Parliament are meeting with the Prime Minister today to negotiate with him to see what would be available.

Hon Tom Stephens: I have heard the chant from the people in Derby who call, "What do we want? Tidal power. What don't we want? Belltowers!"

Hon GREG SMITH: It is unfortunate that the Leader of the Opposition seems to think that \$5m will build new schools, hospitals, tidal power projects and the like.

Hon W.N. Stretch: That is why he is in Opposition.

Hon GREG SMITH: It is the most spent \$5m in history.

I will not say any more about this project. I am very supportive of it. I support the motion of the Leader of the Opposition. I welcome a proposal put forward by Cabinet that it will assess the Derby Hydro project with its best offer next to a gas project. I sincerely hope that negotiations with the Federal Government can be successful. If we can procure a large slice of the required money from the Federal Government, I would hope that there is a good possibility of this project going ahead.

HON TOM HELM (Mining and Pastoral) [3.48 pm]: I support the motion and the amendments moved by the Leader of the Opposition. One of the reasons I support this project is the excitement that it has created, particularly in the town of Derby. I share the same enthusiasm for Derby that Hon Greg Smith has shown. Having lived in Karratha and Port Hedland, I know of similar circumstances between Derby and Broome. It is true to say that Broome appears to get all the goodies in the Kimberley and Derby does not to the same extent. I draw to the attention of the House what happened to stage 4 of the Derby Regional Hospital extensions and other matters that have not gone ahead in Derby. I am concerned at the response of the Environments Kimberley group. I respect its views. It played a leading role and was very active in helping to stop the damming of the Fitzroy River. It appears to be one of the more responsible environment groups in this State. That group

is a reflection of the Kimberley. The people there have taken a responsible attitude to this project. I do not think people in Derby or in the Kimberley are taken in by the suggestion that hoards of tourists will go to the brightly lit power station at Doctor's Creek, but they are excited that Derby will go on the map as having one of just a few tidal power stations in the world.

Perhaps it is a misnomer to call it a tidal power station; it is a hydroelectricity station. The tide is being used only to fill the dams that will be used to drive the turbines to run the station. A tidal power station in Wales came about as a result of an experiment using a barrage across the River Severn. It used the force of the waves to generate electricity. I do not know the outcome of that experiment. There was advice not to go ahead because a bore runs down that river that rises to three or four metres, particularly during neap tides. People said that it could not be done. Like Hon Greg Smith and the people of Derby, I am firmly of the view that these things can be accommodated. Let us look at what happened with the Willare bridge. When it was built, it was supposed to withstand floods for 100 years, but within one year it was washed away, and has been rebuilt.

Hon Tom Stephens: It was not Willare. That bridge did not get washed away. The bridges before that one were washed away in 1984.

Hon TOM HELM: Some people are saying that these tidal power stations should not be built in areas which suffer severe weather conditions or are prone to cyclones. I do not believe that. This State can show the way. We can hitch ourselves to the enthusiasm shown in Derby and across the Kimberley for building the project. As a layperson, I cannot see how we can justify bringing gas or diesel by truck or boat to fire up another power station and say that that is not ecologically or environmentally damaging. It is probably more damaging than putting dams in Doctor's Creek. I am very much aware of people's concerns about the damage that will be done to the local mangroves if this project goes ahead. I am not an environmentalist or a greenie by any stretch of the imagination, but I worked in Dampier for many years and I have seen the damage to the mangroves as a result of the extension of the port area in Port Hedland. Sure there was damage, but there was also regrowth in certain places. Mangroves are pretty hardy, and I am sure they would regenerate. Suggestions have also been made with regard to replanting of mangroves. The damage to the mangroves concerns me, but not as much as the overall picture of the damage that could be done by not using our imagination and going for a power station that is different and new.

As members of Parliament, we are obliged to support the people of Derby. People should be aware that we are trying to promote the Kimberley, and the direction it is taking. Members on both sides of the political spectrum are taking lessons from the results of the recent Victorian election and the federal election about how we should address regional and rural matters. People in the Kimberley have shown a responsible attitude to the development of this area and how they see its future. They are not following the tried and true method of agitating for change or asking for government handouts and benefits.

I would hate to use any political barbs in this debate when there is a great deal of support for this proposal; however, the Kimberley has suffered a lot since the change of both the Federal and State Governments. The most recent diminution of services to the Kimberley has been to mail delivery. Hon Tom Stephens has highlighted in various quarters that we seem to be going backwards in the provision of those services. Rather than the mail being delivered in the way it used to be - by chartered aircraft - it is being transported to the Kimberley by bus. The next thing we know, the mail will be sent up on Cobb & Co stagecoaches! Although the lifestyle and facilities available to the people in the Kimberley seem to be going backwards, people involved in the Kimberley Development Commission, the Kimberley Land Council, the Ord River development scheme and other community groups are all looking at working together to obtain government funding by way of investment, rather than as a handout. If this tidal power facility is built, I am sure that over time the savings from generating electricity in this way will repay the initial funding, although it may take longer than with a conventional power station. The people in the Kimberley think we should go ahead with this project, and so do I.

It has also been brought to my attention that there would be a need for a stand-by power station. That would be needed anyway. The communities in the north west of the State cannot afford to rely on just one power station, because the area is prone to cyclones. Every power station has a backup. There are backup facilities across the Pilbara and the Kimberley. There is nothing uneconomic about building a backup power station because the top dam may not be filled when there are neap tides. The power output may also have to be reduced. Nonetheless, we need a backup because of the geographical location of this proposal. Although I take on board the concerns of the environmentalists - no-one has been able to prove or disprove how the fish nurseries and the flora and fauna might be affected - I still respect the views of the Environments Kimberley as community group.

Hon Tom Stephens: Environments Kimberley has carefully avoided bringing down any considered view on the project. Its members have divided views. There are advocates and opponents for it within the group. Although some opponents have been public, some of the advocates have also been public. Robin Tredwell is an activist within Environments Kimberley. The group has not expressed a final view.

Hon TOM HELM: I thank the Leader of the Opposition, because I do not want to mislead the House. The Leader of the Opposition's interjection reminds me that even the Labor Party is not united on this matter. A couple of people in the Derby branch of the Australian Labor Party are concerned that the Derby tidal power project might have an environmental impact and they want to avoid that. I respect their wishes. I have not spoken to all the proponents but I have read some of their literature. However, I believe the project deserves our support. I reiterate my support for the motion.

Debate adjourned, pursuant to standing orders.

CITY OF JOONDALUP SIGNS LOCAL LAW 1999, CERTAIN CLAUSES
CITY OF WANNEROO SIGNS LOCAL LAW 1999, CERTAIN CLAUSES
SHIRE OF MUNDARING SIGNS LOCAL LAW 1996

Disallowance - Orders Discharged

HON TOM HELM (Mining and Pastoral) [4.01 pm]: I move -

That Orders of the Day Nos 1, 2 and 3 be discharged from the Notice Paper.

Members will be aware that these items relate to the erection and display of signs during election periods. The Mundaring Shire Council and the City of Wanneroo and City of Joondalup commissioners passed various by-laws that were not only ultra vires the Local Government Act but also offended the terms of reference of the Joint Standing Committee on Delegated Legislation. The committee has received assurances from the council and the commissioners that its concerns will be addressed. It has also been advised that amendments to the by-laws have been made that comply with the committee's terms of reference.

Question put and passed.

NUCLEAR WASTE STORAGE (PROHIBITION) BILL 1999

Second Reading

Resumed from 23 November.

HON NORM KELLY (East Metropolitan) [4.03 pm]: Last night, when I commenced my remarks on the Bill, I spoke about the inter-generational debt that would be incurred if the Pangea Resources Australia Pty Ltd proposal went ahead. The Pangea proposal states that after 40 years of operation, responsibility for the waste storage facility will be transferred to the Australian Government. That effectively means that the responsibility will be passed to the Australian people, who are overwhelmingly expressing their opposition to the proposal.

There are concerns other than the storage of waste in Western Australia. There is also serious concern about the transport of such high-level nuclear waste. The potential for such waste to be spilt and lost into the atmosphere or the environment in an uncontrolled manner is multiplied with transport, especially when the waste is shipped halfway across the world from Europe and northern America to Western Australia. Only one shipping accident needs to occur for damage to be done. If the waste has not already been dispersed into the environment, it will be extremely difficult to retrieve the containers housing the waste.

The Australian Democrats believe that nuclear waste storage should be the responsibility of the country or state which generates it. That country or state should, on all possible occasions, contain that waste within its own boundaries and have a plan in place before it generates the waste in the first place. Unfortunately, it is the other way around; countries and states have generated nuclear waste for the past few decades without a long-term plan as to how the waste will be contained or stored for the duration of its radioactive life.

Another problem is that the deep storage of waste can be extremely difficult to monitor. The Pangea proposal states that the waste will be stored in a retrievable form. One positive aspect of that is that the waste can be checked for leakage and spillage. However, the downside is that it is accessible for people to reuse that waste, whether or not it is beneficial to the Australian people. We should remember that nuclear waste has an extremely long life. It is impossible to say whether further use would be beneficial to humankind. It is conceivable that in 500 or 1 000 years Australia could be dominated by what is now a foreign power that sees nuclear waste as beneficial for the production of nuclear arms. It may seem far fetched, but it would not take too much of a stretch of the imagination to foresee this occurring within a few centuries. It could happen even sooner.

Pangea Resources Australia says that Australia's excellent environmental record is a good safeguard for a nuclear waste facility because huge public demand would ensure that the highest levels of environmental performance and protection were applied to the facility. However, the Australian Democrats feel that Australia's environmental reputation would be severely damaged by allowing such a facility to be established in the first place. Australia would no longer be seen as a clean, green country. Of course, that perception is relative to other countries. Australia would instead be seen as a repository for the rest of the world's unwanted waste. It would simply be seen as a dumping ground. The cost to our country of that loss of public image throughout the world would vastly outweigh the positive work that has been done in various areas, such as tourism. All the positive images or perceptions of Australia held by people around the world would be severely damaged by this activity.

The Pangea proposal refers to the "not in my backyard" syndrome as the reason why people do not want the nuclear waste facility. However, Australia has taken positive steps to ensure it is not part of the nuclear cycle. The disposal of nuclear waste should be the responsibility of those who choose to generate such waste. I took note of the debate in the other place and held discussions with government officers and the like. I appreciate the bipartisan support that is trying to make this legislation as strong and tight as possible by getting rid of loopholes that may be contained within it. The Australian Democrats believe the Bill still has loopholes. We have placed amendments on the Notice Paper to correct what we believe is a significant loophole.

However, we will be going into committee in a spirit of cooperation, genuinely seeking to debate development of the strongest possible legislation. Strong emphasis has been placed on the role of the Radiological Council to regulate the

passage of any radioactive materials in this State. As much as we support the role and the work of the council, we must ensure that it is not put in a position of being forced to make political decisions. It is proper that Parliament apply an appropriate level of scrutiny. We do not want to take over the role of the Radiological Council, but we must ensure that an appropriate level of scrutiny is carried out by Parliament to ensure that we can properly represent the wishes of the Western Australian people in preventing the establishment of any form of nuclear waste facility in this State to take high-level nuclear waste from other countries or, for that matter, other States.

I appreciate that the Mt Walton facility, which deals with radioactive waste from materials used in this State, is in Western Australia. I understand it also takes some form of waste from other States. However, we must consider the future. For instance, New South Wales is considering replacement of the Lucas Heights nuclear reactor and how to deal with the medium-level nuclear waste generated from that project. South Australia is under heavy pressure to accept that future waste, and the Australian Democrats in that State are working hard to prevent that.

As I said, the one major sticking point is clause 3, which covers the definition of nuclear waste. However, our concerns will be more fully addressed in committee. We approach that stage with an open mind and the intention of engaging in genuine debate, as we do on any matter!

On 26 August in the Senate one of my federal colleagues, Senator Lynette Allison, who handles these matters for the Democrats, moved a motion calling on the Senate to vehemently reject the Pangea Resources proposal. It is encouraging to see that the motion was unanimously supported by all parties. Likewise we support Senator Bob Brown's call for the prohibition of the importation of such materials. That would be another way of tightening any loopholes to prevent the Pangea proposal from proceeding. Last Wednesday in the South Australian Parliament my Democrats colleague Hon Sandra Kanck introduced the Nuclear Waste Storage Facility Prohibition Bill to ensure that South Australia does not become the preferred target for Pangea once Western Australia passes its legislation. It is obvious from the maps circulated by Pangea that it has earmarked almost the same amount of potentially suitable area in South Australia as in Western Australia. Of course, if Western Australia passes this legislation, South Australia will become the next target for Pangea. It is great to see Hon Sandra Kanck taking positive action to prevent that from occurring in South Australia. I have been told that, unfortunately, the South Australian Parliament will not be sitting for another four months, the lucky sods, but I believe her Bill will have the support of the Australian Labor Party in that State. We hope also that she gets government support, so that her legislation could also receive all-party support.

As the Leader of the House said yesterday, we can do nothing that will prevent a future Parliament from overturning decisions made today. We must therefore remain ever vigilant in working against organisations or individuals who may want to impose their desires against the will of Western Australians. Even though the passing of this Bill will send a strong, clear message to Pangea Resources, it is a well-funded organisation with a long-term goal in mind. Passing this legislation will not stop its efforts to establish some sort of facility. Even when this legislation is enacted, as I expect it will be, in this State, we should not be complacent about maintaining a guard against any efforts, whatever they may be, by Pangea to establish itself.

On 24 September I was given a briefing by Pangea's representatives, Marcis Kurzeme, Dr Charles McCombie and Malcolm Johnston, following a forum held at the University of Western Australia in, I think, August. People were invited to hear some arguments which were predominantly supportive of the proposal. A few opponents of the proposal were there, but it seems to be difficult for such opponents to be given a fair hearing at these events, which, although organised by the university, have a strong pro-industry approach. Nonetheless, I welcome Pangea's openness and willingness to consult any people who have an interest in this issue.

Hon M.J. Criddle: Not with me.

Hon NORM KELLY: Irrespective of whether people have expressed opposition, Pangea seems willing to offer briefings and the like. In the interest of being informed as well as possible I took up Pangea's offer of a briefing on the proposal. As much as I appreciate Dr McCombie's background as a geologist and Pangea's scientific and technical arguments that its option is a good one, and that technically it has come up with the best long-term storage solution to what the company calls a global issue, that does not mean we agree with its arguments, particularly those about the geological stability of the area in which it is proposing to put the facility. It is all relative.

I refer to some comments in an article in *The West Australian* of 10 July by geology professor John Vivers. He refers to a previous article and says -

Records show that the Great Victoria Desert has been shaken by several earthquakes of magnitude 5 to 6 in the past 100 years. In 1873, Ernest Giles felt the motions of an earthquake and its aftershocks in the area of WA near the Northern Territory and South Australian borders selected for the waste site.

He is referring to evidence of a number of earthquakes over the past 100 years. A hundred years is a minuscule amount of time compared with the lifetime of 200 000 years of radioactive waste.

Although I agree with Dr McCombie that this area is geologically stable, that stability is only relative to other areas and is by no means an assurance that burying such waste in this area would ensure its stability through the lifetime of the hazardous waste. As I touched on last night, we cannot guarantee political or geological stability for the next 200 000 years, nor can we guarantee the safety of such a site for the next 200 000 years. Yet Pangea is asking us to accept the liability for that period beyond the initial 40-year proposal. If such a facility were to be established, I would expect it to last a lot longer than 40 years once all the infrastructure, such as the facility, the storage units, the ships and the rail access, was established. It then becomes a very cheap and viable option to extend the life and storage capability of such a facility. Given that, once

a facility of such a size is established somewhere in the world, it will become a magnet for nuclear waste for many decades to come. The retrievability is one issue which gives me great concern as to the wording of the Bill. It gives me concern as to the ability for foreign powers to target such a facility, making it attractive either to target weapons upon it or to utilise the material stored there for the production of weapons in the future. I could say much more about this proposal; however, I would prefer to move on to the committee stage as quickly as possible. We have genuine issues which must be resolved, especially in regard to the definition of "nuclear waste".

Another issue concerns whether Western Australia could be utilised as a stopping-off point, for example, to transport such waste into another State such as South Australia. There is nothing in this Bill that would prevent, for example, waste coming into a Western Australian port and being transported across our State into South Australia. There are still safeguards within the Radiological Council that could prevent that. There are provisions within the radiation safety Acts to guard against the storage. It may be interesting to hear either in response from the Leader of the Opposition or in the committee stage about the time span regarding storage. When it comes to, for example, the importation of genuine uses of radioactive material, such as medical isotopes or the like, they are usually allowed to be stored for up to a day in transit before they reach their final destination. The transport of high level nuclear waste could also be caught up in the need to store in transit, for example, from the unloading of a ship onto a rail facility for transport interstate. There may be some safeguards there. That is a very minor consideration against the overall intent of the Bill, which is against this specific proposal. We must make sure that, by this Bill, we do not prevent legitimate uses, but at the same time we must make doubly sure that we do not allow loopholes when we finally pass this Bill, hopefully with unanimous support. As I said last night, the Australian Democrats fully support this Bill.

HON MARK NEVILL (Mining and Pastoral) [4.24 pm]: I have not actually read the Bill, but I heard Hon Giz Watson's speech last night and that prompted me to get involved in this debate. I do not believe that we have any obligation whatsoever to take the waste of any country around the world. If those countries buy our uranium, it is up to them to sort out what they do with the waste. It is the same when we sell coal to other countries; we do not have to take back the carbon dioxide and the nitrous oxide that is produced. We do not have to take back the hundreds of thousands of tonnes of fly-ash which is loaded with tens of thousands of tonnes of toxic metals, all sorts of carcinogens and radioactive elements and compounds. I have never held the quaint view that some members of Parliament have held that a country which exports uranium must take back the waste. That is nonsense and it is a flawed argument for having an international waste repository. I do not know why people are even concentrating on this whole concept of Pangea Resources Australia, because from what I have read - I have read quite a few of the documents - Pangea does not bring any expertise to Australia that we do not already have. In terms of the storage of low level waste, high level waste in synthetic rocks and transport, that technology is freely available to us in Australia; for example, there are double hulled ships and all the rest of it.

Hon Derrick Tomlinson: Through CSIRO.

Hon MARK NEVILL: Yes. The synroc process is probably that to which the member is referring. That was developed by Professor Ringwood at the Australian National University probably 10 or 15 years ago using titanium silicates to enclose high-level wastes. We have the expertise here; in fact, Professor Barry Brady in charge of rock mechanics at University of WA is actually a consultant to most of these companies around the world. I know he has done consultancy work at the Yucca Mountain in the United States. We have all the expertise here. We do not need Pangea to come here and tell us how to put a hole in the ground to store these wastes. It is not as though it is bringing any intellectual property to this whole debate; it is not. If we want to build a repository, we have the skill, the technology and the know-how to do it ourselves.

There is no doubt that the nuclear power industry did not estimate the clean-up and storage costs in its early days. If there is one particular weakness, that is it. I am of the opinion that the storage of low-level and high-level wastes is not a technical problem; it is more a political problem. As I have said, I am not interested in taking other countries' waste, but if we want to build a waste repository for our purposes in Australia, I would support that. There is the technology here. One need only look at the ancient geological structures of salt domes. Some members might know that a lot of oil occurs in Texas around salt domes. Those salt domes are caused by pressure on beds of salt. The salt moves in a plastic fashion and ruptures under the layers above and forms these massive domes. Some of those domes have been there for 400 or 500 million years. If there were any moisture around, the domes would have dissolved and disappeared. Environments that experience this plastic movement of rock are very dry. In fact, they are so dry that the salt has not dissolved for 300 million or 400 million years, which far exceeds the life of the oldest isotopes in these high-level wastes. There are better places to store radioactive wastes than in salt domes. High-level nuclear waste is stored in Salzburg, Austria, which is named after the local salt domes.

We have about 150 nuclear power plants around the world, and each year they help us to avoid about 280 million to 300 million tonnes of carbon and all the deadly nitrous oxides and various other organic elements that are not very good for human beings being pumped into the atmosphere. Those nuclear plants make a massive difference to our environment that is never acknowledged by the Greens (WA). At the moment we have nuclear wastes stored in all sorts of places around the world near existing plants. There is no doubt that it is a terrible mess and a terrible risk. It is obvious that the countries that have those wastes must look to disposing or storing them in long-term repositories. That is particularly important for high-level wastes. That will probably involve storage facilities in some third world country. I do not see that we have any obligations or that there is any great risk in doing that.

If a country did have a waste repository, it could refuse to take wastes from countries that had nuclear weapons. It might take wastes on the condition that the country concerned wound down or got rid of its nuclear arsenal. There are many things a country with storage facilities could do and clean up the planet at the same time. That is a choice that the public of each country will have to make.

I will go through Hon Giz Watson's speech because, as usual, I find her comments on these issues distressing because of their inaccuracy. She said that nuclear reactors have created waste product that is not disposable. That is clearly nonsense. Nuclear waste is readily disposable if the process is not subject to political obstruction. The world has many areas of stable geology at a depth of 500 metres. Waste can be very safely stored well away from the biosphere and with multiple barriers. That is not rationally questioned by scientists who are informed in this area, but, of course, it is disparaged politically.

The member said that much of this waste material is stored in what are euphemistically called "swimming pools". They are not swimming pools. Many of these rods are initially stored in distilled water at a depth of three metres so that the temperature drops and the shorter-life radio isotopes become inactive. That three metres of distilled water allows shielding and cooling. It is a proper and deliberate way of storing nuclear waste. These facilities are certainly not swimming pools.

Hon Norm Kelly: That is the commonly used terminology.

Hon MARK NEVILL: It is a disparaging term. It is the appropriate way to store rods so that they cool before one must deal with the long-term waste. A large proportion of the radioactivity is removed by leaving the waste in these facilities for five or 10 years.

Hon Giz Watson also stated that the 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 the fuel to melt down and to create an uncontrolled nuclear reaction. She does not know what she is talking about. The maximum heat generated by a fuel rod is about 10 kilowatts per tonne. A rod could not melt down at that level or contribute to any uncontrolled nuclear reaction. They are very radioactive, but shielding from that level of radioactivity is not rocket science. I visited the Department of Nuclear Medicine at Sir Charles Gairdner Hospital recently and inspected its ward, which is probably three metres by three metres and has lead walls 10 centimetres thick. Dealing with that sort of radiation is not rocket science. To suggest that there could be a meltdown shows a lack of understanding of what goes on.

The member stated that the industry tends to say it is simply radioactive material and to equate it to uranium oxide. I do not know of anyone in the industry who has suggested that radioactive waste can be equated to uranium oxide. I have been to Roxby Downs and stood next to drums of yellowcake or uranium oxide. The levels of radioactivity are low. For the member to say that industry is equating nuclear waste to uranium oxide is absolute nonsense. I do not believe that industry has ever played down the risk associated with high-level wastes, and to suggest that is crass.

The member further stated that the other problems with the Pangea proposal are that it involves transportation of this material around the planet, the integrity of the containers, the consistent industry lies about the associated risks and the risk to communities and ecosystems along the way. Spent fuel and high-level waste is routinely transported by rail, road and sea, and there has never been an incident resulting in the release of any radiation from this activity.

Since 1971, something like 7 000 shipments of spent fuel, weighing over 35 000 tonnes, have been transported over more than 30 million kilometres, with no property damage or personal injury, no breach of containment and very low dose rates to the personnel involved. I think the highest dose on record is of 0.33 millisieverts a year received by an operator at La Hague in France. In France alone there are some 750 shipments each year of what are called type B packages among 15 million shipments classified as dangerous materials, 300 000 of these being radioactive materials of some kind. The type B packages are those relevant to that type of transport.

Hon Giz Watson went on to say that the proposal by Pangea has been pushed very much by trying to persuade Australian people that we have an international obligation and perhaps a moral obligation. I do not believe that we have either of those obligations. If people want to buy our uranium, it is their problem. If we choose to take it back and treat it, that is a decision that Australia will make. There is absolutely no obligation in that respect. I have not seen anything in Pangea's literature which would suggest that it has promoted that as an obligation. I think it has promoted it as an opportunity. I have heard Hon Colin Barnett and someone else say that we have an obligation. However, I do not agree with that view.

Hon Norm Kelly: In its literature, Pangea mentions the need for a global solution and that there are moral obligations to find global solutions.

Hon MARK NEVILL: I am sure that there are moral obligations to find global solutions. People have been trying to use Russian arsenals to produce mixed oxide rods - MOX. They have been fed into Japanese reactors to burn up the left-over plutonium and material from the nuclear warheads, which are being dismantled. There are moral and international obligations. However, I do not see that Australia has a particular moral or international obligation to take this nuclear waste. My understanding of the Pangea proposal is that it is an opportunity for Australia. However, it is not an opportunity that the Australian public wants.

I will refer to a number of other points in Hon Giz Watson's remarks. She said that the nuclear industry worldwide must be wound down and that attempts by the industry to resolve the issue of intractable waste have failed. As I said, there is not a problem of storage and disposal of intractable waste. She said that the industry has attempted to bury the material in countries such as Russia and England, but those attempts have failed. I understand that the proposal for a research facility in England certainly was vetoed. However, the Russian proposal never progressed beyond hot air. She also said that the industry had attempted to gain access to Yucca Mountain in Nevada in the United States, but again failed to gain environmental approval. My understanding is that the Yucca Mountain proposal is well ahead of schedule with its approvals and is on track.

Hon Giz Watson interjected.

Hon MARK NEVILL: That is my information.

Hon Giz Watson: It was due to open last January. It is currently suing the United States Government because it has not been able to buy that facility.

Hon MARK NEVILL: From the information that I have read, which is probably a lot more reliable than the member's, it is on schedule to be commissioned in 2010. We are obviously reading different material.

Hon Giz Watson: Perhaps you would like to suggest why the American environmental protection agency is being sued by the nuclear facilities.

Hon MARK NEVILL: It would not surprise me who gets sued by whom in the United States. I do not think that necessarily means very much. Everyone sues everyone over there.

This Bill is a waste of the Parliament's time. We are always happy to indulge in the politics of symbolism, but we are less eager to indulge in the politics of substance. We are all happy to put forward solutions to problems which in my view are not problems. These people have no prospect of ever getting an international repository in Australia. They can try; it is a free country. It is amazing how it takes 20 years to get a Bill on prostitution into this House, but in a week we can get a Bill banning a radioactive waste repository that will never happen, at least not in the next 25 or 30 years. If there is a change of heart, the Bill will just be repealed, and off we will go again. It is the politics of symbolism.

One good thing about this Bill is that this Pangea proposal threw a lifeline to the Greens (WA). Effectively this Bill will now cause the Greens to look around for some other ogre to beat up to scare the living daylight out of the poor unsuspecting public. I suppose they will be given a lot of competition from the Democrats.

Hon Giz Watson: Do not worry. There is not a shortage.

Hon MARK NEVILL: No. It is a game for the Greens. I have little interest in the fate of this Bill, because it is largely irrelevant. It is the politics of symbolism. We should be addressing a few matters of substance.

HON BOB THOMAS (South West) [4.47 pm]: This is an issue in which I have a significant interest. Members will recall that I was one of the 30 Australian members of Parliament who travelled to Tahiti in 1995 to protest against the nuclear testing by the French. The public is interested in this issue. Apart from the belltower, the issue of the Pangea nuclear waste storage proposal is the one about which people talk to me the most. It is the next largest issue of interest to people politically. If members cannot recognise that, they are not listening to the public.

Hon N.F. Moore: I think your preselection is in the same category. Everyone is talking about it.

Hon BOB THOMAS: The Leader of the House has just indicated that my preselection is secure. That is true. Nominations for my seat closed on Monday, and I have not renominated.

Hon N.F. Moore: I said that is an issue about which people are talking. They are disappointed you did not put down your name.

Hon BOB THOMAS: I will be retiring on 21 May 2001. It is a decision I made a long time ago.

Hon N.F. Moore: The public is saying it is disappointed you made that decision.

Hon BOB THOMAS: Okay. That is true, yes. Never has the Leader of the House spoken a truer word!

The PRESIDENT: Order! I would like to get back to the substance of the Bill.

Hon BOB THOMAS: The public is concerned that members of the Liberal caucus are saying that more than 50 per cent of Liberal members of Parliament would support a nuclear waste storage facility here in Western Australia. Hon Ross Lightfoot has been on television a number of times saying that more than 50 per cent of Liberal members of Parliament support the Pangea proposal.

Hon Mark Nevill interjected.

Hon BOB THOMAS: That is correct. I feel so strongly about this issue that I obtained the amendments to the town planning scheme at Chapman Valley and distributed them to a number of councils in my electorate. I am pleased to say that Keith Hopper from the Dardanup Shire Council ran with the idea and moved to have the town planning scheme for the Dardanup Shire amended to prevent the transport and storage of nuclear waste in that city. The Bunbury City Council has done likewise through councillors Tony Dean and Steve Hill. I worked very closely with Guy Roth, who is the president of the ratepayers association in Albany, and with a number of councillors - principally Councillor Milton Evans - to have an amendment of this nature made to the town planning scheme in Albany. That move will be supported. As a result, the city council went to the Western Australian Municipal Association and moved a motion, which I believe has been accepted, that WAMA supports those councils. However, the interesting issue is that the Minister for Planning has said that he will not uphold any amendments to the town planning schemes in those areas to prevent the transport and storage of waste through those regions. That is one of the reasons the public is sceptical about the Liberal Party's position on this. The public thinks the Government is pulling the wool over its eyes and that there is something shonky about this. I for one would love the Minister for Planning to continue his opposition to the moves of those local government authorities because this will be a major issue at the next election and the Government cannot win on this. I note that the Leader of the Opposition is present and is now prepared to sum up on this Bill. I commend the Bill to the House.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.52 pm]: I thank members for their various contributions to debate on this Bill. In parliamentary life it is not often that non-government members get a chance to advance a private member's Bill. This is a rare opportunity and it is something -

Hon Cheryl Davenport: I did.

Hon TOM STEPHENS: I think I might pass on that interjection and move -

Hon J.A. Cowdell: It is not unique.

Hon TOM STEPHENS: No, it is not unique but it is nonetheless unusual. Other people have had this privilege.

However, there is a legitimate concern in the wider community to which the Labor Party responded by introducing this legislation. We recognise that eventually the Government came on board and agreed to the passage of this legislation through the Parliament. We recognise that there is only a limited window of opportunity inside which the Labor Party and the Parliament can move to get this legislation enacted. There has been considerable discussion about this Bill in this House, in the other place, in the corridors around the Parliament and more widely in the community. In the process of that discussion a range of issues have been considered and arguments have been put for and against various proposals to amend sections of this legislation.

Hon Mark Nevill: We should move a Bill to ban the hole in the ozone layer while we are about it.

Hon TOM STEPHENS: I will leave that to the member. I say to the House that members will now see that the Labor Opposition has had discussions with a variety of players including the Government, the Greens (WA) and the Australian Democrats about the best way to target definitional questions within the Bill. While consensus has not exactly broken out, there is an amendment on the Supplementary Notice Paper which represents what we consider to be the appropriate way to amend this legislation and tackle the concerns expressed by a variety of players in the debate.

Issues have been raised in this Chamber for which I do not have all the answers. Nonetheless, this Bill represents the Labor Party's best efforts to respond to the community's concerns about proposals for nuclear storage and the need to prohibit and limit that prospect. The Labor Party will not back away from its Bill or miss this opportunity. I have heard from my good friend Hon Giz Watson on behalf of the Greens (WA) in the past hour or so that they would prefer to delay consideration of this Bill in committee to enable further discussions to take place about the issues contained in the construction of the Bill. I do not intend to agree to that request. If arguments about any particular concerns of members are put to the Chamber in committee, I will do my best to respond to those concerns. I hope the House will recognise that this is a private member's Bill and I will do the best I can in the absence of a huge array of advisers.

Hon N.F. Moore: You can have as many as you like.

Hon TOM STEPHENS: I thank the Leader of the House for that but I am not sure whom I would need to draw upon to answer the questions and concerns of members.

Hon N.F. Moore: I will help you.

Hon TOM STEPHENS: By the sound of things I would need to draw on the Minister for Mines.

Hon N.F. Moore: Seeing we are fixing up the Bill for you.

Hon TOM STEPHENS: No -

Hon N.F. Moore: It wasn't going to work the way you had it.

Hon TOM STEPHENS: The Government has helpfully raised some concerns and queries. The Government raised questions in the other House.

Hon Kim Chance: Just as we do with its legislation all the time.

Hon TOM STEPHENS: That is right. The Government moved an amendment in the lower House which the Labor Party agreed to. However, it appears that that amendment did not quite do the job and we have collectively agreed on another amendment. Both the Minister for Mines and I, on behalf of the Labor Opposition, believe the amendment in Supplementary Notice Paper 17-3 deals adequately with the definitional questions. I appreciate the contributions of members. I say to all members that there is an enormous range of viewpoints on these issues. I believe the Labor Party has appropriately responded to the concerns of the community. The support the Chamber gives to this legislation so that the second reading can be passed and the Bill can proceed as quickly as possible into enactment will reduce the community's concerns and limit the opportunity of Governments of the future to agree to proposals for the storage of nuclear waste such as the one promoted by Pangea. I commend the second reading of this Bill to the House.

Question put and passed.

Bill read a second time.

[Questions without notice taken.]

TOTAL OFFENDER MANAGEMENT SYSTEM

Statement by Attorney General

HON PETER FOSS (East Metropolitan - Attorney General) [5.37 pm]: I make a statement to the House to clarify the

situation with respect to issues raised by Hon John Halden in debate on the Prisons Amendment Bill on Tuesday, 16 November 1999 concerning the development of the new total offender management system, or TOMS.

In 1996 the Ministry of Justice decided to replace its CTOS-based prisoner management system. The system required replacement for a number of reasons. It lacked functionality. Members are probably aware of this deficiency because of the ministry's incapacity to answer questions of a general nature. The system posed similar problems for general management. It also lacked functionality in dealing with individual prisoners, especially with regard to programs and industry. This becomes especially important in relation to the new provisions of the Prisons Act. Further, CTOS hardware is no longer available and replacements were made by purchasing second-hand equipment and cannibalising it. The CTOS operating system was no longer supported locally, and the prisoner management system which runs on the CTOS equipment is not year 2000 compliant.

The replacement decided upon was TOMS, which best met the requirements of the ministry and also provided capacity to upgrade to meet additional functionality. There are other systems which the Government is not purchasing, and it is possible to confuse them. The contract provided for the completion of implementation by December 1999, and the contractor was obliged if it failed to complete by that date, at its cost, to make the necessary changes to the CTOS system to enable it to be used into the year 2000 until the new TOMS was implemented. The contract has fallen behind and it is now scheduled to be fully implemented in June 2000. In this House I made the following statement -

We expect the new TOMS to be as usable as our current system, although not fully operational, by 2000. We will have something that is Y2K compliant by Y2K, but we may not have the full functionality.

In fact, the continuity in a prisoner management system into 2000 will be provided by a partially remediated CTOS system, not a partial version of the new TOMS. The partial remediation of the current CTOS system was done at the cost to the contractor as provided for in the contract, and this will ensure continuity of the core prisoner management functionality until the new TOMS is implemented in June 2000.

In the meantime, the hardware for TOMS has been rolled out to all sites. Demonstrations of TOMS have been conducted, and the new system is enthusiastically anticipated. There is no truth in the report that TOMS is not Y2K compliant.

QUESTIONS WITHOUT NOTICE

Statement by President

THE PRESIDENT (Hon George Cash): I am concerned about the length of questions without notice asked in this Chamber. One question today had six separate parts. Obviously, if the question is asked, the member expects, and is entitled to, an answer; however, some questions seek statistical information, and one reply today contained about two and a half pages of statistical information. That question would have been much better placed on notice. Members can make their own decision about what they ask by way of oral question and by way of question on notice. However, I am not able to accommodate every member who wants to ask an oral question during the limited period of question time if members' practice is to ask multiple -

Hon Max Evans: Multiple-choice.

The PRESIDENT: - multiple questions, not multiple-choice, with a huge number of parts. The decision rests with members. A number of members did not ask a question today because of the length of questions with numerous parts asked by other members.

Hon Mark Nevill: Does that mean we get to ask two questions tomorrow?

The PRESIDENT: Hon Ken Travers had his name written down for two questions today as he missed out on asking a question yesterday. However, we did not get around to his second question today.

NUCLEAR WASTE STORAGE (PROHIBITION) BILL 1999

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Tom Stephens (Leader of the Opposition) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation -

Hon NORM KELLY: I move -

Page 2, line 11 - To delete the line.

In moving this amendment, the Australian Democrats seeks to strengthen what is a reasonable definition of nuclear waste. However, the Australian Democrats believes the clause contains a giant loophole whereby Pangea Resources Australia could establish the facility the Bill aims to prevent. Paragraph (b) states -

for which no further use is envisaged,

Our reading of that clause and the legal advice we have been given is such that the definition of nuclear waste could allow a proponent such as Pangea Resources Australia to say that it envisages that the nuclear waste could have a further use.

Pangea has made it clear in the literature that the waste would be stored in a retrievable state. It would be stored in this state not only for inspection purposes to check for possible leakage but also because it is necessary to be able to retrieve the waste so it can be utilised for possible future use. This further use could be future reprocessing in means which are not currently available or technologically possible but which could easily be utilised in the foreseeable future. This amendment should be read in conjunction with the third amendment on the Supplementary Notice Paper, as I believe the two amendments supplement each other to strengthen the definition of nuclear waste. The Australian Democrats feels the current clause contains a big loophole and it encourages all members to support the amendment.

Hon TOM STEPHENS: The Labor Party Opposition intends to accept the proposal to delete the line. The Opposition intends to support the amendment to accommodate the third amendment on the Supplementary Notice Paper. The Opposition supports the amendment.

Hon NORM KELLY: I appreciate the Australian Labor Party's support, even though at the next step it will probably disagree with the Australian Democrats as to the stronger amendment. However, this is a strong first step in ensuring the definition is watertight.

Amendment put and passed.

Hon TOM STEPHENS: I move -

Page 2, line 11 - To delete the line and substitute the following -

(b) for which the Radiological Council is satisfied that no beneficial use is envisaged,

Members will appreciate the extensive discussions that were held to determine the best way to write this clause to accommodate concerns about nuclear waste and what the Bill is trying to prohibit. The terminology in the amendment was arrived at following discussions and advice, including advice from departmental officers made available to the Opposition. I commend the amendment to the Chamber.

Hon GIZ WATSON: This amendment does not add anything to the definition. I question the purpose of inserting the word "beneficial". How is "beneficial" interpreted in the proposed amendment? To whom will it be beneficial? Is it beneficial in dollar terms, or to Pangea Resource Australia's shareholders? Who defines what is beneficial use?

Hon N.F. Moore: Hon Giz Watson is adopting a terribly cynical approach towards the Radiological Council. Does she think the council will make those decisions?

Hon GIZ WATSON: I am saying that the word "beneficial" is open to interpretation. I seek some clarification from the Leader of the Opposition as to what the word "beneficial" will add to the definition.

Hon Derrick Tomlinson: It should be read in conjunction with the word "use".

Hon TOM STEPHENS: The Opposition does not have the same level of cynicism toward the Radiological Council as is reflected in that comment. The Opposition believes the Radiological Council will view "beneficial" in the normal sense of the word. The dictionary states -

conferring benefit; advantageous; helpful . . . helpful in the meeting of needs . . . involving the personal enjoyment of proceeds.

As Hon Derrick Tomlinson said, "beneficial" should be read in conjunction with "use". The role of the Radiological Council is not to consider issues such as the profits of companies or corporations or the narrow economic interests of such enterprises. The Radiological Council has more precise responsibilities; that is, to tackle issues associated with radiology and make recommendations based on its decisions. The word "beneficial" has a plain, ordinary meaning that deals with radiological issues and the health of and benefit to individuals in the community. It is just one issue of nuclear waste. People are entitled to a healthy level of cynicism, but there is also an unhealthy level of cynicism. I think this amendment does the job and I commend it to the Chamber.

Hon N.F. MOORE: The Government supports the amendment moved by the Opposition. I suggested to Hon Giz Watson, by way of interjection, that she was being cynical. I will read out the membership of the Radiological Council. I will read out not the names of the people on the council but the particular criteria they must satisfy before being appointed. This gathering is not for the gross financial benefit of a company, as Hon Giz Watson suggested it might be. The council consists of a medical practitioner who is appointed by the Governor on the recommendation of the executive director or other person nominated to preside in accordance with the provisions of subsection (3). The medical practitioner is the chair of the council. Section 13(2)(b) provides that the council shall consist of not less than five nor more than seven other members appointed by the Governor, of whom one shall be a medical practitioner who is a specialist in radiology or radio therapy; one shall be a medical practitioner who is a physician specialising in nuclear medicine; one shall be a person who possesses relevant qualifications or experience as a physicist; one shall be a person who possesses relevant qualifications or experience as a radiation engineer or electronic engineer; one shall be a representative of the interests of tertiary educational institutions; and two may be nominated by the minister with the advice of the other members of the council as persons who have special knowledge of the problems of radiation hazards.

That is not a group of petty bureaucrats who will enter into tawdry financial deals, as the member suggested. It is quite appropriate that the Radiological Council be the group which makes a decision on whether a beneficial use is envisaged. The amendment moved by the Leader of the Opposition is perfectly in order.

Hon NORM KELLY: I do not think the work, skill and expertise of members of the Radiological Council is being called into question.

Hon N.F. Moore: It was by your colleague behind you.

Hon NORM KELLY: She can answer for herself. It is more a question of the breadth of interest of the council being called into question. They are a highly skilled and expert group of people to determine matters relating to radioactive materials, but it is probably beyond their scope to determine matters relating to the social benefits or wishes of the people. If beneficial use relates to the trade in the broadest sense, it would be beyond the scope of the Radiological Council. By including the Radiological Council in this amendment, beneficial use could also be restricted to the extent of the Radiological Council's work.

When considering this amendment, we must take into account clause 10 of the Bill and the proposed new section 41A(2) of the Radiation Safety Act 1975. The proposed subsection states that any authorisation going through the Radiological Council relating to nuclear waste is not to be granted or effected unless both Houses of Parliament by resolution consent to the authorisation. That is a safeguard, in that after a decision has been made by the Radiological Council, there is a need for parliamentary approval for such an authorisation to be effected. Including the Radiological Council within the definition of "nuclear waste" means it will be possible for parliamentary scrutiny to be bypassed, because the Radiological Council will determine whether material is nuclear waste. If the Radiological Council determined that a beneficial use was envisaged, the storage of this waste would be allowed to go ahead without parliamentary approval. My main concern is that this amendment may have the unintended effect of allowing for parliamentary scrutiny to be bypassed at a later stage.

Hon GIZ WATSON: I wish to clarify that in my comments I was in no way casting aspersions on the reputation, credentials or intentions of the Radiological Council. Hon Norm Kelly has perhaps put it more succinctly than I did, but my concern is about the exact meaning of "beneficial". Hon Norm Kelly has queried whether it is within the scope of the Radiological Council's mandate to define social or environmental benefit and I do not think adding the word "beneficial" serves any purpose.

I reinforce the comments of Hon Norm Kelly on the importance of this clause in the Bill. If the Radiological Council defines material as not being nuclear waste and, if this amendment is passed, is satisfied that no beneficial use is envisaged, the later provision that requires the decision to be approved by both Houses of Parliament will no longer stand. With this definition, we shall put the situation in the hands of the Radiological Council. That is why the definition of "nuclear waste" is so critical. If the Radiological Council decides that it is satisfied that no beneficial use is envisaged - whatever the definition of beneficial use - the matter will not come to both Houses of Parliament for approval. I understand that the intent of this Bill is to give the power to the Parliament to say that it will not accept nuclear waste in this State. This amendment does not leave that power in the Parliament.

Hon TOM STEPHENS: With reference to the responsibilities of the Radiological Council by virtue of this amendment and how it should operate when the legislation is enacted, I draw reinforcement from the Radiation Safety Act 1975. Section 32(2) states, in relation to the granting of licences, exemptions and the like, that the council may refuse to grant or renew a licence or exemption, or to effect or renew a registration, if the council is not satisfied that the radioactive substance, irradiating apparatus or electronic product is likely to produce a positive net benefit having regard to the potential hazard of a nature such as to justify its use.

Contained within the Act are the clues for the Radiological Council and legislators as to the way beneficial use should be understood. That should remove the concerns of any legislator about the meaning of the words chosen. I do not have the answers to the questions raised about the regulatory effect of this amendment. I would be surprised if the effect were to remove the powers of the Parliament to do what is clearly intended; that is, prohibit the storage of nuclear waste. That is the clear intent of the legislation. It would be absurd if, somehow or other, somebody could interpret that the Bill does the opposite. I cannot see that, but if members have some way of taking me through the argument to convince me, I will listen. I have not yet been convinced.

Hon NORM KELLY: To my mind the main part of the argument relates to proposed section 41A of the Radiation Safety Act. Proposed subsection (2) states that approval by both Houses of Parliament is related to nuclear waste. That is why so much emphasis will be placed on getting the definition of "nuclear waste" correct.

Sitting suspended from 6.00 to 7.30 pm

Hon NORM KELLY: Some members probably want me to elaborate on the remarks I was making prior to the suspension, but I want to make it clear that this amendment may subvert the original intent of the Australian Labor Party's Bill. The ALP says it wants to give Parliament the right of scrutiny. However, by virtue of later clauses in the Bill, the Democrats are concerned that this amendment will be contrary to the ALP's intention. I would like the ALP to seriously consider this.

I understand a deal may have been done by the ALP and the Government. Although I appreciate that that was in the interests of getting the best legislation, they should seriously consider the impact of the amendment, unintended though it may be.

Hon TOM STEPHENS: It was not a deal. Deals are things that Democrats or Independents do. The Labor Party discusses issues and arrives at well thought out positions! They are totally separate things.

Essentially, the Government put its view to the Opposition about a way to rewrite this clause. It made available its expertise and in discussions that took place with the Opposition and during the dinner adjournment, I heard propositions from my colleague from the Greens (WA), Hon Giz Watson, and her esteemed and valued adviser, Robin Chapel, whose views I

understand and appreciate. I also heard the views put by a group of officers from government, the Radiological Council and others, whose roles in government I do not fully understand. One of the phrases I found most illustrative was that those officers, particularly those from the Radiological Council, have been "wrestling with the definitions and clauses in this legislation". They start from the premise of trying to do the right thing by the aspirations of all of us to produce a certain outcome; that is, the prohibition of Pangea Resources Australia Ltd, or any similar organisation, establishing a nuclear waste dump in Western Australia. Using their best endeavours they have provided a phrase that is in my amendment. They candidly said that perhaps it is not the be all and end all of producing the guaranteed and certain outcomes people are seeking. However, the amendment amounts to the honest efforts now before the House. Nobody is disputing that our endeavours are not to honestly achieve the same objective nor that it is being compromised by the words before the House, at least from the Radiological Council and the other people surrounding the Government in defence of the clauses the Opposition has embraced.

I will defend the Labor Party's position in support of the Government's amendments. I would be delighted if the minister took primary responsibility for defending it.

Hon Mark Nevill: You two are being very familiar; and I don't like it!

Hon TOM STEPHENS: Given another opportunity, we will be dusting one another up in double quick time!

A set of amending words has been provided by officers who are using their best endeavours to accommodate the goal of the Labor Opposition and the declared intentions of the Government and the minor parties. In the face of that we should try to advance this Bill.

Without authorisation - nonetheless on behalf of my colleagues - I make the commitment that if, once enacted, this Bill was found wanting in the area highlighted by the Greens and the Democrats, the Labor Party would use its best endeavours to expedite the necessary amendments. The question would be whether the Government could accommodate that undertaking from the Labor Opposition.

I have said enough. I will be delighted with what the Leader of the House is able to say more elegantly in defence of the words in the amendment. Those words are in my name because the Opposition accepted the Government's advice. If I have failed in adequate defence of them, I hope the Government will do better.

Hon N.F. MOORE: I find myself in an extraordinary situation tonight; that is, I agree entirely with the Opposition! It is a serious worry for me, but those are the facts of the matter! As the Leader of the Opposition has clearly explained, a Bill was introduced in the Assembly which was inadequate in a number of aspects. The Government made a number of amendments which were acceptable to the Labor Party.

The Bill has arrived in this House and amendments have been moved by the Greens and the Democrats to change certain aspects of the definition of nuclear waste. Earlier, we sat down with the officers involved in this matter and tried to work out a solution to the problem. The words provided by the officers concerned are the words in the name of Hon Tom Stephens. That is not a deal in the most tawdry sense of the word. It is interesting that I have used the word "tawdry" twice today. However, the Labor Opposition and the Government have sought to reach common ground on this Bill, as we have from the very beginning, to make it work better. At the end of the day we are trying to achieve the same end; that is, to stop Pangea Resources from establishing a nuclear dump in Western Australia.

If the Greens want to stop cosmic radiation and the rain coming down tomorrow, they can introduce legislation in here to do all those things. The bottom line is that, in respect of this Bill, we have sat down with the Labor Party, whose Bill it is, and said that we believe it will be better if it goes down this path in terms of the amendments we have put forward. We believe that the definition of "nuclear waste" with the new substituted words will make it work better. It is accepted that some nuclear waste has a beneficial use ultimately and can be preserved for that beneficial use. However, we are giving the Radiological Council the capacity to make those sorts of judgments.

Hon Mark Nevill: You are giving the Radiological Council a job it will never have to do.

Hon N.F. MOORE: I am sure the member is right. As Hon Mark Nevill quite rightly points out, most of this Bill is about trying to stop something which will not happen anyway, and everyone knows that to be the case. If members want to spend all night trying to score political points and being greener than someone else, they should keep arguing the point about every little pedantic thing and we will sit here all night and wait until it happens. At the end of the day, the Leader of the Opposition, in consultation with the Government - it was not a deal - and using the best advice we could obtain, has put down the terminology used in that clause.

The member has some concerns about other clauses which should be dealt with at that point. As far as the Government is concerned, the words that have been determined here are most appropriate in the context of this Bill. I repeat: We are all on the same side. We all voted for the second reading. We are all seeking to achieve the same end, which is to prevent Pangea Resources or any other organisation from setting up a nuclear waste dump for overseas nuclear waste. Members must remember that some nuclear waste is already produced in Australia. We have a responsibility for that and it is generally accepted on both sides of the House to be our responsibility. In respect of anything coming from outside Australia, we are seeking to prevent that happening, and we believe this Bill will achieve that end. Not a lot of point can be achieved in arguing pedantic issues on every clause all night, when there is agreement that this Bill must be passed quickly.

Amendment put and passed.

Hon NORM KELLY: The reason for my next amendment is that, in my discussions with the Government's officers, it was

drawn to my attention that in subclause (d) of the definition, which states "except for any radioactive substance which has been . . . used under a licence", etc, it would not include materials coming into Western Australia that had not, at the stage of entry, been used under such a licence. My amendment would ensure that it covered those materials which would be coming in on the expectation or after the granting of a licence but prior to any actual use under such a licence. Given that the House has accepted the Labor Party's amendment to subclause (b), I believe that this amendment would still be in order and would be beneficial to the overall definition of "nuclear waste". I am happy to listen to any arguments otherwise. However, as such I would first like to hear any comments from the ALP about this.

Hon TOM STEPHENS: I cannot see any benefit from the acceptance of the Democrats' amendment. None springs to mind from reading the plain meaning of the words. I was hoping to find some argument in its support, but it was not my intention to accept or support the Democrats' amendment. I see no reason that I should or would support it.

Hon GIZ WATSON: I move -

Page 2, line 13 - To delete "generated" and substitute "produced".

The reason for this amendment is that there is a difference between the meanings of "generated" and "produced". If uranium were mined in this State, it could be argued that that material had been generated in Western Australia. If that were the case, clause 3(c) would give an exception which would allow a company such as Pangea to import material into Australia. The difference with the word "produced" is that it implies some industrial or production process that changes the nature of that material. Therefore, I seek the support of members to clarify the definition of a material that is generated; that is, if something is mined here, it can be defined as having been generated in this State. However, if it is produced, it has gone through some sort of transformation process involving a chemical or production process. I seek to make that clarification to avoid the possibility that the argument could be put that, if mines in Western Australia generate uranium, and that uranium is exported and turned into fuel rods and then comes back into the State, that material was generated in Western Australia.

The CHAIRMAN: I am interested to hear the response of the Leader of the Opposition, because I am considering whether this amendment is in order and whether "generated" and "produced" are not synonymous. I am not convinced by that argument that they are not.

Hon TOM STEPHENS: The Labor Party is of the view that it was appropriate to take a word that was found within federal legislation when dealing with issues of radioactivity. It was on that basis that the word "generated" was found within the national legislation that deals with radioactive issues. It was from that legislative framework that the Bill drew this word. I hope that the Chairman finds the member's word out of order and, therefore, I do not have to argue any more strongly than that. If he does not, we would prefer to and intend to stick with the word that we have taken from the national legislation. Mr Chairman, I do not know whether you are intending to rule on this question at this point. Should I wait for your ruling before I move my amendment?

Ruling by the Chairman

The CHAIRMAN: The Leader of the Opposition has asked for my ruling. I rule that, in the ordinary meaning of the word in the context in which it would appear in this Bill, "generated" is synonymous with "produced" and I find the amendment to be out of order.

Amendment ruled out of order.

Hon TOM STEPHENS: I move -

Page 2, after line 24 - To insert the following definition -

"Radiological Council" has the meaning given to it by section 13 of the *Radiation Safety Act 1975*.

Amendment put and passed.

Hon GIZ WATSON: This clause is the key to the Bill. The Greens (WA) still argue that it leaves a fundamental hole in the legislation. We have argued that the best way to deal with the definition of nuclear waste would be to define all imported radioactive material and then provide exclusions for the material currently imported into the State. I have had this conversation with various representatives who have argued that that would be too difficult and that it would produce a schedule with thousands of items. I do not agree with that. This change would have very succinctly provided a definition that would have satisfied our concerns. The Greens do not support the clause as it stands and it is the fundamental problem with this Bill. I hear from members of the Government and the ALP that they are very keen to pass this legislation; I am very keen to get it right. Unlike other members, I have been arguing for this legislation for 12 months. If this Bill is passed as it is, it will still have a major loophole.

Hon TOM STEPHENS: The Labor Opposition does not agree with the member. This Bill does the job; it closes the loopholes that the community wants closed. We are confident that this Bill will accommodate the views of the community, the Labor Opposition and the Government. The desire is to prevent overseas radioactive waste finding a home in this State. I will not question the member's bona fides on this issue; I have come to respect her representations in this Parliament as always being genuine. We simply do not agree on this occasion. On that basis, the Labor Party is delighted that the clause has been amended as it recommended and hopes that the Bill will now be passed.

Hon NORM KELLY: This clause as amended is stronger than the original clause. It strengthens "further use" to require "beneficial use". It also means that, rather than being argued through the court system, the issue will be determined by the Radiological Council, which has more expertise in these areas. However, it is still not the strongest possible definition. I am disappointed that other amendments were not supported and that other alternatives were not pursued.

Clause, as amended, put and passed.**Clause 4: Objects of Act -**

Hon GIZ WATSON: The Greens were surprised that this Bill did not seek to prohibit transportation of nuclear waste through the State. It seeks to prohibit the establishment of a nuclear waste storage facility or the use of any place in the State for the storage or disposal of nuclear waste. This is another fundamental problem with the Bill and it indicates the political impetus to have the Bill passed very quickly. As much as we have argued publicly that there is a need to have legislation in place as soon as possible, this suggests that it was unwise not to refer to the transportation of imported nuclear waste in Western Australia.

The Pangea proposal, or as much as we know of it, includes an option for a port on the south coast. We know that the geological structure the company is interested in extends into South Australia. Even if the Bill is passed, the company could still transport material through the State from a southern port. The fact that this Bill does not prohibit transportation is another major flaw. I will be looking at legislation in the near future to amend existing transport legislation to prohibit the transportation of nuclear waste material through the State.

Clause put and passed.**Clauses 5 to 9 put and passed.****Clause 10: Consequential amendments -**

Hon NORM KELLY: I refer members to proposed subsection 41A(2) of the Radiation Safety Act, which refers to authorisations relating to nuclear waste requiring parliamentary approval. Does the Australian Labor Party accept that, with the new definition of nuclear waste, this is a weakening of the Parliament's ability to scrutinise any authorisations granted by the Radiological Council because it can now determine that such material may have a beneficial use? The Radiological Council's position on the matter may preclude further scrutiny by Parliament.

Hon TOM STEPHENS: No, it is not; it should not be that way. The Labor Party drafted this clause, which is intended to do the opposite to that which the member suggested might be the case. Therefore, when the Radiological Council looks at its riding instructions, it has the statute and the plain intention of the statute as spelt out and now this committee debate on the clause, which clearly indicates that this is not intended to be a weakening of the legislation nor is it to give the council the opportunity to thwart the intention of the Government, the Parliament and the community. This is the statute under which it will operate and that is the meaning of the clause. It is not intended to weaken the restrictions, but to specifically and explicitly ensure that overseas nuclear waste such as that proposed for storage in Western Australia by companies such as Pangea cannot be redefined in any way.

I gather that the Radiological Council has tackled this specific question that Hon Norm Kelly has raised. During the suspension, people from the council described to us the discussions that have taken place among themselves, when people have played the devil's advocate and they have worked on these issues. They gave us some good illustrations of the way they operate when determining questions like this. A good example was given of a company seeking to use X-rays of its workforce when it was faced with the security problem of how to protect its diamond produce on mine sites. A good way to check whether the workforce was pinching the diamonds was to X-ray the workers. The Radiological Council looked at the statute book and the questions of benefit, and it came to the conclusion that the narrow economic questions could not prevail. It had obligations to accommodate the wider community benefit, including the health of the workers. Therefore, the Radiological Council made its determination, and the company did not get permission to use X-rays in the normal course of events for checking the security of its diamond operations. The Radiological Council abided by the obligations imposed upon it by the statute books of Western Australia to look after the community benefit.

In this instance, the Radiological Council is being charged with the responsibility to keep out nuclear waste in response to the objectives spelled out for this Bill during the second reading debate and now in consideration of this clause in the committee stage. Hon Norm Kelly has legitimately raised the question at this time during the committee debate. The Radiological Council will come to understand what this clause means. It is not to protect the council from subsequent parliamentary scrutiny or disallowance on this issue so as to give it the freedom to do that which would be the opposite intent of the Bill. The intent of the Bill is clear. The instructions to the Radiological Council are clear from the second reading speech and from the consideration of this committee. It should not do otherwise. If it does, first, it will breach the law; secondly, if by any chance someone finds that the council has not abided by its instructions, presumably the Parliament will rush back in double-quick time to make sure that it has not done that which Hon Norm Kelly suggests might still be potentially on offer, on a reading of this clause.

Hon NORM KELLY: As I said, I do not have a problem with the expertise and the work of the Radiological Council. I am referring to the position of the Parliament under this Bill. Despite the best intentions of the Radiological Council, it must be remembered that the definition says that no beneficial use is envisaged. That is important. Even a modicum of beneficial use could be enough to negate any possibility of material being regarded as nuclear waste. I am concerned that to a certain extent the Parliament has been played out of the process under this Bill. I fully appreciate that Parliament will be very much involved if it comes to taking further action in the future to close any possible loopholes. However, it is important to point out that as a result of the amendments that have been made tonight, to a degree - it is hard to say whether it is significant or not - we have weakened this provision.

Hon GIZ WATSON: I refer to proposed section 41A(2), which deals with the fact that the intention of this Bill is to allow both Houses of Parliament to approve or reject any decision that the Radiological Council might make in respect of a waste

that it has defined. Although I understand that the intent of the Bill is to give the power to ultimately make that decision to both Houses of Parliament - that is certainly what the community is expecting under this legislation - there is a fundamental flaw with that, because if the Radiological Council does not define a material as waste, the matter will not come before both Houses of Parliament.

I have had many discussions about that aspect of this Bill. It is not correct that this Bill leaves the decision making about importation of nuclear waste in the hands of both Houses of Parliament. The decision about what will be defined as waste under this Bill rests with the Radiological Council. That council is appointed by the Executive. I am not casting any aspersions on the qualifications, the ethics or whatever of the Radiological Council. However, members must be aware that if a material is not defined as waste, then the decision for parliamentary approval or otherwise does not arise. That is a problem. That is one reason that I have been saying over the past several hours that we need more time to thrash out this issue, because I am sure that the expectation of the community will not be fully realised in this Bill.

Clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [8.08 pm]: I move -

That the Bill be now read a third time.

HON NORM KELLY (East Metropolitan) [8.09 pm]: I will make a couple of quick comments. Although I realise that members want to progress legislation quickly, I think it important that we do spend what members believe is adequate time making sure that we make the Bill as strong as possible and that loopholes are closed. We have had a multipartisan intent and desire to achieve those aims. I appreciate that the Australian Democrats' ideas of what is the strongest possible legislation were not agreed with.

With the Bill about to be passed, it is important to highlight that the public of Western Australia should not be complacent in keeping up a guard against the proponents of nuclear storage facilities, because Pangea Resources' bank accounts are big and it has a long-term interest in securing a site.

Comment was made in earlier debate about transportation of nuclear material through Western Australia to South Australia, and I urge members to urge their South Australian colleagues to support the South Australian Democrats' Bill, which will have the same basic effect as this Bill, although be a little stronger. By doing that they would close a significant potential for Pangea Resources to still establish itself in Australia.

The Democrats are not totally happy with this Bill, and members and the public of Western Australia must be clear that any future Parliament can undo this legislation just as easily as we are about to pass it tonight. That is the reason Western Australians must be forever vigilant in their opposition to this proposal. I look forward to the Government supporting the overwhelming majority of the public of Western Australia on other important environmental issues, which so far it has not done.

HON N.F. MOORE (Leader of the House) [8.12 pm]: It is the Government's intention and, I understand, the intention of all parties in this House to pass legislation that will deal with the fundamental problem of the subject of this Bill. It is the responsibility of the Government to put in place the best legislation possible. It would be easy to whack through a Bill which suggested that we would ban everything but meant nothing, and did not take into account the practicalities of what we are seeking to do; a Bill which might make people feel good but not achieve the result that we all desire.

This Bill was introduced by the Labor Party and has been amended by both Houses. It will achieve the purpose for which it is intended, taking into account the reality of life out there and the practicalities of living in Western Australia at the present time. It would be a sad day if tomorrow the Greens decide to say that Parliament has made a mess of this and has not achieved what it set out to do and that Pangea is coming to get us and the Bill will not stop it. I would be sorry about that because that would be untrue. I assure members - and the Leader of the Opposition has said a similar thing - that if anyone can show that this Bill will not do the job, or if circumstances arise in which it is found not to be doing the job, we will be as quick as the Labor Party to come back here to amend it. That is our intent. The obligation on the Government is to make sure that the Bill is drafted correctly and appropriate, and deals with the issues, circumstances and practicalities of the way in which things operate in Western Australia. If it transpires that the circumstances we believe we are prohibiting look as though they are about to arise, we will be back here very quickly to make the necessary amendments to the legislation. I hope that is understood by those who might seek tomorrow to try to score some political points on the basis of a small technical problem in what is essentially a Bill agreed to by all parties in this House.

HON GIZ WATSON (North Metropolitan) [8.14 pm]: The Greens (WA) are of the opinion that there are still flaws in this Bill. We are left with a choice of supporting a Bill that has problems or not voting for it. We welcome this legislation. Ours was the first party in this State to have argued the need for similar legislation. We are therefore pleased to see this legislation presented to the Parliament.

Hon N.D. Griffiths: You are rewriting history.

Hon GIZ WATSON: I am sorry, but we were the first party to make this an issue in this State.

The PRESIDENT: Order, members! I am trying to listen to the Hon Giz Watson who, like me, cannot comprehend the interjections.

Hon GIZ WATSON: The issue affecting the Bill in the past few days is partly to do with the vagaries of the timing of legislation going through this place, but I must say I was exceedingly disappointed with two things. One is that the Labor Party would not even consider adjourning the committee stage of this debate for 24 hours to allow further consideration of the Bill. The second is that I was exceedingly disappointed that the Leader of the House felt it necessary to approach me before we started this evening's debate and suggest I keep my points brief because he did not want to have the House's time wasted on pedantic issues.

Hon N.F. Moore: That conversation was held behind the Chair and if you want to bring that up all I can say is that I will never talk to you privately again.

Hon GIZ WATSON: I raise this matter because I believe that I am succinct in my comments and do not waste the time of the House.

Hon N.F. Moore: You know as well as I do that you can take as long as you want on any Bill.

Hon GIZ WATSON: Despite the suggestion that I should keep my comments brief, I intend to keep them as long as is necessary. I find it extraordinary, considering the importance of this Bill, that there is a suggestion that we are prolonging this debate longer than necessary.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [8.17 pm]: The Labor Party is obviously pleased to be the sponsor of this legislation and to have achieved this result. We are pleased that we are joined by the Government in supporting our legislation and that the other parties have joined with us in general support of the legislation. We are sorry that the Greens (WA) members needed more time to consider the legislation. It was a question of the Parliament needing to seize the moment that was available. We have done that and the legislation is now about to be passed. It is not often in the life of a Parliament that non-government members get the chance to advance legislation through to the statute books, and the fact that the Labor Party has done it on this occasion is something of which we are proud. We are pleased to have had the support of other parties in helping us to achieve that objective. Tonight and tomorrow I hope that instead of being mean spirited about our success in getting the legislation on the statute book, members will take some comfort from having participated in this process and give due credit to the Labor Party for having pulled off this legislation. As a result the concerns of the community about the Pangea proposal can now be put to bed. This Bill, when enacted, will allay the concerns of the community.

Hon Norm Kelly: We had the motion on the books.

Hon TOM STEPHENS: We are talking about a Bill that was introduced by the Labor Opposition and advanced through this Parliament with the support of others.

Hon Norm Kelly: You conveniently forget about the original motivators.

Hon TOM STEPHENS: I am sorry that the member's fingerprints are not on this Bill, but his support is welcome. We are pleased that the Parliament has advanced legislation that achieves an objective that the Labor Party thinks is important in response to the community's concerns, which can now be put to rest.

Question put and passed.

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

FINANCIAL RELATIONS AGREEMENT (CONSEQUENTIAL PROVISIONS) BILL 1999

STATE ENTITIES (PAYMENTS) BILL 1999

Cognate Debate

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

That leave be granted to deal with the Financial Relations Agreement (Consequential Provisions) Bill 1999 and the State Entities (Payments) Bill 1999 cognately.

Second Reading

Resumed from 20 October.

HON N.D. GRIFFITHS (East Metropolitan) [8.21 pm]: There are two Bills before the House; the State Entities (Payments) Bill 1999 and the Financial Relations Agreement (Consequential Provisions) Bill 1999. As just decided by the House, the second reading stages of these Bills are to be dealt with cognately so I propose to deal first with the State Entities (Payments) Bill 1999 and my comments on that Bill will be brief. Currently, some state government agencies pay wholesale sales tax equivalents to the State Government. Under the proposed arrangements they will no longer make wholesale sales tax payments but rather will make goods and services tax equivalent payments to the Commonwealth Government. I note that that is in the context of section 114 of the Constitution and section 5 of the GST imposition Acts which preclude the Commonwealth from imposing a tax on the property of a State. In dealing with this Bill I note that this is yet another instance of the so-called states' rights Liberal Party selling out the interests of the State of Western Australia to the federal Liberals with the assistance of their bedmates, the Australian Democrats.

I now move to the substantive Bill, the Financial Relations Agreement (Consequential Provisions) Bill 1999. This Bill has a very interesting long title. The Bill is to do primarily with the implementation of measures described in the intergovernmental agreement on the reform of commonwealth-state financial relations and for that purpose, as the long title relates, it seeks to amend a number of Acts relevant to state taxation and to repeal one Act. The relevant agreement is set out in the schedule to the Bill. That matter has been dealt with elsewhere in some not inconsiderable detail. I note that those who espouse the cause of this House say it is a House of Review. I do not propose to go through matters dealt with elsewhere and I am not alluding to debate elsewhere in saying that, Mr President. I am merely pointing out that I do not want to engage in a process of repetition in engaging in a process of review. However, in dealing with the Bill it will be necessary for me to touch on some matters which commentators have dealt with in another place, if I may put it that way, but that will not be inconsistent with the review process.

In that context I will make some general observations. First, the Australian Labor Party is opposed to the regressive goods and services tax. There are some superficial benefits which regrettably have been polluted by the grandstanding Australian Democrats-Federal Liberal Government deal which has substantially got rid of the surplus gained with so much pain, a deal which got rid of much of the simplicity that the regressive tax would otherwise have imposed. Of course, those benefits are superficial because one must consider the context of the tax with respect to society as a whole. It is regressive. I do not want to continue with that point because it has been said many times elsewhere and I am trying to have this House operate to a degree as a House of Review. The Australian Democrats and the Greens (WA) are not parties of government; it is a House of Review and not a House of alternative government, so for a change and to the extent I am able I want to review and make some points which have not been made elsewhere. In passing, and before I conclude my general observations, I note that this goods and services tax taxes services and as such puts a damper on the expanding section of the economy. I know there are arguments to the contrary but that is what it is. It is a damper on economic activity.

Everybody has heard the proposition that the GST and the arrangements relating to it will be an enormous cost to business, particularly small business. Those costs relate substantially to compliance and the setting up of the compliance arrangements. That is illustrated by what the State of Western Australia must do. With respect to its various agencies the State of Western Australia is required to undergo a number of activities. I make reference to the Treasury's guide to the implementation of the GST for public sector agencies. That guide makes a number of observations about what the Treasury will do to help agencies of the Western Australian Government. I wonder how many small business people will get similar aid. I wonder how many medium business people will get similar aid. Members will be aware of the changes which have occurred in the work force and the economy of Western Australia over recent years, and that many people are entering the ranks of small business. I note that Treasury will be providing assistance to agencies and that assistance will include education and training. Small business will not have that assistance unless it pays for it through the nose. Treasury will provide general information and advice on GST implementation. There will be a liaison role between agencies and the Australian Taxation Office for information, rulings and advice. The average small business person will have to get out there and do it himself, and every time he does so he can thank the Democrats and their bedmates, the Liberals. Treasury will research opportunities to reduce taxation liabilities on behalf of government agencies.

I wonder whether Senator Andrew Murray will research opportunities to reduce taxation liabilities on behalf of the small business people he purports so falsely to represent; research opportunities to minimise adverse cashflow effects and advise agencies accordingly; and deal with a process of common contract information implementation. What is happening for small business in respect of that? The Treasury has a program to implement these measures so that public sector agencies are looked after with respect to the GST. However, what is happening to the business community of Western Australia? What is happening in respect of the GST to the significant employer of Western Australians? How will it manage? Does it have a well thought out program presented to it by something akin to the Treasury? The Treasury says state government agencies should appoint a GST coordination officer. "Hello small business, do you have one of those?"

It next suggests that agencies should undertake project scoping, planning and identification of GST issues, determine administration changes, implement a project, evaluate, test and review compliance. The Treasury has required public sector agencies to deal with those matters in detail and it warns of the dire consequences of non-compliance. It warns of even more dire consequences for small business. The Treasury says that if GST implementation activities are not completed successfully, agencies face risks. These are the risks of the Liberal-Australian Democrats' GST. Apart from the regression, apart from grabbing more tax dollars from the everyday Australian so that those who really can afford to pay do not pay tax, what the Democrats and the Liberals are about is looking after big business at the expense of Australians. The Treasury warns that one of the risks is that GST returns to the Australian Taxation Office may not be calculated correctly. The Government must have a special program to do this for its agencies but what about small business? Guess what happens if that is not done? The Treasury warns that it can result in substantial taxation penalties of up to 200 per cent of the tax underpaid, as well as costing agencies up to 10 per cent more in purchase costs if the GST is not refunded. Another risk is that GST returns may not be lodged on a timely basis. Another risk is an incorrect calculation and charging of GST on agency sales. We saw today how the Minister for Justice had presented to him almost half a million dollars of unaccounted expenditure to which he did not have much of an answer, because he knew about it the year before when he told the ministry to get on with the job of fixing it. However, it still had not been fixed. The Minister for Finance and I would have no trouble dealing with that matter but it seems the Minister for Justice had trouble with it.

I make the comment through you, Mr President, that these warnings of Treasury are appropriate but, as it points out, they could result in losses to agencies as the liability to pay GST remains, even if the tax has not been charged to clients. Members should think about how often that will occur in small business. These are the words of Treasury warning those who do not pay out of their own pockets that small business will be affected, and will be affected in a big way. There will be problems also with the classification of supplies that are taxable or non-taxable. It sounds almost complex. It was no

problem to a Democrat or a Liberal but Treasury is worried about this resulting in agencies overpaying - that is nice to hear - or underpaying tax. Then there is a problem of over or under claiming input tax credits and the pricing of contracts that span the implementation of GST not being sufficient to recover the GST cost if the GST is not factored in. We have seen what that is doing to insurance premiums right now; insurance companies are factoring into premiums a GST component. People are now paying for the GST although we were told the GST would not be law - and it is not law of course - and would not be implemented until 1 July next year but people are paying the GST now.

Hon Max Evans: On a pro rata basis for next year.

Hon N.D. GRIFFITHS: That is right. They are paying it in their insurance premiums and every contract entered into which goes over 1 July. There has been a bit of legislation by media release, which seems to be the method of government in the last quarter of a century, disgracefully so, but there has been pre-empting and profiteering too which the Opposition will deal with down the track when we debate the next Bill.

The following comments by Treasury are interesting with respect to government agencies and are relevant also to business: The Australian Competition and Consumer Commission will monitor prices and can take legal action against businesses, including government enterprises, that take pricing decisions in a manner inconsistent with national tax reform. What a misnomer the words "tax reform" are when applied to this legislation. Penalties are as high as \$10m. Those are therefore the risks that small business along with government faces generally. What is true of government with respect to these measures will be true of the private sector. In implementing those measures, the State will be up for significant costs, as will private industry. Those costs were outlined in tabled paper 167 in answer to a question I asked of the Minister for Finance on 16 September. I remind the House of the administration costs of the GST to the Government - to the people of Western Australia. These are estimates of course but, having noted how things have been going in recent years, no doubt they will blow out - in 2000-01, \$81.2m; 2001-02, \$35.9m; 2002-03, \$35.1m; and 2003-04, \$36m.

They are significant costs to the State Government. I suggest that we can extrapolate from that that they are significant costs to private industry. This is a coalition Government. Basically it is a Liberal Government. It has puppy dogs' tails at the end of it. I will not talk about its presence, or lack of it, in the Chamber at the moment. This is a Liberal Party tax, with the Australian Democrats trying to make themselves relevant. Their definition of relevance is to appear in the newspapers. They will appear as a footnote in the history books, and probably much sooner than later, because their pollution of fair play is a result of their role in the implementation of these tax measures.

I happen to think a lot is to be said for our federal system. In the major areas of domestic policy, the Federal Government has a significant role, but for the implementation - in a police context, the operational matters - the best method of government in Australia is that provided by good working State Governments. From time to time, we have had bad State Governments; however, we cannot beat a good State Government. I am not knocking local government, but as a Western Australian, I believe government from Canberra does not work particularly well. I might be wrong in that, but if I am, I am wrong in common with most people in Western Australia, irrespective of whether they vote Liberal, or Labor, or whatever. In that context, we have an ideological Western Australian Liberal Government giving away its tax base, its financial independence, to Canberra, even more than it is already gone, save for what occurred in 1942. I have thought about this matter. Figures have been talked about, but I think I should place on the record some figures just to point out what this agreement means to the tax base of Western Australia.

The PRESIDENT: Order! Is the member talking about the intergovernmental agreement?

Hon N.D. GRIFFITHS: I certainly am talking about the intergovernmental agreement. The Bill will implement that agreement.

The PRESIDENT: Order! I know what the Bill is about. I just wanted to make sure that is what the member was talking about.

Hon N.D. GRIFFITHS: Mr President, you should know that you do not have to ask me that.

The PRESIDENT: Order! As long as the member and I agree, that is all that matters.

Hon N.D. GRIFFITHS: Mr President, invariably you and I agree, and when we do, the world is a happy place and it will remain so, save for the effects of this legislation which will make it less so. I refer to tabled paper No 167 headed "The Impact of Tax Reform on Western Australia's Finances". It sets out the total state revenue forgone under the package. At the same time I will refer to the estimates of the consolidated fund revenue on page 128 of the budget paper No 3. I have a lot of respect for those professional officers who work for the State, and I am sure they would not get it wrong; however, knowing this Government's practices, its estimates sometimes turn out to be guesstimates. The purpose of the exercise is to note how the so-called Liberal States' rights propaganda has been given to Canberra in pursuit of its doing dirty deals with Australian Democrats and other ideological fences, to make sure the rich do not pay their fair share of tax.

The budget was brought in without the goods and services tax. Let us look at the state revenue. In 2000-01, the forward estimates - I will refer to these figures in millions of dollars; I am not one of these supercorporates; I am not a slave for the supercorporates; I try to stand up for the other people - state that the State Government revenue is \$4 276.311 m. The amount forgone from its revenue base for 2000-01 was \$2 369.8m, according to tabled paper No 167, provided by the Minister for Finance in answer to a question by me on 16 September 1999. I am rounding off the figure; if I get it wrong, no doubt somebody will point it out to me and I will correct it tomorrow. The State was giving away 51.4 per cent of its revenue base.

For the next year, the forward estimates say that the State will receive in revenue \$4 499m - I was going to forget about the \$266 000, but now I have mentioned it I will not. The amount to be forgone is \$2 648.8m. In the next year of the GST, the

State will give away 58.87 per cent of its revenue base. We might as well close up shop at this rate, but it gets worse. In 2002-03, the forward estimates of the consolidated fund revenue say that we will get \$4 637.287m. This State will forgo \$2 773.3m. We have given away 59.8 per cent of our revenue base. The budget did not go past that, but I note in the following year we give away \$2 884.2m. As I said, these figures are quoted in the forward estimates and tabled paper No 167. I lay claim to working out the percentage, and if I am wrong, I blame my calculator!

The PRESIDENT: Order! It might be handy for the Hansard reporter to be given the figures.

Hon N.D. GRIFFITHS: Certainly. I read a potted biography of the late Hon John McEwen, "Black Jack" McEwen. It was said that he spoke very fast and used a lot of figures, and the general public thought he was a man who remembered everything. He spoke so fast that in those days in the Commonwealth Parliament nothing was taken down, and Black Jack used to hand in the speech afterwards, and he might or might not have read it.

Hon Bob Thomas: It is a true story.

Hon N.D. GRIFFITHS: It is but that is not what I have done. As the President has pointed out, I have handed those matters to the Hansard reporter. I now move to another aspect of the effects of the implementation of the intergovernmental agreement. It is not something that has been touched on, I do not think. If it has, it has gone by relatively unnoticed. Some months ago I raised a question with the Minister for Finance on one aspect - the effect on the motor vehicle sale, hire and lease industry.

I also dealt with it in passing in a debate on the Matrix Group Ltd contracts in an urgency motion moved by Hon Ljiljana Ravlich some months ago. I want to deal in a little more detail with that significant area of our economy to do with the sale, hire and leasing of motor vehicles. From press articles, anecdotal statements, and discussions with people involved in the trade, I believe that sales are down by around 20 per cent. I do not know for a fact whether that is the percentage, but sales are down across the board irrespective of the activity. Some areas are better and some are worse. Very few are better and some are dramatically worse. This presumably would have an effect on stamp duty receipts.

Hon Max Evans: From memory, stamp duty receipts were okay.

Hon N.D. GRIFFITHS: The Minister for Finance quite properly interjects and says that stamp duty receipts are okay. That is because the goods and services tax is factored into insurance policies and the like. Workers compensation premiums and prices are going up because of what is occurring in our economy as a result of federal Liberal policies, not the least of which is the GST. Stamp duty receipts on motor vehicles are down because of the decline in activity. There is a distinction between the overall stamp duty receipts, which the Minister for Finance answered in a question to me last week, compared with stamp duty in the particular area of activity that I am dealing with here. That area of economic activity is hit particularly hard because of the market expectation of what will occur as a result of the GST. Clearly sales tax on motor vehicles is at a particular level and the GST is at a significantly lower level. Market expectation of prices on the implementation of the GST is that prices of motor vehicles will fall whether new or used.

A significant sector of the economy is looking at something that is coming into operation on 1 July 2000. It has been aware of it since the dirty deal between the Australian Democrats and the coalition Government. It could have seen it coming before that, but it has been aware of it for some time. It is suffering lingering pain with a drop in sales with employment and income consequences to business with the obvious hardships that occur as a result of that. That impact is greater on motor vehicle hire companies, and I will refer briefly to a document headed "GST and Motor Vehicle Hire Car Companies Issues". Companies which deal with motor vehicle hire and leasing are at the cutting edge of the effects of the GST and they have not been given proper consideration. They are people in business. They want to employ people. They want to make a quid and they want to get moving. They are in a perfectly proper and legitimate activity. Whether one agrees or disagrees with the GST, the proposition I am making is not as a result of the arrangements to do with this Bill. These people are hard done by, and the State Government is joining with its cousins in Canberra and not doing the right thing. Their problems are in two parts: The first I mentioned a few moments ago; namely, the market expectation, which is a significant reduction in the value of vehicles in the rental fleet which will occur at the time of the introduction of the GST. The market is leading the way and there is already a reduction in the values. Second, a significant double taxation is resulting from the GST. The document to which I referred earlier reads -

Double taxation will apply to hire vehicles acquired prior to the introduction of the GST because GST will apply to the rental of the vehicles after 1 July 2000 but no input tax credit will be available for the sales tax paid (or part of it) on the vehicles at the time of purchase;

There will be double taxation applied to hire vehicles acquired during the first two years of the GST because GST will apply to the rental of the vehicles after 1 July 2000 but no or only half of the input tax credit will be available for the GST paid on the vehicles at the time of the purchase;

This is what happens when one engages in populist deal making rather than policy.

To continue -

There will be double taxation applied to any disposals of hire vehicles after the introduction of GST. GST will apply to the sale of the vehicles after 1 July 2000 but no input tax credit will be available for any sales tax or GST paid on the vehicles at time of purchase.

The intergovernmental agreement which is enshrined in this Bill, which sets out the dirty deal, did not think about that pretty important sector of economic activity. Frankly, the further away one is from Perth the more that people rely on off-road

vehicles and the greater the impact of the GST. I am facing members who represent areas some distance from Perth. They may reflect on the use of four-wheel drive vehicles, particularly members from the Mining and Pastoral Region may reflect on when people hire, rent and lease four-wheel drive vehicles, what time of the year they do that and the effect that has on the businesses that play a great role in local economies. Why were the changes implemented by the intergovernmental agreement not brought in somewhat more smoothly for this sector? Why could the sales tax not be dropped below what it is currently, or why could there not be a refund of sales tax paid on the fleet as at the date of the implementation of the GST, or a full credit for input taxes on vehicles purchased after 1 July 2000? None of these matters was considered by the great economic managers opposite and their political playmates.

I am covering a number of issues which for the most part have been touched on but have not been dealt with in detail. The GST is already affecting the cost of insurance policies for the period after 1 July 2000, and this is affecting other areas, such as the value of property and the cost of repairs. The people who sell insurance policies are pointing out to policyholders that they need to increase the insured value of their properties because of the GST. The GST is already affecting people's everyday lives even though we are only a few months past the date of the dirty deal that was done.

One of the expanding areas of economic activity in Australia in recent times is the financial industry and the management of funds. Concern has been raised about the effect of the GST on the day-to-day activities of organisations. Outsourcing and not doing things in-house is becoming widespread in the private sector, particularly in large organisations. The outsourcing and contracting activities which this Government has fostered with its companion in the Federal Parliament, the Australian Democrats, through workplace agreements will be affected because when organisations move outside by outsourcing or contracting out, they must pay the 10 per cent GST. The ideological scribes have not thought that through very well, but good luck to them; I will be interested to see what happens.

I have read the second reading speech in some detail, and it has been the subject of detailed commentary elsewhere so I do not intend to go into it in detail. The Bill will abolish financial institutions duty from 1 July 2001. It seeks to amend the Fuel Suppliers Licensing Act 1997 to provide for the cessation of diesel fuel subsidies with effect from 1 July 2000. That is an arrangement where the Commonwealth will take over most of the off-road subsidies, and Western Australia's subsidies will cease in respect of diesel fuel from 1 July 2000. Some diesel fuel users who presently receive the state off-road subsidy will be worse off, because the expanded commonwealth rebate scheme will not be comprehensive. The rebate will not apply to diesel used in power generation, construction, manufacturing and recreational activities. Business users will have that offset by a reduction in diesel excise to make room for the GST. I understand that will cost Western Power about \$1m. Recreational users will not be able to claim an input credit for the GST component and will, therefore, face higher fuel costs.

I note what the second reading speech says with regard to payroll tax and stamp duty. This is not the original intergovernmental agreement but is the illegitimate or bastardised version, which will become law. The original intergovernmental agreement proposed to get rid of stamp duty, but because of the dirty deal, stamp duty for the most part will remain. Worse than that, we will have a GST, and we will also pay stamp duty on the GST. I want every person who pays that stamp duty on the GST to thank the Australian Democrats and the Liberal Party for that benefit. I want the Australian Democrats to be reminded of that, and I hope that when they get the opportunity of voting for that, they will vote for that, otherwise they will be people who say one thing and do another: Hypocrites.

The Bill also contains the pleasing matter of repealing the Tobacco Sellers Licensing Act 1975. The second reading speech concludes with the words -

. . . the scope of the changes proposed in this Bill will significantly alter the fiscal landscape of this State and, in conjunction with the intergovernmental agreement, will fundamentally redefine the financial relationship between this State and the commonwealth.

Alfred Deakin would have been a little more blunt than that. He would have spoken of chariot wheels. He saw 1942 coming. I do not know whether he saw 1999 coming. The state Liberal Party says send a message to Canberra about native title, or send a message to Canberra about something or other at the next state election, or some election down the track, as the Premier's daddy used to try to look for the straw man and knock him off. I have demonstrated how it has sold out the State's financial base. It is not just the raw figures. I refer to the South Australian Treasury analysis, for which we had to ask the Government. It was like extracting teeth. The Treasury, as the servant of the Government, cannot be blamed, but the Government did not want to own up to the degree to which it has betrayed the interests of Western Australia. I can well imagine Hon Norman Moore making similar comments years ago. I will be surprised if he does not vote against this Bill. I will vote for it, because Governments have the right to govern. The Australian Democrats do not care about the rights of the State of Western Australia, but I happen to think a viable State of Western Australia is very important.

The explanatory notes to the South Australian Treasury analysis state -

The estimates in the table are subject to revision based on actual outcomes and parameter changes (eg Commonwealth estimates of GST and other data, population, CPI, Commonwealth Grants Commission data, economic growth, etc).

It is not state data but commonwealth data. It states also -

The *Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations* provides for the possible abolition of a range of business stamp duties over time, subject to review by the Ministerial Council overseeing the Agreement on the affordability of abolishing these taxes.

Is not that set in concrete? The note on financial assistance grants reads -

The pool of financial assistance grants is increased annually for inflation and population growth, and allocated between the States on the basis of fiscal equalisation principles.

Who will be in charge of that? The notes indicate that growth dividend estimates are based on commonwealth Treasury forecasts. Who controls that? Saving from indirect tax reform estimates are also based on commonwealth Treasury forecasts. Members opposite claim to be States' rights defenders, but they are pretenders. What a joke! The note on conveyancing duty reads -

The Ministerial Council will by 2005 review the need to retain stamp duty on conveyances.

Forget about abolishing the Legislative Council; we may as well get rid of the entire State Parliament. The note on GST revenue reads -

National GST revenue growth in the long term is assumed by the Commonwealth to be similar to national economic growth.

I know that Hon Muriel Patterson is a great believer in States' rights. If she is, she will probably cross the floor and vote against this Bill. She and a couple of her colleagues need to come across or say no from that side! The note continues -

. . . GST revenues will be distributed between the States on the basis of fiscal equalisation principles.

Guess who is in charge of that? Further -

State shares of GST will differ from State shares of financial assistance grants because of the different size of the revenue pools, and changes in States' relative needs resulting from changes in tax arrangements and new expenditure responsibilities.

Are we going to say what Queensland gets? No, the Commonwealth will say what we will all receive. I have watched a few Premiers Conferences over time - for too long in fact, as I wish I were younger. We all know what happens. The table note on GST administration costs reads -

States will pay the Commonwealth for costs of collecting and administering the GST. It is assumed that States will pay their share of costs on the basis of population shares. The Commonwealth has estimated national costs.

I thought this report was prepared by the South Australian Treasury. It is great, is it not? It states regarding the first homeowners' scheme -

The estimates reflect ABS data on the share of first home buyers in each jurisdiction, and Commonwealth forecasts of the national cost of the scheme.

It reads regarding safety net revenue -

The estimates are based on Commonwealth forecasts of price and volume growth.

. . . debits tax will be abolished by 1 July 2005 subject to review by the Ministerial Council . . .

The note outlines regarding interest costs -

This item reflects the costs to the States from a different pattern of within-year cashflows experienced by the State after tax reform.

The Commonwealth will do the calculation, the administration and the distribution. This State Government has sold out the interests of the State of Western Australia.

HON HELEN HODGSON (North Metropolitan) [9.14 pm]: Members have heard the excellent contribution from Hon Nick Griffiths! The member believes that these measures already have Australian Democrats' support, and he is absolutely correct. I took the opportunity to sit in on the Standing Committee on Constitutional Affairs' consideration of these matters. I felt this would help ensure that no issues were outstanding. I appreciated the opportunity to participate in the committee, and I thank the chairman and other committee members for giving me leave to do so. However, I found through the process, although an excellent way of ticking off the provisions to ensure consistency, a couple of policy matters arose which I will address in my comments this evening.

I do not intend to go over the issue of GST per se. I note that Hon Nick Griffiths managed to range over a number of matters which are properly in the sphere of the Federal Parliament regarding the detailed implementation of the GST, and some associated potential issues. The Democrats are aware of some of these anomalies. We are concerned that as these anomalies arise, will the Australian Taxation Office at the federal level, over which we have no control, be able to deal with the volume of inquiries to be made? Someone who works in this area told me that the problem with the GST is that a small, dedicated group of officials in Treasury and the ATO - I am sure state Treasury official will sympathise - is working incredibly long hours to deal with the questions put to them. It does not help when people report second, third or fourth hand matters upon which rulings are being sought from the ATO. I understand that difficulties are involved with the transition, but they will be ironed out.

The Australian Democrats were happy to assist in this process and allow the Federal Government to govern and implement some of its election commitments. In the process, the Australian Democrats and the Government were able to meet a large number of commitments to the electorate. It was interesting to hear the ALP member talk of the deal in the terms he did, when the arrangement ensured more equity for the battlers by excluding a number of factors from the tax base. As a former tax academic, I appreciate the difficulty involved. With tax law, one can have a simple, easy to manage tax, or one that is

fair. The problem is finding the balance between the two. The Australian Democrats attempted to deal with that balance at the federal level, and we worked out a compromise which was fair and reasonable and ensured that battlers were protected more than the original package provided. The arrangement allowed the Government to fulfil some of its election promises, which will be more beneficial in the long run, the recent ALP deal allowing the Government to provide some unfunded popular gains; that is, some tax cuts which were not part of any election commitment. Those cuts could have a more detrimental impact on the economy of this country in the long run than many people currently see.

Two issues have been brought to my attention with these Bills. One is the impact on the cost base for stamp duty through the inclusion of the GST. That was raised first in the media, and it was aired a great deal in the Federal Parliament when our Bills were first tabled. When I said I wanted to participate in the standing committee which considered these matters, I hoped to see some submissions from people who ran this stamp duty argument in the public forum. We could then have seen whether the concerns had any basis. However, we received no public submissions along those lines. I understand that correspondence has been circulating, but it was appropriate for concerned people to address those issues to the forum provided; namely, the Standing Committee on Constitutional Affairs.

As I participated in the committee, I took the opportunity to put a few questions to Treasury. These matters are not as clear-cut as one might think. If one talks about GST as a flat 10 per cent impost, one might assume that one can look at the base for stamp duty and work out the impact of the GST. The argument has a number of fallacies, the first of which is that such a calculation would ignore the overall impact of changes in economic activity which result from changes in the tax mix. The classic example relates to the impact of GST on housing prices. This does not involve only the estimate of an increase in the cost of a new house, but also the estimate of an increase across the market as a whole.

If new house prices go up by 4.5 per cent - which is the estimated impact of the goods and services tax - one would expect there to be a flow-on effect into the housing market as a result. That means when one looks at the overall impact, does one take out 10 per cent or a higher or a lower figure? What is the actual impact of the GST on the increase in the price of a house? That is hard to work out without analysis of the full marketplace and a determination of the overall impact. I referred to the estimated impact on housing. I referred to a figure of 4.5 per cent and I think that is what we are working on as a rule of thumb. We do not work on 10 per cent because of the impact on the taxes already in the system. A house is an excellent example because some items in a house attract 11 per cent sales tax, some are tax exempt and there may even be some luxury items; I think a dishwasher which is built in is still taxed at the higher rate. One cannot simply say that the impact of the GST on a house will be 10 per cent. It will actually be less than that. I noted that when the costings the Australian Labor Party had been using were thrown around, one could see that that fact had been taken into account. The Labor Party was not working on a flat rate of a 10 per cent increase in tax. When that is taken into account, even if we accept the principle in equity that we should not be increasing stamp duty because of the increase in the cost base - the value of the property for the purposes of stamp duty - we should not be looking at an overall increase in tax. However, to attack it simply by saying we should exclude the impact of GST will create a real problem in terms of working out what that impact will be.

When these matters were first raised I looked at them and I released a media statement saying that I believed the correct way to approach this was to look at the rates of stamp duty rather than the value on which the stamp duty was imposed. We should be taking into account the rates of stamp duty and recalculating them so there is no overall increase in the rates of tax. The calculations I did indicated that; looking at the house as a prime example, there would only need to be a couple of per cent decrease in the rate of stamp duty. I noted that a couple of days later, on 27 October, the Treasurer made a statement to similar effect which was quoted in the newspaper. That statement was confirmed in the House today by way of a question. I am a little disappointed with the answer to the question because although the Treasurer has undertaken to review stamp duty rates, he has said that that will not be done until after the first year of implementation. Although I appreciate the need to measure the impact on the economy, people need the relief when the GST first comes in. Otherwise, people who are already dealing with the transition will have to pay stamp duty on the increased value of their properties. They will feel aggrieved by that and a year or so later there will be a reduction in the stamp duty rates. I call on the Treasurer to do this analysis prior to the implementation of the GST so we can see people get some relief in the stamp duty rates when it begins to have an impact. Otherwise we will have a problem with a large number of aggrieved taxpayers. That is the first of the two policy issues which have been brought to my attention with respect to the state implementation of the GST.

The second issue is the potential impact on local government. The committee received some correspondence which passed between Treasury and the Western Australian Municipal Association in respect of the impact this change may have on local government. A problem we have in dealing with anything like taxing regimes for local government is that some years ago - I cannot remember how many - we had a referendum where we said that local government did not need to be recognised in the commonwealth Constitution. Local government is in limbo.

Hon Bob Thomas: It was in 1988.

Hon HELEN HODGSON: I thank the member for that. Whenever we deal with local government we must look at it as an arm of the State Government. It is lumped in with state government agencies in some respects and this can cause problems in ensuring that local government's specific concerns are dealt with properly. If one went back to the Democrats' election policy, one would see that we said we would rather see the funding of local government become a responsibility of the Federal Government because if the Federal Government was collecting most of the revenue, there would be a more certain flow from the Federal Government to local government; local governments would have a more secure flow of grants and income in the same way the State Government receives grants from the Federal Government. However, that was not to be. The way the package came out, it left local government as an arm of the State Government which is why it is covered in the legislation before the House today.

An issue which causes some concern to the Western Australian Municipal Association - and I must say that when we started looking at this Bill in the committee we digressed in our discussion to look at this point - is the use of the word "voluntary" for GST payments. If the Treasurer has the power to enforce a payment, is it truly voluntary? I have not put any amendments on the Notice Paper but it seems that it would be more logical to refer to them as "notional" GST payments rather than voluntary because the fact is the Treasurer has the power to say a body is required to make a payment. If a local government turns around and says it does not want to, the Treasurer can force that payment on that local government. They are not voluntary payments, and this concerned WAMA. It is concerned about the type of conditions which may be imposed on its members by the Treasurer. It notes in its correspondence that local government was not a signatory to the agreement and was not included directly in any of the discussions regarding the revamp of the financial relations between the spheres of government. As the peak body of local government in Western Australia, WAMA is keen to ensure that the directive power contemplated in clause 4 of the State Entities (Payments) Bill 1999 cannot be used by the State for purposes outside the intent of the Bill. WAMA is very keen to have something placed in *Hansard* in the minister's response to allay its concerns in this respect. While the intent of the Bill is now clear - that is, to ensure that the GST regime applies uniformly - WAMA is concerned that the breadth of the wording of the statute could go beyond that and if at some time in the future some Treasurer who was less than sympathetic locked horns with an independent-minded local council, we could end up with a bit of a problem. It would be appreciated if the Minister for Finance could address that concern in his response.

The Western Australian Municipal Association is also concerned about the implementation mechanisms and some of the problems to which I have already alluded in terms of its members getting clarification of their obligations. That is not something we can address in this place. However, it is something I will follow up on WAMA's behalf. I will try to find out whether a team within the federal Treasury is specifically addressing some of the local government concerns and ensuring that local government is kept informed about development of its obligations in that respect. The Australian Democrats support the Bills.

I return to the core issue. The reason that we support the Bills, particularly in the State Parliament, is that we believe the State will be better off under the legislation before us today than it has been under the current system as it gives the State a guaranteed source of growth revenue. I note that there has been criticism of the figures before us. Hon Nick Griffiths indicated that the State would be worse off financially.

I will go over the history of the matter. In the Standing Committee on Estimates and Financial Operations on Wednesday, 2 June 1999, shortly after the intergovernmental agreement on state revenues had been signed, there was discussion on the impact of the new agreement. The Under Treasurer, Mr Langoulant, said that the assessment of the revised package, which was still before the Senate, was that it would provide a level of funds to the State over a 10-year period greater than it would have been had the State remained under the financial assistance grant arrangement. As he used the first person, I assume he was referring to the WA Treasurer's assessment, in spite of the comments made previously about commonwealth estimates. Although there is a reduction in the level of funding between the original package and the one that was finally signed off, we will still be better off over a 10-year period. That was quantified in the committee when we received evidence from the Treasury. In paragraph 5.5 of the forty-fourth report of the Standing Committee on Constitutional Affairs, the evidence from Treasury reads as follows -

Based on current estimates provided by the WA Treasury Department, Western Australia would expect to be between \$700 million and \$1.5 billion better off over the first ten years of the GST, depending on the extent to which the State abolishes business stamp duties in the future.

It will therefore fluctuate as there is flexibility in the legislation to phase out some stamp duties and other duties that will not be removed now. That is the reason for the flexibility between \$700m and \$1.5b.

Further, the State will be better off on two counts. Not only will there be an actual dollar figure increase but also it will be a guaranteed source of revenue. The GST is basically tied to the States and the States will receive that revenue. Some issues are still to be resolved concerning the terms of the division of the revenue between the States. However, there is also a guarantee that for the first three years we will not be worse off because additional payments will be made to ensure that no State is worse off during the transitional period. With all those measures, members can see that the State will be better off under this arrangement than it is under the current system.

When we consider the shift that was achieved between the federal election in 1998 and when the final agreement was reached, we see that the original proposal would have severely worsened the gap between the taxpaying haves and the have-nots. In that arrangement the Australian Democrats looked at the equity measures and said that if we were to allow the Government to implement its tax agenda with a GST, we would ensure it would not impact seriously on the have-nots. Although I acknowledge that a GST as a flat tax can be regressive, the Democrats did whatever they could to ensure that the most seriously disadvantaged sector of our community would not be further disadvantaged. That was done by the package of the GST exemptions and the tradeoffs in welfare payments and other specific purpose payments.

I conclude by following Hon Nick Griffiths' example of referring to our founding fathers. I have made this comment a number of times. There is almost an irony in what we are doing today because our Constitution was framed so that the States could not impose an excise but would receive income taxes. However, the history of the economic development of our country and the shift between macro policy and what the States can implement has meant that we have now reached a position of total reversal. The States will effectively get back an excise through the GST, which is not what the founding fathers contemplated.

Hon Derrick Tomlinson interjected.

Hon HELEN HODGSON: That was the issue. Because of the need to fund an army, we needed to shift income tax to the Federal Government. This GST at least gives a guaranteed source of income rather than relying on the grant system, which has been fairly erratic over the past few years. There is an irony in the fact that we now have a reversal of the original constitutional decision and yet it is all totally constitutionally correct as the Government has followed the appropriate form. The Australian Democrats will be supporting the Bill.

HON LJILJANNA RAVLICH (East Metropolitan) [9.36 pm]: The Australian Labor Party will not be opposing this legislation. However, I have some major concerns with both of these Bills. I was interested to hear Hon Helen Hodgson's comments about the Australian Democrats in the Federal Parliament wanting to adopt a simple and fair tax structure. Two things one can say about the goods and services tax, the value-added tax, or whatever one wants to call it, are that it is not simple and it is not fair. If political opportunism cannot be explained away, as Hon Helen Hodgson has done tonight, it is a bad reflection on the Democrats. We know what motivated the Democrats to take the position that they took on the federal legislation, and it was no more than gasping for air in terms of political opportunism. They knew the Australian Labor Party's position and they knew the Government's position. As Hon Helen Hodgson said, their position was basically that it was not a problem, and they would kowtow to what the Government wanted but they would be a little different and give the so-called have-nots something by exempting food. How do they define the have-nots? Frankly, it is not good enough. It is a betrayal of Australians generally and a betrayal of Western Australians in particular.

This is not a simple tax and it is certainly not a fair tax. It is not simple to the point that when the Opposition has asked questions in this place of the Minister for Finance, and when questions have been asked in the other place of the Treasurer, those simple questions have not been met with adequate answers. Many times question have not been met with answers at all. If our respective representatives in Parliament cannot deal with the complexities of this legislation, one can hardly say, as Hon Helen Hodgson has said in this place, that this is a simple tax.

Hon Helen Hodgson: What I said was there was a trade off between simplicity and equity.

Hon LJILJANNA RAVLICH: They have not achieved that either. I stand by my belief that it is not simple and it is inequitable. It is certainly not simple for small business. In fact small business must meet major compliance costs. I have not yet come across a small business person who believes this is in any shape or form any more simple than the present system. I do not think consumers find it simple. Western Australian taxpayers are not finding the proposed changes simple. A number of people who have rolled up to my office over the past three weeks, particularly regarding the GST that is already being imposed on insurance premiums, do not know what is going on. They think it is very unfair. They have no idea of the full impact this legislation will have on them. It is not a fair tax. People who argue that it is fair to the State must have rocks in their heads.

I have raised concerns previously in this place about the State Government's entering into an agreement with the Commonwealth Government on the introduction of the GST and giving away the taxing powers of future State Governments in exchange for something that is not yet known. I do not think we can get much dumber than that. The Government is negligent in taking this path. This is certainly not a fair tax on consumers. We know it is a regressive tax and, as such, it will have a greater adverse impact on people with smaller incomes than on people with more substantial incomes. It is not a fair tax on small business.

The Government knows that this is not a fair or simple tax. I go so far as to say that the introduction of this tax and the fact that these two qualities of it are so well known will make it very difficult for this State Government because it must face an election in the next 12 or so months. Frankly, a problem for the Government is when to call an election. Will it go before the introduction of the GST, or afterwards? If it were such a great tax system, it would not have a problem.

Hon N.D. Griffiths: Oliver Cromwell would have told them where to go, and when to go.

Hon LJILJANNA RAVLICH: Exactly. There is nothing fair or simple about it. The Government knows it will have a problem on its hands. The GST is a centralist tax; it will be administered and collected by the Commonwealth, there are no two ways about it. The State will become a pawn of the Commonwealth because at the end of the day it will control the purse strings. We do not have to be too smart to know that he who controls the purse strings controls the power.

I cannot work out why anyone would want to get into that arrangement. For as long as I have been hanging around the public sector as a public servant working in ministerial offices, I have heard about the inequities of the Grants Commission and that when the grants are redistributed back to the States, Western Australia has fared much worse than its counterparts. One of the reasons for that is that the money is allocated on a per capita basis and Western Australia has a lower per capita income than its counterparts.

If the redistribution by the Commonwealth Grants Commission of taxes back to the State did not work in a former life, why is this Government so confident that all of a sudden the Commonwealth will treat us any better or any more equitably with the introduction of the GST? I suspect that, irrespective of the undertakings this Government might have, the Commonwealth Government will have this State Government pretty much by the scruff of the neck and will do what it wants with its reallocation of funding.

The GST reform will be the biggest centralisation of financial power in Australia since the 1942 income tax grab. Although it has been set at 10 per cent, there is no guarantee that it will not increase. We need only read literature on this subject to learn that where it has been imposed at a certain rate, it has not taken too long for it to increase. I came across statistics that indicated the GST in New Zealand has increased to 12.5 or 13 per cent. That kind of information fuels the fear of not only the Western Australian public but also the business sector.

It might be a simple tax for the Commonwealth Government. In the past, Governments have had to deal with a number of economic tools in order to manage the economy. They have usually had to draw on a combination of policies, including monetary policies whereby they alter the supply of money to the market, fiscal policy, prices and incomes policy and external policy. In a sense, the GST will make it easy for a centralist government to effect major changes in fiscal policy. Increasing the GST by only a couple of per cent will increase the revenue stream substantially. It will be much more simple than States adjusting a range of taxes to achieve that outcome. It will not be simple for anyone else, but it will be simple for the Commonwealth Government. If there were nothing in it for the Commonwealth Government, it would not be interested in the deal; it would be running to somewhere a million miles away. It is that simple.

Irrespective of the number of times the Opposition has called on this Government to explain what will be the impact of the GST on a range of household costs and the Western Australian taxpayers, be it on the cost of their electricity, gas charges or public transport fares, we have not received a satisfactory answer in this place. I am somewhat concerned that the Government does not really know what will be the impact of the GST. From everything I have heard, it does not know as much as it should know at this time.

An area that is a major concern to me is the impact on the public sector of the contractual arrangements this Government has with the private sector, and the value of those arrangements.

Hon M.J. Criddle: Is this in the Bill?

Hon LJILJANNA RAVLICH: It is certainly a part of the Bill and was in the Auditor General's report today. These are fundamental questions. Even the intergovernmental agreement has provisions in terms of the public sector and its ability to get tax input credits. The minister is testing me because he thinks I do not do my homework, but I can assure him I do.

Hon M.J. Criddle: This is not the Rail Freight System Bill.

Hon Helen Hodgson: This is public sector management speech No 4.

Hon LJILJANNA RAVLICH: Hon Helen Hodgson had her shot; she should leave it to me.

The PRESIDENT: Order! In the end it must be left to me. I happen to have a copy of the report and the Bill. Hon Ljiljanna Ravlich's remarks are relevant to the Bill. We are about to embrace the commonwealth system through the intergovernmental agreement. She can continue to talk; I am defending her.

Hon LJILJANNA RAVLICH: I know some provision has been made in the legislation for the public sector. However, I could find nothing in the legislation which related specifically to the area of contracting out and the whole question about what one does in the event, for example, that contracts were signed prior to the goods and services tax legislation going through the Federal Parliament and will extend beyond the introduction period of the GST, which is July 2000. What happens in terms of the legality of those contracts in which special provision has not been made for the GST in those contractual arrangements? I am particularly concerned about whether the long-term contracts with no provisions for the GST can be legally challenged. That is an important question that must be asked, because if some of these long-term contracts which have a set price can legally be challenged, quite clearly there is a major risk for the State in terms of the financial implication that litigation might result and obviously would be a cost to the agencies and the taxpayer. I will expand on that later.

One of the key features of the legislation before us is that the intergovernmental agreement is a result of the negotiations between Senator Meg Lees and Hon John Howard, the Prime Minister. Under the original agreement, nine state taxes were to be abolished. This was part of the sort of simplicity that people accredit to the GST trade-off. They say that one of the things that this GST will do is abolish nine taxes, including financial institutions duty, debits tax, stamp duty on marketable securities, stamp duty on non-residential conveyances, stamp duty on non-quotable marketable securities, stamp duty on leases, stamp duty on mortgages, bonds, debentures and other loan securities, stamp duty on credit arrangements, instalment purchase arrangements and rental arrangements and stamp duty on cheques, bills of exchange and promissory notes.

Hon N.D. Griffiths: What you are saying is that simplicity has been replaced by duplicity.

Hon LJILJANNA RAVLICH: The member is dead on. Rather than abolishing all nine taxes, under the revised agreement, only one tax - the FID tax - will be entirely abolished as of 1 July 2000. The rest of these taxes will still linger. The date of abolishment for the rest of these taxes is yet to be determined. I understand that some will be gone by 2005. However, we will end up with a system whereby we still keep all of the bad things of the old tax regime. At the end of the day we are stuck with a secondary taxation regime. I cannot see the benefit in that. It is irresponsible of the Government to have gone down that path.

The next point I will make was picked up by Hon Helen Hodgson; that is, the expected revenues that are foreshadowed for the State as a result of jumping into this pretty lousy agreement which the Australian Democrats have gone into with the Government at the federal level. I must be missing something because when we talked about financial benefits to the State, I had this vision that they would be major financial benefits to the State. However, when I look at the projected 10-year estimated revenue back to the State, which was provided by the Treasury Department - I am referring to the report of the Standing Committee on Constitutional Affairs in relation to these two Bills - I find that Western Australia can expect between \$700m and \$1.5b over the first 10 years of the GST. A figure of \$700m over 10 years is equivalent to the current state budget deficit, which is \$648m. It is amazing, because when I say in this place that this Government is doing a lousy job and it cannot manage the State effectively because it has run up a budget deficit of \$648m, no-one bats an eye lid. Put into that context, it is a very small amount of money. If it is put into the context of the benefits to the State from the GST, all of a sudden \$700m is a huge sum of money. I cannot work it out. Why is \$700m as revenue from the GST a substantial

sum of money over a 10-year period, whereas a \$650m budget deficit is a small amount of money and should not be worried about? The Government cannot have it both ways. I am concerned because I would have thought, given that -

Hon Ray Halligan: You mean confused.

Hon LJILJANNA RAVLICH: At least I have something to be confused about. The day the member gets on his feet to become confused about something will be the first time. The member can sit there and make his snide remarks, but he will not deter me. It does not matter about my confusion; the member has his own confusions.

The PRESIDENT: Order, members! Hon Ljiljanna Ravlich should talk to me about the Bill and not worry about the members who are interjecting.

Hon LJILJANNA RAVLICH: This Government cannot have it both ways. I am amazed that we have given away our State's taxing powers for a total revenue over 10 years of \$700m. There is not even a guarantee that we will receive \$700m; the State may get much less. It gets even worse, because when the costs are factored in for small businesses of meeting the compliance costs of administering the GST, it brings into question the cost effectiveness of this model. If people had bothered to do some sums on this, they would probably have worked out that the compliance costs for small businesses and government agencies - they will all have to meet compliance costs and make sure that they report or put in their tax input credit requests to the Australian Taxation Office - will be a substantial sum, which must be paid. When that substantial amount is factored in, it will cost small businesses, government agencies and everybody else involved in meeting the compliance costs of the GST. The simple fact is that this \$700m profit over a 10-year period will dwindle away into nothing, and the State will be worse off. What a lot of irresponsible people we have on that side of the House. The Minister for Finance would not even have done his homework. I would be interested to find out how much homework he has done in terms of the real cost impost on small businesses, government agencies and anybody else who might be affected by this legislation. I would be very interested to know how that \$700m stacks up compared with the costs that will be incurred by all the respective players in this issue.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.00 pm]: I move -

That the House do now adjourn.

Gay and Lesbian Counselling Service - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [10.01 pm]: I will not keep the House long because I know that members are anxious to leave. However, I will raise an issue that has received some public attention in the past week or so. I refer to the problem that the Gay and Lesbian Counselling Service is facing in funding its ongoing services to people who need assistance.

The counselling service has been doing an excellent job for 25 years. It has provided a very valuable service to people who are facing a crisis in their sexuality and who need assistance to talk through the problem with someone who is sympathetic and who understands what he or she is going through.

I remind members of the statistics relating to sexuality and youth suicide. Over the past seven years various studies have indicated that between 25 and 40 per cent of young lesbian and gay people have attempted suicide, and 65 to 85 per cent feel suicidal at some stage as they come to terms with their different sexuality. Gay and lesbian youth also have significantly higher rates of other contributing psycho-social problems, including alcoholism, illicit drug use, homelessness, prostitution, family problems, school difficulties, conflict with the law, unsafe sexual practices, high rates of HIV seroconversions, STD infections and so on. That data is contained in the study done by Graham Brown in 1996. There is definitely a need for a service for people dealing with these issues.

The Gay and Lesbian Counselling Service has been self-funding over its history. It is interesting to note that over 25 years it has not received the amount that the Minister for the Arts has spent on artworks for his office; that is, \$31 000. The service is funded by the gay and lesbian community. On 1 December it will hold an annual general meeting to decide whether to close its doors. If it cannot raise the necessary funds, this very important and valuable service will disappear.

I asked the Minister for Family and Children's Services a question today referring specifically to the counselling services available to gay and lesbian people. The answer to the question missed the point because it stressed that a number of counselling services are available to anyone, regardless of their sexuality. That might sound good in theory, but, in practice, if we do not provide a counsellor experienced in the specific issues we limit the ability of that person to provide appropriate assistance. The groups currently attracting funding include specific services dealing with youth issues, child sexual abuse and domestic violence. I am not saying that these are not valuable services, but they all recognise that there are times when we need a specialist counsellor working in a specialist area. No such service is funded by the Department for Family and Children's Services for sexuality-related issues.

It is time that the Government provided funding for this organisation. The \$25 000 required to keep this service running is a splash in the ocean when one considers the social cost to the community of the gay and lesbian people who are grappling with sexuality issues. It would more than pay for itself in other savings to the community. When one considers the amount of money involved and the importance of this issue to people who need help, one realises that it is about time the Government found some way of helping to keep this very important community service operating.

Prospecting Licence P26/2458 - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [10.05 pm]: I make no apology for taking the time of the House to respond to some of the accusations made by the Minister for Mines to people with whom I am involved in Kalgoorlie.

Hon E.R.J. Dermer: Outrageous accusations!

Hon TOM HELM: I will try to prove that tonight.

On 29 October 1998, Hon Giz Watson raised the issue of the Minister for Mines' misleading the Parliament in answers provided demonstrating that Mr Keith Dyer did not give evidence in respect of prospecting licence P26/2458, whereas he did give evidence at a later hearing in respect of P26/2471 and P26/2483. This was very important as the evidence supposedly given by Mr Dyer was decisive in the Warden's Court matter. I refer to the reasons for the decision given in this case by Warden K.M. Boothman S.M. In his decision, Warden Boothman stated that this issue came down to the evidence given by two experts - Mr Scanlon for the objector, Mr Kean, and that given by Mr Dyer. If the issue comes down to that evidence and it does not exist, we have a very serious matter on our hands. What is even more serious is that in responding to this issue, Hon Norman Moore stated that he would check the matter and let Hon Giz Watson know "the exact facts in due course". Members should note those words.

After the adjournment debate on 30 October 1998, Mr Bob Stevens, the senior policy officer in the office of the Minister for Mines, sent a fax to Mr Roy Burton at the Department of Minerals and Energy with a postscript about the minister's comments about our "friends". It advised Mr Stevens to read Hon Giz Watson's question and pointed out that there appeared to be two separate hearings involved. He went on to state that the member was referring to the earlier hearing and that the minister's response referred to the later hearing. That is true, and the evidence I have supports the fact that there were two cases or hearings. The minister's answer referred to the later case or hearing relating to prospecting licences P26/2483 and P26/2471. Therefore, Mr Dyer did not give evidence in respect of application P26/2458 and others, as claimed by the minister in his answer to question without notice 440 on 11 November 1998.

Further supporting the contention that Mr Dyer did not give evidence about application P26/2458 and others is a handwritten note on Department of Minerals and Energy files stating that Mr Dyer's evidence relates to his survey of G26/15 and the location of miscellaneous licence L26/20, and mention is also made of P26/2483 and P26/2471. It is clearly stated that nowhere in Dyer's evidence is there any reference to P26/2458 or P26/2510.

Additional evidence to support the contention that Mr Dyer did not give evidence, particularly in respect of application P26/2458 and others is a letter dated 8 April 1999 signed by Hon Norman Moore in response to letters dated 26 February and 24 March 1999 from Mr Ray Kean. It is stated in the letter from the minister that Mr Dyer's evidence related to applications for prospecting licences P26/2471 and P26/2483, and that it clearly related to application for prospecting licence P26/2458 by referring to ground and a reference point included in that application. It appears that the warden certainly thought so.

This is in complete contrast with the minister's answer provided to question without notice 389 of 29 October 1998, in which the minister was asked whether he had misled the Parliament by stating that Mr Keith Dyer gave evidence at the Warden's Court hearing for prospecting licence P26/2458, when in fact the notes of evidence from pages 1 to 154 clearly show that Mr Dyer did not give evidence for prospecting that licence. The answer provided by Hon Norman Moore to part (3) of the question was -

Mr Dyer gave evidence at the Warden's Court hearing of prospecting licence 26/2458 et al. Pages 174 to 207 of the transcript of proceedings refer . . .

This is also in complete contrast with the minister's answer to question without notice 473 of 11 November 1998, when the minister was asked -

Point of Order

Hon N.F. MOORE: I wonder whether the member could identify the document from which he is quoting.

The PRESIDENT: The member has been asked to identify the document from which he is quoting.

Hon TOM HELM: I cannot identify it. These are some notes that have been written for me. Also, the file to which I have referred contains the documents that support all of the statements in this document. I am prepared to identify it and, by leave, I will table it at the end of my remarks so that people can see it and go through it.

The PRESIDENT: The document is identified as some notes that have been prepared for Hon Tom Helm on the subject matter that he is raising.

Debate Resumed

Hon TOM HELM: It is clear that the minister has misled the House in stating that Mr Keith Dyer gave evidence at the Warden's Court hearing on 24 September 1994 of applications for P26/2458 and others, when Mr Dyer did not give evidence for P26/2458.

The minister was also asked in part (3) of the question -

Will the minister investigate why the magistrate Mr Kieran Boothman stated that he based his decision in this case on the evidence of a witness who never attended that hearing?

The minister's answer to parts (3) and (4) of the question was -

No. As outlined in answer (1) Mr Dyer attended and gave evidence at the hearing of applications for prospecting licences 26/2458, 26/2471, 26/2483 and 26/2510 on 20 September 1994.

The minister was also asked in question 1741 on 24 June 1999 -

Does the Minister stand by the statement "There was one "hearing" on 20/9/98 involving four tenement applications (and their cross objections) jointly and severally"?

The minister's answer was, "Yes". The minister was also asked -

If so, can the Minister explain why he considers there was "one hearing" or one case for the "four tenement applications"?

The minister responded -

Please refer to my answer to part (1) of Question Without Notice 473 asked 11 November 1998.

Again the minister appears to have misled the House, as there was not one hearing or one case for the four tenement applications. There were in fact two hearings or two cases: One hearing or case for P26/2458 and P26/2510 and the other hearing or case for P26/2483 and P26/2471. This is supported by the fact that two decisions from the Warden's Court were delivered. Logic and commonsense tells one that if there are two reasons for decision, there must have been two hearings or cases, not one, as the minister and Mr Bob Stevens of his office claimed in Parliament in answer to question on notice 1741 of 24 June 1999, with answers and documentation referred to in the question sent to my office by Mr Stevens, addressed to Ms Nuala Brown.

In further support of my contention that there were two cases or hearings and not one, as the minister has stated, is a note from a Department of Minerals and Energy file which lists two objections against an application for a prospecting licence in the Warden's Court on Tuesday, 20 September 1994. It also states that the matters were adjourned for decision, and importantly it is signed by Magistrate Warden Kieran Boothman. It does not list P26/2471 and P26/2483, as these were other matters which were heard in a later hearing or case, as Mr Stevens referred to in his fax of 30 October 1999 to Mr Roy Burton.

To also support my contention that there were two hearings or cases, there are notes and a letter on Department of Minerals and Energy files for the latter case or hearing of P26/2471 and P26/2483. One letter, which is dated 16 February 1996, is signed for the regional mining registrar and is addressed to the listings clerk, care of director, mineral titles division, Department of Minerals and Energy, and titled Kalgoorlie Objection 3/934 and 6/934 against applications for prospecting licences 26/2471 and 26/2483, Kalgoorlie Consolidated Gold Mines, objector, v Raymond John Kean, applicant.

Hon Norman Moore said Hon Giz Watson had been sucked in. I think the minister has been sucked in by his own department. On my evidence, he has clearly misled the House on several occasions, and instead of standing up and denigrating the Keans, it is about time he thoroughly looked at and investigated what his department and Mr Bob Stevens, his adviser, had been advising him. Also, importantly, he should address people's complaints and concerns in an objective, thorough manner.

This is the only opportunity that these people will have to clear their names. I ask for leave of the House to table these notes and the supporting documentation which contain allegations so that the minister can answer them.

The PRESIDENT: Does the Leader of the House want that document tabled?

Hon N.F. Moore: Yes. I was wondering where it came from.

The PRESIDENT: If we use Standing Order No 48, it goes back to the member in 72 hours. If we do not use Standing Order No 48, we have archives that cannot cope with records at the moment. However, it is up to the Leader of the House.

Hon N.F. Moore: I ask that the member table the document referred to.

The document was tabled. [See paper No 458.]

Kwinana Motorsports Complex - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [10.16 pm]: I refer to the approval that was given today by the Minister for the Environment for the Kwinana motorsports complex. The Department of Environmental Protection has been considering the issue of the noise which is likely to come from that complex. In the minister's press statement, she finished by saying - these are not her exact words but the meaning is the same - that although the department had assessed the noise issues attached to that development, the matter of societal risk was being attended to by the Ministry for Planning.

I am extremely concerned about this proposal, which I believe the Government is trying to ram into this area against the wishes of not only the community but also the Kwinana Industries Council, which is very concerned about the effects that it will have on the ability of the Kwinana strip to operate so that employment levels and outputs in that area can be increased. The biggest worry is the societal risk. The Department of Environmental Protection has happily handballed that matter back to the Ministry for Planning. We know that just recently the Environmental Defenders Office applied on behalf of a citizen to obtain a report by the ERG Group, which is a consultant group which carried out a societal risk assessment for the Ministry for Planning. That same group also carried out a study for the Kwinana Industries Council. It is now understood

that there are real and apparent risks to human safety in that motorsports complex, because it is extremely close to some industries which have historically had emissions of toxic and volatile gases which have passed across the area in which this motorsports complex will be built.

I find it incredible that a government agency which is supposed to be responsible to the people in this State, should withhold a report such as that. The Minister for the Environment seems to have no problem with a government agency that is happy for people in Kwinana to be gassed and will allow the department to be the arbiter in this matter. The department is also the proponent of this facility, and it is hiding information about the risk to public safety. It is refusing to allow the matter to be publicly debated because of all the assessments that have been carried out. It is extraordinary that the Department of Environmental Protection has gone along with that stance and has allowed the Ministry for Planning, which has shown its lack of concern for human safety, to be the arbiter of whether this project should go ahead. It is equally astounding that the minister is prepared to override regulations about noise levels in that area which are safe for human hearing, bearing in mind the proximity of the proposed site to Medina, Hope Valley and Wattleup. The level of noise from this motorsports complex in places such as Medina and Hope Valley will reach 92 decibels, which is approximately three times the level of noise normally allowed. It is deafening. It is incredible that the Department of Environmental Protection has agreed to it and said it can be managed. That level of noise will not reach Rockingham, but certainly Rockingham will receive more than double the allowable level. Recent sound contours indicate a level of more than 70 decibels in Patterson Road, Rockingham. It is unbelievable, especially as the Kwinana strip already has problems and concerns have been expressed by the community about the existing industry which is marginally creeping over allowable levels of noise. The DEP was trying to do something about that, but now it will agree to this complex which will pump out noise to a level of 92 decibels into the homes in Medina and Hope Valley. These agencies are totally irresponsible, and I wonder what they think their role is.

It seems that because of the bad planning in the past, the Government is now unable to find anywhere to plonk these motor sports. The speedway is less of a problem than the drag racing, which is not only a very noisy component but also a very dangerous one. Some of the gases that occasionally are emitted from industry on the Kwinana strip are volatile. If these volatile gases drift over and are ignited by the huge flames that belch out from the back of the dragsters, 15 000 people will have 10 minutes in which to get out of the Kwinana international motorplex. It will be very dangerous. It is unethical, immoral and downright irresponsible of the Government to hide this information in order to proceed with its proposal.

Mines Portfolio - Adjournment Debate

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.24 pm]: From here on I will try to desist from responding to Hon Tom Helm's comments every night on the adjournment debate about various issues relating to the Mines portfolio. I will say tonight, and again if ever I need to, that I invite the honourable member and the people whose cause he purports to represent to take their case to the Ombudsman or the Anti-Corruption Commission, or to take civil action. If he thinks he will get some satisfaction from the United Nations, he should take it there too. I do not agree with what the member is saying and neither does the department. The issues have been gone through on countless occasions. We have a different point of view. The time has come for an independent judge to make the decision. The member does not accept what I say, and I do not accept what these people say.

Hon Tom Helm: The Ombudsman has done that.

Hon N.F. MOORE: What did he say?

Hon Tom Helm: He would not go any further with the matter because you are involved.

Hon N.F. MOORE: I suggest the member start again.

Hon Tom Helm: I am judging what the minister said in Parliament.

Hon N.F. MOORE: I have already responded to these issues on more occasions than I care to count, and I will not keep doing it in the House day after day, because the member does not believe or accept what I say. I invite the member and the people from Kalgoorlie whose cause he purports to represent to take me, the department, Bob Stevens or anyone else to court, and let them sort it out once and for all.

Hon Tom Helm: Can you give us the money to do that?

Hon N.F. MOORE: Next, the member will want me to pay the fine.

Hon Tom Helm: What fine?

Hon N.F. MOORE: If there is a fine. Good grief, if these people think they have a case, instead of using Hon Tom Helm every night, why do they not go through the proper processes that are available to them?

Hon Tom Helm: Because they cannot.

Hon N.F. MOORE: They should get a decision made by someone independent of me. If the member thinks we are corrupt, he should go to the Anti-Corruption Commission, and if he thinks he has a legal case, he should go to the courts.

Hon Tom Helm: You are incorrect, and you are saying things that are wrong in Parliament. Look at the file I tabled. I will listen to the minister.

Hon N.F. MOORE: I have read those things more times than I care to remember, and they have been back and forth between my office and the Department of Minerals and Energy more times than I care to remember. Hon Tom Helm has raised those matters in this place more times than I care to remember. We simply do not agree. When the member does not agree with

what I say or do, he has avenues available to him. This has nothing to do with the Department of Minerals and Energy, me or the Parliament. It is to do with Hon Tom Helm's preselection. It comes down to that every time.

Hon Tom Helm: Why do you always play the man?

Hon N.F. MOORE: It is a week before the member's judgment day. He has discovered Kalgoorlie and some people there with an axe to grind against the Department of Minerals and Energy. He is running their cause in the hope of picking up a vote or two in Kalgoorlie. He tried to get rid of Hon Mark Nevill so that he could be ahead of him on the ticket, and that is why he raised the issue previously. He has raised issues in the party room about an inquiry into the Department of Minerals and Energy. When Hon Mark Nevill left the Labor Party, we did not hear anything from Hon Tom Helm for week after week, but now, one week before preselection, here he goes again - two nights in a row. Thank goodness there are only three adjournment debates every week, otherwise we would hear it more often. Once the preselection has taken place, that will be the end of it. If the member's winning would stop this nonsense every night, I would barrack for him, if it would help. However, I suspect it will not help his cause because people know what he is about. It will not make any difference to him in respect of this matter. I say again to the member that he should please take it to the avenues available to the citizens of Western Australia where issues are sorted out if people do not agree with decisions made by ministers or government departments. I beg the member to do it.

Question put and passed.

House adjourned at 10.28 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

249. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Emergency Services:

For each department or agency in the Minister for Emergency Services' 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 PETER FOSS replied:

The Fire and Emergency Services Authority of WA was established on 1 January 1999. The answers provided are from that date.

- (1) 1/1/99-30/6/99
 - (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.
 - (c) 37.
- (2) Internal 20
External 19
- (3) Clements Consulting
QL Management Consultants
HR Solutions
- (4) \$25,729

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

794. Hon KEN TRAVERS to the Minister for Finance:

- (1) On how many occasions did each department under the Minister for Finance'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

795. Hon KEN TRAVERS to the Minister for Racing and Gaming:

- (1) On how many occasions did each department under the Minister for Racing and Gaming'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

813. Hon KEN TRAVERS to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

- (1) On how many occasions did each department under the Minister for Parliamentary and Electoral 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 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

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

- (1) On how many occasions did each department under the Minister for Lands' 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

819. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Fair Trading:

- (1) On how many occasions did each department under the Minister for Fair Trading'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

828. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Primary Industry:

- (1) On how many occasions did each department under the Minister for Primary Industry'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 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

829. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Fisheries:

- (1) On how many occasions did each department under the Minister for Fisheries' 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.

GANTHEAUME POINT TOURIST DEVELOPMENT, PEARL BAY RESORT DEVELOPMENT

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

In relation to the successful tenderer for the multi-million dollar development of Government owned land at Gantheaume Point in Broome -

- (1) How long has the company Pearl Bay Resort Developments been in existence?
- (2) What other land developments have Pearl Bay Resort Developments been involved in?
- (3) What were the names of the directors of the company when the development proposal was made to the Government?
- (4) Can the Minister for Lands confirm that Mr Barry McKinnon, former Leader of the State Parliamentary Liberal Party, and Kevin Harrison, former head of the Western Australian Tourism Commission, became directors of the company in May this year?

Hon MAX EVANS replied:

- (1) As advised in the Expression of Interest Submission by Pearl Bay Resorts Development, the Company was incorporated in 1997.
- (2) The honourable member will need to contact the Company for details of current development activities.
- (3) At the time of the Expression of Interest in December 1998, Directors were T Mason, G Banks and C Mason. It was stated at that time that B MacKinnon and P McGowan would join the Board on 1 January 1999 with B MacKinnon being Chairman.
- (4) Again contact should be made with the Company for these details.

UNIVERSITIES, PAYROLL TAX PAYMENTS

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

- (1) What was received by way of payroll tax payments from each of -
 - (a) Edith Cowan University;
 - (b) Curtin University;
 - (c) University of Western Australia; and
 - (d) Notre Dame University,
 in each of the financial years ending -
 - (i) June 30 1996;
 - (ii) June 30 1997;
 - (iii) June 30 1998; and
 - (iv) June 30 1999?
- (2) What are the estimated payroll tax payments to be received from each of -
 - (a) Edith Cowan University;
 - (b) Curtin University;
 - (c) University of Western Australia; and
 - (d) Notre Dame University,
 for the financial year ending June 30 2000?

Hon MAX EVANS replied:

- (1)-(2) The Commissioner of State Revenue is precluded by the provisions of the Pay-Roll Tax Assessment Act from disclosing the information sought.

GANTHEAUME POINT TOURIST DEVELOPMENT, ADVERTISEMENT

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

I refer to reports in the media of Tuesday, November 16 1999, and the Minister for Lands claim that an advertisement in the *Weekend Australian* of September 25/26 1999 was a promotional advertisement for LandCorp, not a call for other parties to invest in the Gantheaume Point development, and ask -

- (1) Can the Minister confirm that the advertisement -
 - (a) had the words "Tourism Development Opportunities" highlighted down the side of the advertisement;
 - (b) was headed "LandCorp, the WA Government property development agency, is facilitating tourism property developments across the state";
 - (c) included the map of WA which had shown a reference to "Broome Gantheaume Point"; and
 - (d) at the bottom stated "To discuss hotel, short stay residential, mixed use, residential and commercial opportunities...?"
- (2) Why was LandCorp inviting development opportunities in the sites referred to as at the date of this advertisement?
- (3) Can the Minister for Lands table any other LandCorp advertisements advertising "Tourism Development Opportunities" in relation to Gantheaume Point?

Hon MAX EVANS replied:

- (1) (a)-(d) Yes.
- (2) The advertisement listed projects with a tourism focus in which LandCorp is currently involved with the purpose of introducing the scope of tourism property development opportunities in Western Australia to interstate property professionals. The advertisement did not invite any specific kind of development opportunity at any of the listed sites.
- (3) No.

QUESTIONS WITHOUT NOTICE

TUNNEL CAFE, CEILING COLLAPSE

632. Hon TOM STEPHENS to the Minister for Transport:

I raised this matter with the minister a couple of hours ago.

- (1) Is the minister aware that the entire ceiling of the Tunnel Cafe, including timber joists, collapsed yesterday?
- (2) Is the minister aware that 30 minutes before the collapse some 50 children had been in that cafe?
- (3) Is the minister aware that the collapse of that ceiling followed sheet piling operations by BGC Contracting Pty Ltd on the tunnel project?
- (4) Is the minister aware that Main Roads has advised local communities that sheet piling is being used rather than drilling in order to save time and money?
- (5) Does the minister support putting lives at risk to cut the cost of the tunnel construction?

Hon M.J. CRIDDLE replied:

First, I would never support putting anybody's life at risk in any way whatsoever.

Hon N.F. Moore: It is outrageous that he should even ask you.

Hon M.J. CRIDDLE: I take offence at that comment.

- (1)-(5) Yesterday 50 per cent of the roof and the ceiling of the Tunnel Cafe at 291 William Street collapsed to the floor. This is a privately-held property and business operated by Steve Pietracatella and his son Dom. They claim that the damage was caused by the Northbridge tunnel construction which the Baulderstone Clough joint venture and Main Roads both dispute. The initial view was that the ceiling collapse was due to poor structural workmanship when the restaurant was revamped two to three years ago, as the wooden roof joists have collapsed along with the ceiling. There is also evidence that although the rolled steel joists were fitted in an east-west direction, they were not fitted in a north-south direction. The Perth City Council has been informed and will be sending a building surveyor to the site. It is important to note that the building was subject to a dilapidation survey before and after the tunnel construction by GAB Robins Australia Pty Ltd and a further examination by consultant engineers, B.G.E. Pty Ltd, after construction. There was no evidence then of the tunnel construction having an impact on this work and that is well and truly documented. B.G.E. will, however, call again on Main Roads to conduct an inspection and a report will be made to Main Roads.

YARDIE CREEK, BOAT TOURS

633. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Is the minister aware that one of the longest operating tour guide businesses in the north west, Ningaloo Safari Tours, has been denied access by the Department of Conservation and Land Management to run boat tours on Yardie Creek?
- (2) Is the minister aware that Mr Neil McLeod, the owner of Ningaloo Safari Tours, has been running tours through this gorge for the past 12 years, encouraging tourism in and throughout that region?
- (3) What action will the minister take to assist Mr McLeod whose business will be destroyed by this decision?
- (4) Can the minister explain the advantages to tourism in reducing the number of licensed operators on the gorge from three to one, creating a monopoly situation for the first time ever on that gorge?

Hon N.F. MOORE replied:

- (1)-(4) Yes, I am familiar with this particular case. I have been trying to assist Mr McLeod since well before our Government came to power to allow him to be given access to a mooring in Yardie Creek. The original licence for Yardie Creek was issued at least 10 years ago, prior to this Government's time. At that time only one licence was issued to operate in Yardie Creek by the previous Labor Government.

As a result of pressure by Mr McLeod and another operator, I think named West Coast Safaris, CALM made available two other licences for those two gentlemen to operate their businesses on Yardie Creek.

I gather the Leader of the Opposition is interested in this answer as he went to a lot of trouble to ask it.

Hon Tom Stephens: I am listening to every word.

Hon N.F. MOORE: Those two additional licences were granted by CALM. However, Mr McLeod was unable to have a mooring for his vessel and every time he took people to Yardie Creek he was required to launch his vessel and take it out of the water at the conclusion of the tour. These licences are due to expire at the end of this calendar year and some months ago CALM called for expressions of interest for operators to conduct tours in Yardie Creek. At my request, the proposals put forward by operators were extended in such a way that more than one operator could use Yardie Creek, the original plan being to simply allow one operator. I worked on the basis that it should be decided, not on the number of operators, but on the number of trips per day. If, for example, two operators could perform the required number of trips, it would be better than having one operator. CALM went through a process, in consultation with the National Parks and Nature Conservation Authority of WA, and has come up with a recommendation. To my knowledge, a decision has been made that it should go to one operator; that is, to a Mr McGregor who already operates at Yardie Creek. He is to be allocated the licence to operate in Yardie Creek.

I have had a number of discussions with Mr McLeod and his associates and I have been trying to work out a way to satisfy his concerns. A number of issues have been raised with me which I have relayed to the Minister for the Environment who is responsible for this decision; and I am awaiting a final outcome of those issues.

Many people are trying to assist Mr McLeod. It is conjecture that the decision will be fatal to his business. However, I have a very strong view that Mr McLeod provides an excellent service and an excellent tourism package. If there is any way in which I can assist him to continue to do that, he will have my total support.

Hon Tom Stephens: Will a monopoly help tourism in that region?

Hon N.F. MOORE: The reason for mentioning the history is because the previous Government also created a monopoly. A decision was made by CALM to have one vessel operating in Yardie Creek. The Greens (WA) will be interested to know that the decision was made because of the environmental issues that were of concern to a number of people. Too many vessels will denude the environment and will have a detrimental effect on the tourism benefits of the region.

To reiterate, I have argued the point that the impact on the environment in my view will not be caused by the number of vessels but the number of journeys conducted every day. If it is decided that there will be six journeys a day - which I believe has been decided - two operators conducting three journeys each a day will have the same impact on the environment as one operator conducting six journeys a day. I have asked the Minister for the Environment to consider that in her analysis of the situation. Everything is being done to assist Mr McLeod by the Minister for Tourism. However, at the end of the day the decision will be made by the Minister for the Environment on the advice of the National Parks and Nature Conservation Authority and CALM personnel.

MINISTRY OF JUSTICE, REPORT

634. Hon N.D. GRIFFITHS to the Minister for Justice:

I refer the minister to page 41 of the Auditor General's report on ministerial portfolios just tabled where it points out that the Ministry of Justice's report is qualified, and ask -

- (1) Was the minister aware of the fact that the ministry was unable to reconcile its bank account during the year with a difference at 30 June 1999 of \$491 029?
- (2) Was the minister aware that the ministry was also qualified on this matter in 1997-98?

- (3) As a result of the qualification in 1997-98, what steps did the minister take to overcome the difficulty and why has he been unsuccessful?

Hon PETER FOSS replied:

- (1)-(3) I was aware on both counts. I have asked the director general to put in place measures to stop it. He is still working on that and I trust that will be the last time they are so qualified.

TRANSPERTH, PURCHASE OF BUSES

635. Hon J.A. SCOTT to the Minister for Transport:

In regard to the purchase of 848 buses to upgrade the Transperth bus fleet -

- (1) Does the Department of Transport intend to purchase more than 128 buses powered by diesel fuel and is it committed to do so?
- (2) How much has the operating cost of each diesel bus increased per annum because of -
- (a) low sulphur fuel use;
 - (b) the 10¢ a litre fuel price rise; or
 - (c) the reduced diesel rebate?
- (3) Are running costs of compressed natural gas buses now cheaper than diesel buses?
- (4) What is the purchase price of fuel cell buses and when will they be available?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) (a) \$390.
- (b) Low sulphur diesel has increased by 6¢ a litre in the past six months. If this price remained constant it would be approximately \$1 500 per bus. However, the price of fuel in 12 months fluctuates.
- (c) The Department of Transport has engaged Ernst & Young specifically to advise on these aspects. Their work at this stage has not been completed and submitted to Transport.
- (3) See (2)(c) above.
- (4) I refer the member to my press release of 23 November 1999 which I seek leave to table with a copy of a video showing the new fuel cell bus.

Leave granted. [See paper No 455.]

GAY AND LESBIAN COUNSELLING SERVICE OF WESTERN AUSTRALIA

636. Hon HELEN HODGSON to the minister representing the Minister for Family and Children's Services:

I refer to the threat of closure of the Gay and Lesbian Counselling Service of Western Australia and comments by a Family and Children's Services spokesman reported in *The West Australian* on Monday 15 November.

- (1) Are the specialist services provided by the Gay and Lesbian Counselling Service to people in need of sexuality-related counselling and advice provided anywhere else by Family and Children's Services, and if so, where?
- (2) How are these services promoted to the gay and lesbian community?
- (3) Is the minister aware that the specialist help line operated by the Gay and Lesbian Counselling Service of WA receives 600 calls a month on self-funding of \$25 000 a year?
- (4) Can the minister specify which services in particular will pick up this demand if the service is abolished, and will existing services receive extra funding to cope with the increased demand on their services?
- (5) If the Gay and Lesbian Counselling Service of WA closes due to lack of funding on 1 December, how much would it cost the department to set up and maintain an equivalent specialist counselling line for people in need of sexuality-related counselling?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

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

- (4) The primary responsibility for services around sexuality lies with the Health Department of WA. A wide range of counselling and support services are available either directly through Family and Children's Services or through a wide range of funded non-government agencies. Family and Children's Services provides telephone counselling services through Crisis Care, the Men's Domestic Violence Help line and the Family Help Line. Services are provided to any community member regardless of their sexuality. Additionally, Family and Children's Services provides funding for the Samaritan Befrienders to provide telephone counselling and support often related to youth suicide issues and also to the Salvo Care Line. The range of counselling services to people experiencing relationship problems and domestic violence issues are also provided and funded. Again Family and Children's Services would provide services to any community member regardless of their sexuality. There are 51 counselling and support services funded across the State at a total cost of \$3 859 723 a year. These include 12 counselling services at \$1 001 526 a year, eight youth counselling services at \$674 532 a year, nine child sexual abuse counselling services at \$656 252 a year, eight domestic violence counselling services at \$510 354 a year and 14 domestic violence and advocacy services at \$1 017 060 a year. The commonwealth Department of Family and Community Services also funds relationship counselling services throughout Western Australia. Funding is directed to generic services which include CentreCare, Kinway and Relationships Australia. Again, services are available to the whole community regardless of sexual preference.

Family and Children's Services does not provide or fund specialised sexuality counselling services. I am advised that the Health Department of Western Australia, under a proposed youth counselling program, will allocate a counsellor with the WA Aids Council as part of the focus to reduce youth suicide.

- (5) Not applicable to Family and Children's Services.

AGROFORESTRY RESEARCH

637. Hon MURIEL PATTERSON to the minister representing the Minister for Primary Industry:

- (1) Can the minister confirm whether Agriculture Western Australia is involved in any form of medium and low rainfall agroforestry research?
- (2) If so, where is this research being carried out, and what funding has been allocated?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes. Agriculture WA is involved in agroforestry research in low and medium rainfall zones.
- (2) Research on weed control, tree establishment, monitoring tree performance, impact of trees on crop production and tree species assessment is being carried out at Mingenew, Badgingarra, Wongan Hills, Piawaning, Narrogin, Katanning, North Stirling and Esperance. In addition, research into the hydrological impact of trees stretches from Darkan in the west to Merredin in the east.

Agriculture WA is also involved with other agencies, principally the Department of Conservation and Land Management, in species trials and the role of trees in water use management. These projects have only just started and trial locations have not yet been determined, but will be conducted across the south west agriculture area in various locations. Agriculture WA has allocated a total of \$320 000 to agroforestry research in the current financial year.

TRAINING, PUBLICLY FUNDED STUDENTS

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

- (1) When the Western Australian Department of Training and Employment was responsible for student enrolment and data collection what procedures were adopted to ensure that only those part-time students entitled to enrol as publicly-funded students were enrolled as such?
- (2) Since colleges have been made responsible for enrolments, have these procedures been continued?
- (3) Have any additional or new procedures been adopted; and, if yes, will the minister table this information?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Part-time enrolments have always been managed at the college level. The only students not entitled to enrol in part-time study are non-Australian residents or temporary visa holders. Any part-time students who identify themselves as non-Australian residents or temporary visa holders are immediately referred to TAFE International to enrol as overseas students.
- (2) Yes.
- (3) No new procedures have been adopted. However, following the recent fees and charges policy amendment to treat provisional visa holders as Australian residents for fee charging purposes, the department is looking into the possibility of having a question regarding country of resident or visa status included on the part-time enrolment form.

RIPPON HILLS ROAD

639. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the minister confirm that notwithstanding the \$54m that has been spent on Rippon Hills Road in the last 18 months, major stretches of the road have collapsed leaving rocks exposed on the road surface?
- (2) Will the minister confirm that Main Roads has been told by heavy haulage contractors and the mining companies that -
 - (a) the amount of dust generated as a result of the road damage has caused drivers to be driving blind on various stretches of the road; and
 - (b) the condition of the road is causing subcontract truck drivers to suffer massive losses in destroyed tyres?
- (3) What action is the Government now proposing to take?
- (4) What has been the cost of repair works undertaken since Henry Walker Contracting Pty Ltd completed the contract?
- (5) Who has borne the costs of that repair work?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

It is not so long ago I was in the area and witnessed this road. The people up there are ecstatic about getting a road to service the mining and tourism industries. They have suggested to me that the road may even link Marble Bar to Alice Springs in the future. In fact, some people do that at the present time. In the long term it may be one of the great roads across the centre of Australia.

I am glad the Leader of the Opposition recognises the coalition Government's initiative in constructing the Rippon Hills Road, which was officially opened early this month. The road is a significant component of the transport infrastructure and a tremendous improvement over the previous route which was subject to long closures.

- (1) The Rippon Hills Road pavement has not collapsed. Some problems have occurred on a short section due to some oversized particles in the sheeting material.
- (2) (a) No reports of any exceptional problems with dust have been received. Dust is a problem on most unsealed roads. It happens in my area with wheat trucks. Certainly it is a problem for some of those areas which have gravel roads, but no more than anywhere else.
- (2) (b) Some subcontract truck driver operators have complained about tyre damage on part of the unsealed sections of the Ripon Hills Road, which relates to part (1) of the question.
- (3) A 3.5 kilometre section of unsealed road which is the problem section will be sealed. The 3.5 kilometres of seal will be funded half by the mining companies with transport activities on the road and half by Main Roads.
- (4) Nil.
- (5) Not applicable.

FAMILY AND CHILDREN'S SERVICES, EMERGENCY RELIEF

640. Hon CHERYL DAVENPORT to the minister representing the Minister for Family and Children's Services:

- (1) Can the Minister advise the amount of money provided by the Department of Family and Children's Services for emergency relief which has been paid to clients of Family and Children's Services for the past three years, excluding salaries paid to staff?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question and ask that it be placed on notice. The answer involves quite a bit of work.

GNOWANGERUP, DENTAL NEEDS

641. Hon BOB THOMAS to the minister representing the Minister for Health:

I refer to reports that Gnowangerup's dentist will cease providing a service next month. What steps is the minister taking to ensure that residents will not need to travel to surrounding regional centres for their dental needs, with the consequent risk that they will take other business with them?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The minister understands that the dentist has been trying to attract

another private practitioner to take up the service. If another private practitioner does not take up the service, it will then be necessary to consider what, if any, action can be taken to provide an accessible dental service to the area.

TUART FOREST, PRESTON BEACH AND LAKE CLIFTON

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

I refer to the damage to tuart forest in the vicinity of Preston Beach and Lake Clifton.

- (1) What is the cause of the tree decline?
- (2) What research has been done to confirm the cause of the decline?
- (3) What research has been done on strategies to improve the health of these stands of tuart?
- (4) Is the extent of the damage being monitored; and, if so, is the problem getting worse?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) There is no single cause of tree decline. Tuart borer is definitely involved. Infestation of the borer may have increased in some locations due to factors such as drought, frost and long-term fire exclusion.
- (2) Extensive observations in the 1970s and in recent years have demonstrated a strong association between the presence of larvae of the tuart borer and the death of branches in tuart crowns. The Department of Conservation and Land Management has confirmed the presence of the larvae of the tuart borer in the affected trees. CALM is currently investigating information on other environmental factors such as soils and geology, rainfall and ground water.
- (3) Investigations are under way to determine whether intensive management such as fertilising and watering is appropriate for implementation by private landowners to improve the health of tuart trees on private land.
- (4) The extent of the damage is being monitored by aerial assessment. This monitoring has indicated that the severity of the damage has increased and that the affected areas have spread between 1998 and 1999. Aerial photography is being assessed to determine its value in providing historical information on impact and spread prior to 1998. I seek leave to table a map of the areas damaged by the borer.

Leave granted. [See paper No 456.]

FREEWAY SOUTH ROADWORKS

643. Hon SIMON O'BRIEN to the Minister for Transport:

With the construction of interchanges along the freeway south, can the minister indicate whether the roadworks are expected to cause any major disruption to businesses or residential communities along the freeway? If so, what consultation has been undertaken with those likely to be impacted upon?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. No major disruptions are expected to local residential communities or businesses during the construction of the interchanges along the existing freeway. However, the design and construct contractor has an obligation to keep local communities informed on the design of the proposed works and how the project will be implemented. I had the opportunity of talking to the project manager the other day and I reiterated to him the necessity to keep local people informed of the construction and of any inconvenience that might occur in that area.

TOURISM, REGIONAL FUNDING

644. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Can the minister provide a breakdown of how the \$910 000 for regional tourism funding was allocated in 1994-95?
- (2) Can the minister provide a breakdown of how the \$1 419 351 for regional tourism funding was allocated in 1998-99?
- (3) How much was allocated for regional tourism funding in 1993-94, and how was this funding allocated?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- | | | |
|-----|---------------------------------|-----------|
| (1) | Albany Tourist Bureau | \$ 18 436 |
| | Armadale Tourist Bureau | \$ 4 300 |
| | Beverley Tourist Bureau | \$ 2 470 |
| | Boyup Brook Tourist Bureau | \$ 1 570 |
| | Bridgetown Tourist Bureau | \$ 18 536 |
| | Brookton Tourist Bureau | \$ 2 470 |
| | Broome Tourist Bureau | \$ 18 216 |
| | Bunbury Tourist Bureau | \$ 18 436 |
| | Cape Naturaliste Tourist Bureau | \$ 18 536 |

Carnarvon Tourist Bureau	\$ 18 436
Central West Coast Tourist Bureau	\$ 2 470
Chittering Tourist Bureau	\$ 7 050
Collie Tourist Bureau	\$ 16 820
Coolgardie Tourist Bureau	\$ 18 536
Cue Tourist Bureau	\$ 2 470
Denmark Tourist Bureau	\$ 18 536
Derby Tourist Bureau	\$ 15 335
Dongara Denison Tourist Bureau	\$ 6 687
Donnybrook Balingup Tourist Bureau	\$ 2 470
Dwellingup Tourist Bureau	\$ 5 000
Esperance Tourist Bureau	\$ 16 936
Exmouth Tourist Bureau	\$ 18 536
Geraldton Tourist Bureau	\$ 19 106
Halls Creek Tourist Bureau	\$ 4 300
Harvey Tourist Bureau	\$ 14 283
Hyden Tourist Bureau	\$ 11 800
Kalbarri Tourist Bureau	\$ 18 536
Kalgoorlie Tourist Bureau	\$ 15 436
Kambalda Tourist Bureau	\$ 9 972
Karratha Tourist Bureau	\$ 2 470
Kojonup Tourist Bureau	\$ 2 470
Kununurra Tourist Bureau	\$ 19 304
Mandurah Tourist Bureau	\$ 18 536
Manjimup Tourist Bureau	\$ 18 536
Merredin Tourist Bureau	\$ 12 100
Mt Barker Tourist Bureau	\$ 16 006
Murray Tourist Bureau	\$ 9 300
Nannup Tourist Bureau	\$ 6 687
Newman Tourist Bureau	\$ 6 687
Norseman Tourist Bureau	\$ 18 536
Northam Tourist Bureau	\$ 15 300
Northcliffe Tourist Bureau	\$ 2 470
Pemberton Tourist Bureau	\$ 18 536
Port Hedland Tourist Bureau	\$ 19 436
Rockingham Tourist Bureau	\$ 12 300
Roebourne Tourist Bureau	\$ 13 135
Shark Bay Tourist Bureau	\$ 9 800
Swan Valley Tourist Bureau	\$ 4 300
Toodyay Tourist Bureau	\$ 14 536
Victoria Plains Tourist Bureau	\$ 3 800
Wagin Tourist Bureau	\$ 2 470
Walpole Tourist Bureau	\$ 4 300
Wyndham Tourist Bureau	\$ 2 470
York Tourist Bureau	\$ 12 536
Total	\$612 223
Central South Tourism Association	\$ 24 899
Gascoyne Tourism Association	\$ 27 094
Goldfields Tourism Association	\$ 15 831
South East Travel Association	\$ 4 995
Kimberley Tourism Association	\$ 72 000
Midlands Travel Association	\$ 24 441
Midwest Travel Association	\$ 24 725
Pilbara Region Travel Association	\$ 27 094
South West Tourism Association	\$ 52 299
Southern Travel Association	\$ 24 399
Total	\$297 777

Hon Ken Travers: How many more pages are there?

Hon N.F. MOORE: The member asked the question. If I do not provide answers to his questions, he complains. The answer continues -

(2) Kimberley Tourism Association and all Tourist Bureaus	\$170 966
Pilbara Tourism Association and all Tourist Bureaus	\$116 175
Gascoyne Tourism Association and all Tourist Bureaus	\$123 394
Mid West Tourism Promotions and all Tourist Bureaus	\$132 950
Heartlands Tourism Association and all Tourist Bureaus	\$125 679
Goldfields Tourism Association and all Tourist Bureaus	\$124 173
South East Tourism Association and all	

Tourist Bureaus	\$111 505
Southern Regional Tourism Association and all Tourist Bureaus	\$144 999
South West Regional Tourism Association and all Tourist Bureaus	\$248 298
Peel Region Tourism Association and all Tourist Bureaus	\$121 212
Total	\$1 419 351

- (3) The Western Australian Tourism Commission has advised this information has been archived. I will provide the member with these details when they are to hand.

STAMP DUTY, GOODS AND SERVICES TAX

645. Hon NORM KELLY to the Minister representing the Treasurer:

This question was in the name of Hon Helen Hodgson. I refer to media reports of 27 October 1999 regarding the rate of stamp duty to be levied following the imposition of the goods and services tax. Does the Treasurer propose to review the rate of stamp duty imposed on transactions subject to GST to ensure that homeowners and small businesses will not pay increased stamp duty as a result of the GST?

Hon MAX EVANS replied:

The Treasurer has undertaken to review the stamp duty rates after the first year of the introduction of the GST. It is difficult at this stage to predict the amount and timing of any net increase in stamp duty revenue. It is also important to recognise that the amount of some stamp duty collections will fall, particularly that on motor vehicles. It is not the Government's intention to use the introduction of the GST to raise additional stamp duty.

SALE OF FISHING BOAT HARBOURS

646. Hon KIM CHANCE 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.

- (1) Can the minister guarantee that the commercial fishing industry will be protected, and that the essential support services will not be placed at risk; and, if not, why not?
- (2) If so to (1), will the minister guarantee that legislation will guarantee the commercial fishing industry access to facilities previously built to aid the industry; and, if not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(2) I have indicated that it is absolutely crucial to protect the opportunity for commercial fishermen to access all those boat harbours. I will scrutinise that process right through. I am not aware of the necessity for legislation, but I will look at that aspect when it comes forward. I give an assurance that I believe it is important to the commercial fishing industry that the boat harbours continue to be available.

TRANSPORT OF RADIOACTIVE MATERIAL

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

Some notice of this question has been given. Regarding questions without notice 430, 481 and 482 and the transportation of radioactive material in Western Australia, I ask -

- (1) Will the minister identify the radiological nature and quantities of the ore samples, process samples and yellowcake?
- (2) Will the minister identify how this material was packaged and distributed in the seventeen 44-gallon drums?

Hon MAX EVANS replied:

- (1) The materials were ore samples and processed samples, including some yellowcake. The International Transport Code of Practice classes uranium ore as "low specific activity" material; therefore, it is of minimum radiological hazard.
- (2) The material was packaged in accordance with the International Transport Code of Practice.

FREMANTLE FOOTBALL CLUB CORPORATE BOX

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

- (1) Was the proposal from the Fremantle Football Club for a mentor program for Aboriginal youth in the 1999 calendar year put to the Office of Aboriginal Health in writing?
- (2) Will the minister table a copy of the proposal and the response to the proposal, including -

- (a) who approved the acceptance;
 - (b) the cost of the original proposal;
 - (c) to what use was it originally proposed that the corporate box would be put; and, if not, why not?
- (3) What cost savings resulted from the deletion of the corporate box from the proposal?
 - (4) Will the Minister for Health table a copy of the Health Department's request that the provision of the corporate box be removed, and when did this occur?
 - (5) On what dates in 1999 did officers of the Office of Aboriginal Health have access to the corporate box?
 - (6) How many Aboriginal youths involved in the mentor program have access to the corporate box in 1999, and on what dates?

Hon MAX EVANS replied:

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

FREMANTLE FISHING BOAT HARBOUR

Hon M.J. CRIDDLE (Minister for Transport): I wish to correct a response to a question without notice yesterday. The response I gave was that the total revenue of the Fremantle Fishing Boat Harbour was \$1.833m for 1998-99. Unfortunately, the figure provided to me by the Department of Transport inadvertently omitted revenue of \$653 000 for boat pen fees and charges for 1998-99. The correct total revenue for the Fremantle Fishing Boat Harbour in 1998-99 is \$2.486m.

[See paper No 457.]
