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(HANSARD)

THIRTY-FIFTH PARLIAMENT
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LEGISLATIVE COUNCIL

Thursday, 29 June 2000

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 10.00 am, and read prayers.

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Financial Management of Prisons, Report

Hon Mark Nevill presented the twenty-ninth report of the Standing Committee on Estimates and Financial Operations, on the financial management of prisons, and on his motion it was resolved -

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

[See paper No 1133.]

Financial Management of Prisons, Appendix D of Report

HON MARK NEVILL (Mining and Pastoral) [10.04 am]: I move -

That pursuant to Standing Order 324, it is ordered that the evidence taken by the Estimates and Financial Operations Committee that is identified in Appendix D to the committee's report in relation to the financial management of prisons not be disclosed or published in any form or to any person without further order.

The PRESIDENT: Will the member give some indication as to the reasons for his motion? He is inviting members to vote on a motion that they have heard for the first time. There must be some reason the member is able to give without giving away what he does not want to give away.

Hon MARK NEVILL: The interpretation of some standing orders of this House has changed during the course of this inquiry. When the inquiry originally commenced, it took evidence in camera, or as it is called these days, it took private evidence. A number of people who are currently serving in the Ministry of Justice gave evidence. Some of that evidence related to prisoners who are still in custody. That evidence was given to the committee on the understanding that it was at the committee's discretion to release that report. With the change in the interpretation of standing orders, that evidence is now public unless a suppression order is made by the House. This motion keeps the faith with those people who gave evidence prior to the reinterpretation of the standing order.

HON DERRICK TOMLINSON (East Metropolitan) [10.07 am]: I seek some advice on this because the question of suppression orders is an issue that I have found vexing over the past few months since, as Hon Mark Nevill put it, the new interpretation of standing orders. I do not know whether it is correct to say there has been a new interpretation or whether there has been a change to standing orders. I have served on select committees where witnesses have given sensitive information. They have given that sensitive information only because the standing orders governing committees allowed a suppression order. Suppression orders were granted at the request of the committee. When a request was made, for example, by the Anti-Corruption Commission to have access to evidence of the committee of which I speak, a select committee was appointed by this House to review all the evidence and to seek the permission of those to whom suppression orders had been granted for the release of that information. Until recently, I have worked on the understanding that a suppression order was granted by the committee. We now have the interpretation that a suppression order can be granted only by the House. I would like clarification of that matter.

The PRESIDENT: In his comments Hon Mark Nevill indicated that there had been some change to the standing orders. That is not the case. This is the first time since our standing committees have been established that there has been a request under Standing Order No 324 that certain evidence be suppressed. There is also a distinction in the Legislative Council between standing committees and select committees over the publication of evidence.

Hon Derrick Tomlinson mentioned in passing the Joint Standing Committee on the Anti-Corruption Commission, I believe, of which he is chairman -

Hon Derrick Tomlinson: I mentioned that the Select Committee on the Western Australia Police Service adopted the standing orders relating to standing committees for the purposes of suppression.

The PRESIDENT: There has been no change as Standing Order No 324 reads -

Unless a committee recommends, and the Council orders, that private proceedings not be disclosed, those proceedings may be disclosed or published when the committee reports on matters to which those proceedings relate.

Those are the words under which we are working. Hon Mark Nevill said that because of the sensitivity of certain information, he recommends to the Legislative Council that the proceedings on those matters not be published. That is a question for the House to decide. It is a proper request. However, no change as such has been made to standing orders. The Joint Standing Committee on the Anti-Corruption Commission, of which Hon Derrick Tomlinson is chairman, works under the rules of the Legislative Assembly, and they might be different from those of the Council. We will not discuss that at this stage. The motion before the House is certainly proper in respect of the evidence taken by Hon Mark Nevill's standing committee.

HON B.K. DONALDSON (Agricultural) [10.12 am]: I support Hon Mark Nevill's motion. I am concerned that the procedure for seeking suppression undermines the processes of committees. People appear before committees to give confidential information. When we table reports, we may need continually to ask the House for suppression orders, or not accept correspondence or not quote from reports which may be provided. Some evidence of a confidential nature can assist committees, as quoting parts of the information can have a big bearing on a committee report. The Standing Committee on Legislation is facing this very question. Maybe we should look closely at the standing orders relating to the taking of evidence of a confidential and private nature. Otherwise, every time we report, we will need to seek a suppression order for the information provided. This is a growing concern to the Standing Committee on Legislation.

The PRESIDENT: I understand the comments of Hon Bruce Donaldson. It would be proper for the Standing Orders Committee in due course to consider the matter of publication of evidence if that were the wish of the House. Before that is done, members must clearly understand the rules which apply to publication. Standing Order No 322 provides that committee proceedings are open to accredited media representatives and the public, although no-one other than members or committee officers can be present during the committee's deliberations. The mere fact that the committee proceedings are open to accredited media representatives implies that they may be reported. Erskine May refers to public hearings, and their content, being reported. Standing Order No 323 concerning standing committees states -

A committee may conduct proceedings in private session if it believes that the identity of a witness or the nature of the evidence should be confidential.

The result is that Standing Order No 324 provides that it is proper that orders be brought to the House seeking suppression of certain information. I am here to facilitate the business of the House. I am happy for the Standing Orders Committee to consider the suppression of evidence and the difference between standing and select committees. The motion before the House is proper.

Question put and passed.

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Transport Co-ordination Amendment Bill 1998, Report

Hon Mark Nevill presented the thirtieth report of the Standing Committee on Estimates and Financial Operations, on the Transport Co-ordination Amendment Bill 1998, and on his motion it was resolved -

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

[See paper No 1134.]

SAFE INJECTING ROOMS AND HEROIN PRESCRIPTION TRIAL

Amendment to Motion

Resumed from 28 June on the following motion moved by Hon Norm Kelly -

That the Legislative Council -

- (1) Notes the drug policies of Switzerland and the Netherlands, and their impacts.
- (2) Notes the progress being made in Australia for the establishment of safe injecting rooms.
- (3) Supports the provision of safe injecting rooms that are a part of primary health-care centres catering to the needs of drug users.
- (4) Supports the introduction of a heroin prescription trial in Western Australia.

to which the following amendment was moved by Hon Helen Hodgson -

That the motion be amended by deleting parts (3) and (4) and inserting -

- (3) Establish a select committee, comprising 3 members, to inquire into heroin use in Western Australia, with the following terms of reference -
 - (a) To examine the implementation of the Government's drug courts policy, and its impacts on the supply of, and demand for, drug treatment services;
 - (b) to examine the feasibility and need for a trial of safe injecting facilities;
 - (c) to examine the feasibility and need for a trial of medically-prescribed heroin to dependent, adult, long-term heroin addicts;
 - (d) to examine whether safe injecting facilities and heroin prescription programs will result in more dependent drug users entering drug treatment programs.

HON PETER FOSS (East Metropolitan - Attorney General) [10.16 am]: I quote to members from a publication called "Comparison of deaths due to alcohol, tobacco and other drugs in Western Australia and Australia" released in June 1998. Page 26 of the report contains a table, titled B2, which refers to the estimated number of drug-caused deaths by drug type

and year between 1985 and 1996. This table has three parts; namely, wholly attributable deaths, other deaths, and estimated total deaths. The "wholly attributable deaths" are those which, according to a note, are the number of deaths and conditions to which the aetiologic fractions are equal to one. The "other deaths" are the estimated number of deaths and conditions to which the aetiologic fractions are not equal to one. Interestingly enough, tobacco has no wholly attributable deaths. Alcohol deaths in 1988 numbered 107, and the figure rises to 117 in 1996. The figure for deaths from other drugs was 61 in 1985, rising to 101 in 1996. The "other deaths" figures are 1 569 from tobacco, 240 from and alcohol, and five from other drugs - members should bear in mind that other drugs includes medical drugs. The total figure is 1 569 tobacco deaths, 357 alcohol deaths and 106 deaths from other drugs. The point is that the legal drugs, those which have become socially tolerated, are the biggest problem.

Hon Norm Kelly questioned whether there are certain deaths from heroin. Hon Norm Kelly should look at the situation around Australia. It is fortunate that this Government became alerted to the problems of deaths from heroin before some the other States became alerted. We moved to establish our drug strategy prior to establishment of such strategies in other States. Despite the somewhat disparaging statement by Hon Norm Kelly, the strategy is not a war against drugs. The Government has a broad-ranging strategy, the majority of which relates to matters of prevention and diversion.

Hon Norm Kelly: Where is the majority of the funding?

Hon PETER FOSS: It depends on what is counted. We spend a huge amount of money on enforcement, but it is not part of that budget. The majority of work is related to diversion. The enforcement budget is a totally different budget. One of the things of which this Government is proud is the difference between the situation in this State and the situation in Victoria. Victoria was much slower in identifying the problem. It is missing the point to say that the number of deaths has not decreased, because we have not experienced the massive increase in deaths that Victoria did. This Government is to be congratulated for being able to avoid the enormous increase in heroin-induced deaths that took place in Victoria.

The argument in favour of injecting rooms is that it prevents overdose deaths because intervention can be provided when an overdose occurs and that it reduces the spread of blood-borne viruses through needle sharing and unsafe injecting practices. Another method of minimising harm through heroin use is the needle exchange program. I introduced into this place the legislation to approve those programs. The needle exchange program is part of the harm-minimisation process, although it is not without its problems. I became aware of one of those problems when I was the Minister for the Arts. The needle exchange program operates in many places, but undesirable characters often congregate in areas where a needle exchange van is situated. One of those needle exchange vans was located in the Perth cultural centre. It did not do the cultural centre a lot of good because it became a centre for people shooting up drugs and frightened away other people. People began to steer clear of the cultural centre, particularly at night. Much has been done to try to overcome that problem, but there is no doubt that the concentration of drug users in a particular place, often where there is a needle exchange van, leads to undesirable social consequences. The place becomes a public focal point for drug use by injection and, unfortunately, for drug dealing. People dealing in drugs are ruthless businessmen and, to get the business, they go where their customers congregate.

Hon Greg Smith: Is it true that the drug dealers in Switzerland went on strike?

Hon PETER FOSS: I am not aware of that. The explicit acceptance of illegal heroin use creates problems. Proponents of safe injecting rooms cannot ignore the downside of heroin use while arguing the benefits of injecting rooms. Like gambling, it is too easy to look at the perceived benefits and ignore the severe consequences. I have known one or two chronic gamblers. They spend their time talking about all their winnings. There is no doubt that they have won huge amounts of money, but only because they bet huge amounts. They never speak about how much they have lost.

Hon N.D. Griffiths: They are optimists.

Hon PETER FOSS: They are definitely optimists.

Hon Ken Travers: It is like the Government telling us about all its good initiatives.

Hon PETER FOSS: Alternatively, it is like the Opposition decrying all our initiatives, good or bad.

Hon KEN TRAVERS: We are always positive. We congratulate you in private.

Hon PETER FOSS: Yes, the Opposition is very good at congratulating us privately. Every now and then, it congratulates us publicly, as long as nobody is in the gallery. Opposition members should not say anything nice at the moment because there is a person in the gallery.

Hon Ken Travers: We know your humility; you would not want to be publicly congratulated.

Hon PETER FOSS: I thank the member.

Problems are created when people concentrate on the positives of injecting rooms and ignore the negatives of heroin use. The negative aspects far outweigh any positives that would be provided. It is better to continue with the harm-minimisation policies, such as the needle exchange program, that are in place in this State.

The promotion of safe heroin injecting rooms is occurring in those parts of Australia that have a substantial public drug scene. I do not know if any members have been to Kings Cross in Sydney, but it is easy to see why people there want a drug injecting room. The public drug-injecting scene in Sydney is very rough. The push for injecting rooms can be

compared with the method of getting beggars off the street. Injecting rooms are available not so much as a matter of sympathy for drug users, but because the proponents hope injecting rooms will take the public drug-injecting scene off the streets and put it somewhere it cannot be seen.

Hon Norm Kelly: Of course, it would assist in targeting users for diversion into programs.

Hon PETER FOSS: I know what the member is saying about the positive intentions; however, places like Sydney have other reasons for introducing them. It is similar to the problems with beggars: A soup kitchen exists as much to get the beggars off the street as it does to provide them with soup. In Sydney, the underlying justification for the rooms is that they would be better than what already exists. There is an almost public acceptance of heroin use in Sydney because it is so public. It goes on in people's faces. People who come from Perth are horrified to see it, as it is a totally different drug scene. It is similar in central Melbourne, Collingwood, Footscray, Springvale and Dandenong. The problem in Sydney is centred in Kings Cross, Cabramatta and the rural town of Nimbin, which has a major problem with the public injection of drugs. The problem does not exist to the same extent in Perth. It looked like it might occur when the exchange program was first introduced, but we have now addressed that. Even then, the problem was not as public as in New South Wales because it occurred mainly behind the old Perth Boys School. However, I still found it quite worrying. I hate to think that Western Australia would provide the focus for a concentration of drug users through having a public injecting room.

Ten out of the 77 deaths from suspected heroin overdoses in 1998 occurred in public places, and in 1999 it was 12 deaths out of 86. Those deaths occurred in various locations around Perth. Western Australia does not have a situation in which people come together and die in the streets. Therefore, it would not be more convenient to shift them into a place where Narcan can be administered.

Hon Ken Travers: What is the criterion for determining if a place is public or private?

Hon PETER FOSS: A person's house is private and a street is a public place.

Hon Ken Travers: What about a hotel room?

Hon PETER FOSS: A hotel room is a private place. I do not have a definition of that in my notes, but I expect the normal meaning applies. If the act were performed in a motel room, it would be in a private place. If someone injected drugs in a public bar, it would be considered public, as it would if that person injected in the public toilet at a pub.

Hon Norm Kelly: As in the prostitution legislation?

Hon PETER FOSS: Yes. The definition in the prostitution legislation is similar to the normal definition, except the Parliament included the provision that an act could be seen or heard from a public place.

Public injecting rooms operate in Switzerland, the Netherlands and Germany. In Australia, the Governments of New South Wales, the Australian Capital Territory and Victoria are progressing the implementation of injecting rooms. The International Narcotics Control Board has written to the Prime Minister, indicating that injecting rooms might be in breach of Australia's commitment to international conventions. I mention that because I know that people here are concerned to ensure that Australia observe its international convention obligations.

Hon Greg Smith: Only when it suits them.

Hon PETER FOSS: I am telling people, and they can decide on that.

As I mentioned to Hon Norm Kelly, some positives were reported from the Swiss trial. It produced reported results for the individuals concerned which mirrored the results of methadone treatment. It is interesting that the results for those who are on the treatment mirror those of methadone treatment. They include improved health and social functioning, homelessness was reduced from 12 per cent to 1 per cent, employment increased from 14 per cent to 32 per cent, crime by participants reduced by 50 per cent, and illicit drug use was reduced, but not eliminated. The comment is made that in the absence of a control group, the results may be attributed to the substantial social support provided to participants. In that respect I will deal with the rather famous drug naltrexone, which has a very important role to play in Western Australia. I recently had the privilege to attend an all-day conference organised by the New South Wales drug court. I say it was a privilege because all the other participants were judges, lawyers, psychiatrists, the Director of Public Prosecutions and treatment professionals involved in drug programs. The active participants in the New South Wales drug court were all there. It was a bare the bosom-type of examination of the whole thing - I say that figuratively, of course. It was a very interesting day because people spoke on various drug treatments. One of the most important facts about the naltrexone treatment came from one of the psychiatrists. He had experience with all forms of drug treatment, including naltrexone. He had some remarkable successes with naltrexone. He was approached by a close-knit country town which was having a drug problem to see whether it could take on a naltrexone program. It took on the naltrexone program, but it received no support for it whatever. It was a total failure. The people of the town probably should not have bothered starting it, it was so ineffective. The point that he made - it has been made in this place as well - was that naltrexone is not a treatment, but an aid to abstinence. It takes away the craving the person has for the drug, and the effect of the drug. It blocks the receptors and stops the drug having an effect. Even if the drug is taken, it has no effect because its effects are blocked. However, addicts do not want to take naltrexone because it blocks the craving. Abstinence is one of the possible treatments for drug dependency. The professionals say that naltrexone is not a treatment; it is merely an aid to abstinence. They must then treat the reasons the person was on the drug in the first place.

Hon Ken Travers: It addresses the symptoms, not the cause.

Hon PETER FOSS: That is exactly the point. It is a suspension of the drug, not the problem that added to the cause of the person using the drug.

Hon Christine Sharp: Allowing them to clean out is a considerable aid to the situation.

Hon PETER FOSS: Yes, and I am not criticising naltrexone. However, a common misunderstanding in the community is that naltrexone is a treatment.

Hon Kim Chance: Does it mitigate the side effects for an addict?

Hon PETER FOSS: No, it does not and there is a problem there. Going onto naltrexone can cause extreme problems. Various methods of getting people onto the naltrexone program have been drastic. One of the things Dr George O'Neil has done in Western Australia is introduce his rapid induction program. Again it is a misnomer to say it is rapid detoxification, because people are not detoxed; they are rapidly induced onto the naltrexone program. Normally significant other drugs must be given to enable the person to go onto naltrexone. It is not a treatment; it is an aid to treatment - a very important aid to treatment. If a person who has been inducted into the program and is taking naltrexone continues to take it, that person will have neither the craving nor the effect.

Hon Christine Sharp: How would you define treatment? Clearly naltrexone is very helpful in many cases and has won widespread support, whereas methadone continues addiction in a different form. Do you call that treatment? Would you clarify that for us?

Hon PETER FOSS: Yes, I will. It is important for people to understand that there are all sorts of aids to treatment including, and most importantly, the support afterwards. The point I am trying to make is that naltrexone is not a treatment. One of the big problems in society is that people think if addicts take naltrexone, that is the end of the problem and they will not need drugs any more. One of the results of the comparison of the naltrexone program with the methadone program is the far higher use of alternative drugs while people are on naltrexone. They seldom take opiates, because there is no point, but they take amphetamines, cannabis and the other illicit drugs. Unless the reasons they are on drugs is dealt with, all naltrexone does is make them swap drugs - they fill up with other drugs. The person has a lesser problem with substitute drugs when he is on methadone than he does with naltrexone. However, naltrexone is effective if people want to give up drug taking and the program involves treating the person as opposed to treating only the symptoms.

I am trying to relate the seminar in New South Wales to the heroin trials. The point that the psychiatrist made is that naltrexone is not a treatment and abstinence is one form of dealing with addiction - it works for a lot of people. Generally speaking, people find that no treatment works without proper social support and dealing with the underlying causes. Any treatment or any system will work if it deals with the underlying causes and provides social support. To some extent, giving people placebos and support could have better results than naltrexone and no support. We could get a far worse result from giving people naltrexone than from giving them placebos and support. The problem with all of these things is that frequently what works is not the treatment, but the support they are given.

Hon Ken Travers: It is treating the causes for taking up drugs, and preventive measures to stop people getting to that point.

Hon PETER FOSS: That is right. To decide whether these treatments are working, we need multifactorial-type analysis. The problem is that people say, "Look at the results!" What is giving the result is not what they are doing but the concentration on those people, the will to make it work and all the support they are given. That is what has worked and not the mumbo jumbo that goes along with it. The mumbo jumbo would probably work in a lot of these cases when it is used with other treatments. However, naltrexone is different because it deals with a serious problem for addicts; that is, the craving and the effect of the opiates. It has a downside, because as soon as the addict stops taking it, the craving returns, but the tolerance to the drug is lost. One of the big problems with the use of naltrexone is not the deaths while the addict is on the course but the deaths as soon as he or she stops. When the addict stops taking naltrexone, the craving returns; he goes out and injects and he does not realise his tolerance for the drug has nosedived. The addicts tend to overdose and die as a result of leaving the course.

One of the big criticisms made of some of the naltrexone programs is that people come back again and again to be reinducted into the course. That method has been strongly criticised because it does not deal with anything. It proves the program is not working. However, from time to time addicts have a bit of a break, through joining a naltrexone program, without addressing the underlying problems.

Another point that arose at the New South Wales conference was that very few people manage to overcome their drug problem using only the naltrexone program and abstinence. Generally speaking, they will need a succession of treatments. In other words, they may begin with naltrexone and take other drugs and programs or they may start with methadone and go onto naltrexone. Sometimes they will use them together. However, there is no standard process. In other words, we cannot say someone should undertake program one, two or three, because the requirement will vary with individuals.

Hon Ken Travers: You need many different programs to assist different people. It must also be accessible when they decide they want to get off drugs. One of the problems at the moment is that the program does not exist.

Hon PETER FOSS: There is no point offering a drug program to someone who does not want to give up drug abuse. The most fundamental point about someone undergoing a drug treatment program is the person's desire to give up.

Hon Ken Travers: The support must be there immediately when they make that decision.

Hon PETER FOSS: Other programs of support are available. Sometimes people do things that do not improve their addiction, but maintain it for a period without necessarily causing massive harm. When I was Minister for Health I spent some time with the people at the methadone clinic in William Street discussing their clients' behaviour patterns. I found it most interesting that people who are drug addicts are very fussy about their diet; for example, they are vegetarians or vegans but they inject heroin. It is human nature to be fussy about one aspect of our health while our behaviour can have disastrous effects on other aspects of our health.

One of the fascinating things that came out of the conference in New South Wales was the public attitude to failure by drug addicts. For instance, we may learn about someone with diabetes or asthma who was carted off to hospital and brought back from near death and say, "Oh, that poor person; isn't it terrible he came so close to death." Apparently, 90 per cent of those hospitalisations are caused through their not complying with the requirements of their medication. However, in the case of a drug addict who goes back onto drugs, we say, "Blooming junky" and we have no sympathy for him whatsoever; yet the same human failing that leads to a relapse by many drug addicts causes people not to take the appropriate amount of medication for asthma and diabetes. Society has a totally different attitude towards those people than towards drug addicts with the same failings. We must first learn that human beings are involved in drug addiction with all their failings and usually a few more and they are not unique in their failure to remain drug free.

Hon Ken Travers: The difficulty is that many people on drugs do not accept that they have a human failing.

Hon PETER FOSS: To some extent, we do not accept it with asthmatics and diabetics. What would people say if we told them that 90 per cent of asthmatics and diabetics who reached crisis point had failed to take appropriate medication? They would ask, "Why are we spending thousands of dollars on intensive care for people who did not take their pills?" If we said that, we would get a public reaction. However, the diabetics and asthmatics would not accept they had failed in anything; they would say that they were sick and entitled to our sympathy. It is fairly standard for people not to accept that they have failings. However, we all have our failings. We overeat, eat the wrong foods, smoke or whatever. It is a pity one of the members opposite is not listening to this part of my speech. I would have thought he would be nodding. I will return to that topic later.

Hon Ken Travers: Are you abusing me or something?

Hon PETER FOSS: No; I was trying to get the attention of Hon Slim Chance - sorry, Hon Kim Chance. I was saying we all have our failings; for example, some of us should not eat so much, and we know we should not smoke.

Hon Ken Travers: I am desperate to know what is your failing?

Hon PETER FOSS: I have dozens of them, but I will not tell members.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! We do not want any miracles performed here, thank you.

Hon PETER FOSS: Irrespective of whether an illness is diabetes, asthma or drug addiction, the type of treatment required is not so much the issue as the need to maintain the people on treatment and to provide them with support. Results have come from the Swiss trial, but they are no different from the results we have gained through the methadone program.

We are still looking to see whether the naltrexone program can provide results that will justify its use. The main issue about the naltrexone program is that it is another weapon in the armoury, albeit just a different weapon.

Hon Ken Travers: It is about having as many options available so we can achieve the option that matches their needs.

Hon PETER FOSS: The results to date of the naltrexone program are not spectacular. It certainly does not appear to be an appropriate intervention for all heroin-dependent people or users. For many of those people, welfare dependence replaces crime. In other words, rather than going to work they became welfare dependent. Illicit and other drug use continued for many: Six per cent continued daily illicit heroin use - 26 per cent used occasionally; one-third used cannabis daily; 5 per cent used cocaine daily - 40 per cent used occasionally, according to an earlier report by Hall in 1997; and 9 per cent used benzodiazepine daily.

Sydney experienced similar results with methadone and naltrexone use. Eight per cent moved to an abstinence-based treatment; 3 per cent died and close to one-third dropped out of the treatment. Despite the fact that naltrexone has been trumpeted as the solution to social ills associated with illicit drug use, it has not achieved very much. It has had no better effect than methadone. Naltrexone is used by a self-selected group and, to the extent it had success, that success was more likely attributable to the increased support given to the people involved.

Another interesting point is what the trial did not investigate. We can investigate anything we like, but we will get final results only on the things we check for. The Swiss trial did not check for some things which some of the English trials had checked for. Earlier I mentioned that this matter has interested me for a long time. I have read widely on it and I have seen some of the results in the United Kingdom. The results in the United Kingdom probably have greater application to Western Australia than the results in Switzerland. If we put it in a spectrum of types of behaviour, we would find Switzerland down one end, England somewhere in the middle and Australia at the other end.

Hon Ken Travers: With your guidance, surely we could come up with a trial which did it right and which looked at all those issues properly?

Hon PETER FOSS: I find the faith of Hon Ken Travers to be very touching and rewarding. I have never known him to be so complimentary.

Hon Ken Travers: I knew you were upset about not having it on the public record.

Hon PETER FOSS: I accept what he has to say unreservedly.

Hon Ken Travers: And support the motion?

Hon PETER FOSS: No. I do accept that if anybody could get it right, and Hon Ken Travers could be right, it may be me. However, modesty forbids me from even attempting to see whether he is right.

Hon Norm Kelly: After the election you may be able to go on the committee to assist in this.

Hon PETER FOSS: I thank Hon Norm Kelly. I was not aware that we would start to allow ministers on committees. I doubt I will have the time to do it, but I appreciate his suggestion that I may be able to assist.

The trial did not demonstrate the social impact of providing heroin on prescription. I have raised some of my concerns about the fact that heroin can be obtained on prescription. The message received by potential users, those considering stopping and the general community from any increased propensity to abuse heroin is not known. It was unwise to do that. The impact of the availability of heroin on prescription upon users seeking other treatments, particularly methadone, is also not known. Was one of the costs - we know there are costs in everything - an impact on the methadone program? It is likely that some people on methadone treatment would be less satisfied with this treatment, given the option of heroin.

The key conclusions of the external evaluation panel of the World Health Organisation were that the Swiss studies were not able to examine whether improvements in health status or social functioning in the individuals treated were causally related to heroin prescription per se or a result of the impact of the overall treatment programs. This was due to the absence of the control group. It is medically feasible to provide an intravenous heroin treatment program under highly controlled conditions when the prescribed drug is injected on-site in a manner that is safe, clinically responsible and acceptable to the community. Participants reported improvements in health and social functioning and a decrease in criminal behaviour and reported use of illicit heroin. There is a need for continued scepticism about the specific benefits of one short-acting opioid over others. This questions the superiority of heroin over methadone and other drugs such as buprenorphine.

The serious proponents of a heroin trial in Australia have argued that its potential advantage would be to engage heroin-dependent people who cannot be reached through methadone. Therefore, it would be useful for a narrow range of people. One inappropriate claim regarding a heroin trial is that it would protect the lives of young users. Unless heroin is provided to all those who seek it, young users and newly dependent users will continue to access black market heroin. Another claim is that it will eradicate the black market. Unless heroin is supplied to all those who seek it, the black market will continue to exist. It is also claimed that it will reduce the death toll. Although mortality would be reduced for those people undergoing treatment, as it is for those undergoing methadone treatment, a substantial illicit heroin market and deaths from overdoses would continue. Making heroin available on prescription puts more heroin into the overall supply. In the face of a constant level of imported heroin, the economic effect would be to put downward pressure on the price of heroin and to make it more available to other users. The fact that the price of heroin has dropped is already a problem. I understand that in the United States the cost of cannabis is now in excess of that of heroin. People are paying more for cannabis, and that causes problems. We know what happens when a drug is made cheaper; crack is a clear example of the impact of an expensive drug - cocaine - being made available in a form which is much cheaper. If we supplied heroin on prescription, it would have a downward impact on the price of heroin.

Hon Ken Travers: I do not understand the logic.

Hon PETER FOSS: Hon Norm Kelly indicated that one of his concerns was that the price of heroin had dropped. I am sure I heard him say that that had occurred. When the price drops -

Hon Norm Kelly: The purity increases.

Hon PETER FOSS: I do not think that is correct; I think it has dropped. One of the big concerns has been that some very pure heroin has been coming onto the market. When we experience a series of heroin deaths, it is normally because a cheap, high quality supply is coming onto the market and people are taking a lot more than they think they are because of the purity of the heroin. A drop in the price of heroin is a matter of concern, because then there would not be much difference between heroin and cannabis. As I understand it - I may be wrong - in the United States the price differential between heroin and cannabis has reversed.

Hon Ken Travers: The long-term health effects of cannabis are arguably worse than the long-term health effects of heroin.

Hon PETER FOSS: I have heard that.

Hon Ken Travers: I said "arguably".

Hon PETER FOSS: One of the things I was told at the methadone clinic is that very few people live beyond 20 years of heroin addiction.

Hon Tom Helm: Heroin addiction?

Hon PETER FOSS: Yes. A person cannot be a heroin addict for 20 years and still be alive.

Hon Ken Travers: Would that person die from the heroin or from an overdose?

Hon PETER FOSS: I think that person would die from the overall impact on his or her body from being a continual drug user. I must confess to not being capable of being closely examined on that statistic. That was the statistic I was given; that is, that few people live beyond 20 years of heroin addiction. They either get off it or they die.

Hon Ken Travers: Drink drivers live for 20 years as well.

Hon PETER FOSS: I am not defending alcohol. The Swiss already have a trial, the Netherlands is pursuing a trial, and Germany is considering a trial. Very limited heroin on prescription has continued in the United Kingdom since the 1960s. Most of the reading I have done on this has related to those programs which have been going since the 1960s.

Hon Ken Travers: This is all the negative stuff we hear from the Government. Where is the Government's positive alternative to addressing the problem?

Hon PETER FOSS: We have been through that. I would love to go through all the positives. I do not have with me the full list of all the things we are doing in our drug strategy.

Hon Ken Travers: They are not working.

Hon PETER FOSS: It is nonsense to say that.

Hon Bob Thomas: Is prohibition working?

Hon PETER FOSS: For those members who missed my opening remarks, I would be very happy to start at the beginning again and deal with those matters.

Hon N.D. Griffiths: You have only two minutes to go.

Hon Ken Travers: It is always negative.

The PRESIDENT: Order! Members should not interrupt the Attorney General. He has only a few minutes left.

Hon N.D. Griffiths: We will have prorogation to stop this speech.

Hon PETER FOSS: We will re-list the motion immediately after.

Hon N.F. Moore: The minister will bring it back on after prorogation

Hon PETER FOSS: If we bring it back on after prorogation, I will be able to finish it.

Hon N.F. Moore: Have members of the Labor Party spoken on this yet?

Hon PETER FOSS: Yes.

Hon N.F. Moore: Did they support it? I was not here yesterday.

Hon N.D. Griffiths: We do not mind matters being examined, or are you hiding the truth?

Hon N.F. Moore: You have to stand up for something one of these days.

Hon PETER FOSS: Some of the conclusions we can draw from the information available to us on the Swiss trial are these: First, methadone treatment can achieve the same results as reported for the Swiss heroin trial. The positive impacts of the Swiss heroin trial for individuals may have been due to the extensive social support as much as to the heroin on prescription. Frankly, I suggest that the better way to proceed is to deal with the social support and to give support to those programs which address the problem and which provide treatment, as opposed to what I think are fancies.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Motion

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

That Order of the Day No 1 be dispensed with and the House proceed forthwith to Order of the Day No 3.

SELECT COMMITTEE INTO THE FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA

Special Report

Resumed from 27 June on the following motion moved by Hon Ken Travers -

That the report be adopted and agreed to.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.02 am]: This select committee must almost hold the

record as having been the committee that produced the quickest report. I gather that after about two meetings, we now have a special report from this Select Committee into the Finance Broking Industry in Western Australia. The purpose of this report, which we are being asked to adopt and agree to, is to amend the terms of reference of the select committee. For those members who have not had a chance to look at the report, basically what it seeks to do is to substitute in the standing orders that relate to select committees a number of standing orders that relate to standing committees.

When the standing orders of this House were put together, it was clear that the rules that relate to select committees are different from those that relate to standing committees. It has been traditional in this House for a select committee to proceed under the standing orders that relate to that committee, and essentially hearings are held in private. Therefore, select committees generally ask for people to provide evidence, the evidence is considered in camera by the committee, and then the committee makes its report at the end of the inquiry. On the other hand, in recent history standing committees have been set up in this House and they have been generally open to public attendance, because essentially that is the nature of the work they do. However, it has been a tradition that select committees are committees to which, in a sense, people are invited to give evidence or to attend, rather than people coming because it is a public inquiry.

For some reason or other, the mover of the motion to set up the select committee decided that he would seek to have a select committee established to look at the finance broking industry. It was a decision made by the mover to proceed down that path. He did not include in the motion any changes to the standing orders of select committees to facilitate anything he might or might not have wanted to do; he simply moved for a select committee to be set up. I find it strange that two days after the House agreed to the formation of a select committee, a motion comes before the House seeking to change the rules under which the select committee will operate. I thought those would have been worked out well in advance.

The recommendation that is being put forward to the House to adopt is an attempt by the select committee to give itself some of the powers that are provided under the standing orders for standing committees. This committee's report says in paragraph 1.3 -

The Committee is required to inquire into various matters concerning the finance broking industry in Western Australia. In order adequately to carry out its duties of inquiry, the Committee has formed the view that it should, in most cases, take evidence in public session. For this purpose the Committee has resolved to admit strangers to its hearings unless a Committee Member moves or a witness requests that he or she be heard in private.

I am interested to know why the committee has formed the view that it should take evidence in public session. How is the evidence any different if it is taken in public session rather than in private session? The evidence is no different. In the context of the main purpose of the committee, which is to come forward with a report and recommendations to the House, it makes no difference at all whether a person gives evidence in public or in private, because presumably the committee will look at the evidence and make its judgments in its report based upon that evidence. One would hope that it would not take notice of any extraneous issues. By having the evidence in public session, it means that the media can report on what is said to the committee every day that it meets. Does that help the processes of the committee? We are not told how it will. I suspect that it will not help at all.

We have said in this House consistently and constantly that we are very concerned about what this committee might or might not do in the context of the Gunning inquiry and in the context of any court cases that might be in progress or might proceed in the future. We initially added an amendment to the terms of reference of the select committee to try to constrain it to ensure it does not get in the road of the other inquiries that are being undertaken. I argued at the time the select committee was set up that it was simply a straight-out political exercise on behalf of the Labor Party. However, I acknowledged that under the rules of the select committee it would essentially operate in private. Therefore, I learnt to live with the fact that we will have this select committee. Putting in place the amendments we put forward and which were agreed to by the mover, and knowing the standing orders of select committees, I thought that at least there was some hope that the committee would not get in the road of what was already happening. However, I should have known better. What I have said in the House before is obviously correct; that is, that this exercise is nothing more and nothing less than a straight-out political attempt to gain daily media coverage of the finance broking issue.

I put the question to the House again: How is the evidence any different if it is heard in private or in public? How does it make any difference to the ultimate report of the committee if it is heard in private or in public? That is a good question. The answer will be interesting. I look forward to hearing it. That is what this report says the committee has decided; that is, to take evidence in public session. I will be interested to know how the committee decided that that will help its inquiry. It might help members' political ambitions, but it will not help the inquiry. It will not make any difference to the inquiry, assuming the committee takes the evidence at face value and considers the evidence, rather than any media speculation or comment about what somebody might have said. One of the great tragedies of public inquiries is the way the media speculates day by day on potential outcomes. In many cases the ultimate decision of an open inquiry is quite the opposite of the media speculation on a daily basis. The Wanneroo royal commission is a classic example. A member of Parliament was hanged, drawn and quartered, and banished in the media day after day, and the ultimate result of the inquiry was that she had nothing to answer for.

Hon Kim Chance: Are you referring to the Marks royal commission?

Hon N.F. MOORE: No, I am talking about the Wanneroo royal commission.

Hon Kim Chance: I thought you referred to Marks.

Hon N.F. MOORE: The Marks royal commission also made recommendations, which I might add were in line with what was said in the media. The media does not always get it right when reporting on the daily hearings of committees. If the Labor Party wants to do that, it should stand and say it is a political exercise. It should not subject members in this House to diatribe about finding the truth and getting to the bottom of this matter because it does not think the Gunning inquiry, the police, the supervisors or the commonwealth agency can do it. It thinks nobody can do it but the Labor Party.

Hon N.D. Griffiths: We have heard this speech before, and we should now get on with the business of the House.

Hon N.F. MOORE: No, members have not heard this before because this proposal has not been put to the House previously. I am taking a few moments to make points on this issue because it has not been put to the House before. If the mover of the motion to establish the select committee had wanted a public inquiry into this issue, he would have included that in the original motion. The House debated this matter for a long time, because it involves many serious issues. The House made a decision, against the Government's better judgment, but it at least determined that the select committee should operate under the standing orders of this House. After two meetings of that select committee - it could not have had many meetings because this report has been produced so quickly - the committee has asked for a change in the rules under which it operates. During the months of debate, members opposite might have thought of that before and moved an amendment.

Hon Ken Travers: Do you not think it is appropriate for the committee to make that decision and bring it to the House?

Hon N.F. MOORE: The committee can make whatever decisions it likes, and it has. However, when the member moved for the establishment of this committee in the first place, he either did not understand how select committees work or he was prepared to accept the rules under which they operate. If he knew about it and has changed his mind, he should say more than just that the committee has formed the view that there should be public hearings. The committee should give a reason for that. The committee has an obligation to tell the House why it should hold public sessions, and it has not done so. How is the evidence given in public any different from that given in private, if it is the committee's intention to get to the bottom of this issue?

It is very clear to me and members of the Government that this report and request to change the standing orders that relate to this committee are all about straight-out political point-scoring on a daily basis. Members know darn well what it is about, and the only reason members opposite will not admit to it is that it is not done in these matters. The recommendation in this report is that Standing Order No 358 should prevail, which is very sensible, especially with this particular inquiry. We shall have a strange amalgam, a hybrid committee operating under some standing orders for standing committees and some standing orders for select committees. It will pick the rules that suit its purpose. If the House wants to go down that path, let us have standing orders that are totally flexible so that we can change them whenever we feel the need to.

Hon Kim Chance: Absolutely rigid but infinitely flexible.

Hon N.F. MOORE: That is classic politician-speak.

Hon Kim Chance: It is from John Halden.

Hon N.F. MOORE: Quite right, and I can see why he is running the Labor Party now, and he will lead it to inevitable defeat at the next election.

It makes me wonder why this House has standing orders, if members want to treat them in a flexible way. If it was the intention of the Labor Party to conduct public sessions of this committee every day during its hearings, to get as much media coverage and political mileage as it could, why did it not move for a different type of committee? Why did the Labor Party move for a select committee, and then change its mind because the standing orders of that committee do not meet its requirements?

Hon Ken Travers: It is not a Labor Party committee, it is a committee of this House.

Hon N.F. MOORE: It is a Labor Party committee. If it is not, I do not know what is. Two of the three members are from the Labor Party, and two beats one every time. Hon Ray Halligan is prepared to go along with this proposal, on the basis that the committee will do that anyway.

Hon N.D. Griffiths: That is not how committees of the Legislative Council operate.

Hon N.F. MOORE: Do they all work by consensus?

Hon N.D. Griffiths: In my experience they do.

Hon N.F. MOORE: I will not say, "When you have been here as long as I have," but I have been a member of a few select committees that were political, and I have seen the Leader of the Opposition use every trick in the book to make sure nothing ever happened. Hon Nick Griffiths should not tell me these committees are never political, because I have been on them and I have seen it happen. Members opposite are past masters at it, as you, Mr President, and I know; we have watched it happen.

The Government obviously does not see the necessity to go down this path. Had the Labor Party moved for this in the first place, the Government would have argued that point during the debate on setting up the committee. This clearly gives the Labor Party another opportunity to score cheap political points on a daily basis by making the hearings public. It will add nothing to the ultimate report, unless someone can convince me that evidence given in private is not as good as evidence

given in public. If it makes no difference at the end of the day, there is no need to agree to this motion. Let us get that clearly in context. The Government will not support the amendment.

HON RAY HALLIGAN (North Metropolitan) [11.17 am]: It is important that I place on record my understanding of the committee's intent in this instance. It is well known from my previous speeches in this House on this issue that I believe the Gunning committee should report before the formation of this select committee. That will not be the case, and the select committee has now been placed in the position in which it must look into a matter that is currently being inquired into, and has been for a number of weeks. My concern, which has been expressed previously, is that if we go down this path and have hearings of the committee open to the public, there will be two public inquiries.

I need to explain a little about Standing Orders Nos 358, 361 and 322. If the select committee were to operate purely under the standing orders allotted to select committees, Standing Orders Nos 358 and 361 would be available to it. Standing Order No 358 allows select committees to admit strangers, and that can include the media, although that is not specifically mentioned. However, under Standing Order No 361, the media would not be able to report on what they heard at those committee meetings. Under the select committee standing orders there is no problem with people in the public gallery hearing what is being said, but they may not report on it. Standing Order No 358 also allows any member to ask for the public gallery to be cleared. This special report recommends that Standing Order No 322 be allowed. That standing order specifically indicates that proceedings are open to accredited news media representatives and the public. I ask whether Standing Order No 361 can also be invoked? Although the media can attend a meeting and hear what is being said, can it still report it?

The 22nd edition of Erskine May's *Parliamentary Practice*, which is the House of Commons standing orders to which I believe we refer and with which we often work, states that when evidence has been given before a select committee meeting in public, no complaint or privilege will be entertained on the ground that it has been published before being reported to the House. I believe that therefore means Standing Order No 322 overrides Standing Order No 361. Although news media representatives are allowed into committee meetings, they would be able to report and no-one could put their hand up and invoke Standing Order No 361 as Standing Order No 322, if this House agrees with this recommendation, would therefore be allowed.

I also expressed concern about witnesses giving evidence before the committee being led down a particular path if media representatives were allowed to be at a committee meeting. It was suggested that we require all submissions to be in writing, stipulating that witnesses would be questioned only on matters arising from those written submissions. It is also my understanding, because I again expressed a concern, that if during a meeting the Press was allowed to attend and certain questions were asked with which I may be unhappy, I could invoke Standing Order No 358 and the Press would be cleared from the public gallery. However, in addition to that, a retrospective order would attach to what the Press had heard previously at that meeting up to the time Standing Order No 358 was invoked. I shall put that another way. It meant that if I were unhappy with the information that the news media representatives were receiving, that information could be suppressed by invoking Standing Order No 358.

Under Standing Order No 364, I was in a position to object to any part of the special report and to have that protest added to the report. I did not do so on this occasion because of the matters I have just mentioned. I wanted to believe - I still want to believe, some say naively - that a bipartisan approach would be taken to this unfortunate issue and the committee would look in the main at the terms of reference of the select committee to inquire into and report on the reasons for losses and try to do something for the investors well before trying to apportion blame. I hope that while I am a member of the committee, that will be the case. As I said, I had an opportunity under Standing Order No 364 to include my dissent in this report. I did not do that on the understanding that other steps would be taken to continue to give me an opportunity to go down a path that I believe must be gone down.

Question put and a division taken with the following result -

Ayes (15)

Hon Kim Chance	Hon G.T. Giffard	Hon Norm Kelly	Hon Ken Travers
Hon J.A. Cowdell	Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Cheryl Davenport	Hon Tom Helm	Hon J.A. Scott	Hon Bob Thomas (<i>Teller</i>)
Hon E.R.J. Dermer	Hon Helen Hodgson	Hon Christine Sharp	

Noes (14)

Hon M.J. Criddle	Hon Peter Foss	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Dexter Davies	Hon Ray Halligan	Hon B.M. Scott	Hon Muriel Patterson
Hon B.K. Donaldson	Hon N.F. Moore	Hon Greg Smith	(<i>Teller</i>)
Hon Max Evans	Hon M.D. Nixon	Hon W.N. Stretch	

Pairs

Hon Mark Nevill	Hon Barry House
Hon Tom Stephens	Hon Murray Montgomery

Question thus passed.

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 1999

Committee

Resumed from 28 June.

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

Clause 15: Section 33 amended -

Progress was reported after Hon Norm Kelly had moved the following amendment -

Page 24, after line 6 - To insert the following new subclause -

(4) After section 33(8) the following subsection is inserted -

" (9) A copy of a memorandum of understanding made under subsection (1)(bb) must be tabled in each House of Parliament not later than 3 sitting days of each House from the day on which that memorandum of understanding was executed. "

Hon NORM KELLY: In moving that amendment I referred members to proposed new section 33(1)(bb), which states that one of the functions of the Department of Conservation is -

to enter into a memorandum of understanding with the Forest Products Commission relating to the performance of the Department's and that Commission's respective functions and to any other prescribed matter.

I pointed out that it was a recommendation - a unanimous decision - of the Standing Committee on Ecologically Sustainable Development to have such an amendment in place.

Hon Peter Foss: It was a recommendation that it be tabled, not that we amend it.

The DEPUTY CHAIRMAN: Order! Before we proceed, I draw the attention of members to the audible level of conversation around the Chamber by members who are out of their places. Members are requested to conduct their conversations outside the Chamber.

Hon NORM KELLY: The recommendation of the committee was that the memorandum of understanding be tabled in Parliament. This amendment provides the statutory requirement for that to take place. During the committee's hearing with departmental officers the issue of memorandums of understanding was discussed and, unfortunately, due to a tape malfunction, the transcript in relation to what I recall being discussion on the preferability or otherwise of having a statutory requirement cannot be referred to. I believe it is a worthwhile amendment and I urge all members to support it.

Hon PETER FOSS: The recommendation was definitely not that it be included in this statute - the recommendation was that it happen. The Government has no problem with that whatsoever. I object to every single wiping of the nose and backside stuck in an Act of Parliament. This is another one of those incredibly technical points. Our Bills are getting worse and worse all the time with all these little things that we have to do. The Government intends to table the document and it is available under freedom of information anyway. I think that putting every little bit and piece in the legislation is unnecessary and counterproductive in terms of the vast quantity of paper that the public is forced to work its way through. I oppose the amendment and I think it particularly unsatisfactory in that it stipulates three sitting days. For consistency we should at least make it 14 days and I move -

To delete the figure "3" and insert the figure "14".

Hon J.A. COWDELL: I make comment with respect to those points, particularly the amendment. The House will be aware that the Opposition has, with respect to previous clauses, expressed concern about the brevity of a three-day time line. We have recorded those reservations and, given our concern, we will be happy to support the amendment proposed by the Attorney General to change the period from three days to 14 days. We suggest the Attorney General then support the motion as amended. Labor supports the intent of the amendment because it will increase the transparency of the activities of the Department of Conservation and the Forest Products Commission. We note that it is one of the two unanimous recommendations of the Standing Committee on Ecologically Sustainable Development. For these reasons we are happy to support the amendment and the amended motion.

Hon CHRISTINE SHARP: I thank the Attorney General for at least accepting the spirit of the amendment by Hon Norm Kelly. I accept the amendment to the time arrangements contained within that. I am gratified to see that the Government is acknowledging the recommendation of the ESD committee and its finding that -

A Memorandum of Understanding, although a useful device for agencies to codify internal arrangements, lacks transparency and is not subject to Parliamentary scrutiny.

The committee then made recommendation 1 - that the proposed memorandum of understanding be tabled in Parliament. As has already been noted, the committee did not specify any time frames for the tabling to take place. I am certainly happy to accept the slightly extended time frame on this matter because the most important thing with a memorandum of

understanding of this nature is that it is a major document which will be extensive in its time frame of operation. I do not think that it is a matter of particular urgency, unlike issues we dealt with last night, because it is setting up a system that will be in operation for a long time. Obviously there will be a very high level of public interest in the working arrangements between the proposed Department of Conservation and the proposed Forest Products Commission. I think all members can see the merit in the amended amendment.

Hon MARK NEVILL: The amendment refers to subsection (1)(bb). I cannot find that subsection in either the Act or the amending Bill. Can the member guide me?

Hon NORM KELLY: This will be inserted into the Act by clause 15. It appears on page 22 at line 8.

I remind members that this memorandum of understanding lies at the heart of the separation of the agencies. This legislation deals with the removal of the existing conflict of interest. The MOU is the basis for rejoining the agencies in a synergy that will create a very efficient and effective working relationship between the two agencies on the ground. One of the concerns about the separation of the current roles of the Department of Conservation and Land Management is that those operational synergies might be lost at those lower levels. The Standing Committee on Ecologically Sustainable Development reported on this issue and agreed to the need for a close working alliance, but not a complete separation.

The Attorney General made the point about being overly prescriptive. I agree that we would prefer not to have these various requirements, but they have been brought about because of a lack of willingness on the part of members on both sides of the House to allow for proper scrutiny and accountability in the past. It is important that this MOU be a public document. I appreciate the Attorney General's commitment that this Government will make it a public document. However, having that requirement in the legislation ensures that future Governments will always be required to adhere to that provision.

Hon CHRISTINE SHARP: The Standing Committee on Ecologically Sustainable Development had lengthy debates on whether the MOU was implicated in some way in preventing the desirable separation of the functions that these Bills are aiming to achieve. The committee had extensive deliberations on that matter. A very important point should not be missed by this Committee; that is, it has been accepted that the Department of Conservation and the Forest Products Commission acting jointly with regard to the terms of this MOU is a good thing. The critical separation is not that which relates to the proposed Department of Conservation and the proposed Forest Products Commission but that which relates to the regulatory authority in these matters; that is, the proposed Conservation Commission. That is where I want to see complete independence. I am very concerned that there should be no compromise in that separation.

This amendment touches on a subject about which there has been considerable misunderstanding in the community. As members have said and argued, considerable mistrust of CALM has developed in the community, and the general popular sentiment is that the solution is to split CALM. However, a detailed understanding of just what it is that we need to split to resolve the problems that caused the mistrust in the first place has not necessarily been pursued. Clearly, the concern should be the financial conflicts of interest between a department that is generating its own financial revenue by self funding as well as operating as a conservator, and the lack of effective independent regulation of that conservation function.

Although the two departments set up under this Bill and the following Bill will not be entirely separate, the operational synergies provided by the MOU that we are debating contain a reasonable requirement to act jointly. It is at this point that the Greens (WA) totally concur with the points already made and those that will be made again. Clearly, we need a good, cooperative working culture under the new arrangements, and this MOU is the vehicle for that. As I have already stated, it is therefore important that that be transparent and available to the public through tabling in Parliament.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): I should make it clear that we are dealing with an amendment moved by the Attorney General to delete "3" and replace it with "14". It may be expeditious for us to synergise to deal with that amendment - if I am reading the debate correctly it will be supported - before we get on to synergising anything else.

Amendment on the amendment put and passed.

Hon GREG SMITH: The report by the Standing Committee on Ecologically Sustainable Development on this Bill made a recommendation that the proposed MOU be tabled in Parliament. Hon Dexter Davies and I are both members of that committee. We have had a commitment from the Attorney General that the MOU will be tabled in Parliament, and the minister in the other place has also said that he has no problem doing that. I see no reason for that requirement to be enshrined in the legislation.

Hon MARK NEVILL: I am prepared to support this amendment. It is reasonable that this MOU be tabled, particularly given that I have voted for a provision that still allows this commission to be directed by the minister. I have no doubt that the MOU, no matter what it contains, will be attacked by the extreme radicals in the conservation movement. The mainstream members of that movement do a good job; however, I am referring to the very radical people who do not want to see any timber industry, whether it be in native forests or plantations. The tabling of this document within 14 sitting days is a reasonable proposition, and I will support it.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Section 34B amended -

Hon NORM KELLY: This clause was inserted in the other place and for that reason is not contained in the explanatory memorandum. Although I have had a briefing since that time, I would appreciate it if the Attorney General would explain the reasons for this amendment.

Hon PETER FOSS: Our understanding is that this was in the original Bill, but I will read what I have in my notes. While the Forest Products Bill provides that the Forest Products Commission will be able to enter into such agreements in its own right, the power to enter into such agreements by the executive director is retained so that, if required, it can be used to facilitate the new department to function under new section 33(1)(cc) to promote and encourage the planting of trees and other plants for the purpose of the rehabilitation of land or the conservation of biodiversity throughout the State, and to undertake any project or operation relating to the planting of trees or other plants for such purpose.

Clause put and passed.**Clauses 19 to 22 put and passed.****Clause 23: Section 53 amended -**

Hon CHRISTINE SHARP: I move -

Page 27, line 24 to page 28, line 14 - To delete the subclauses.

This is the second of the two matters on which the ESD committee reached agreement, although its agreement on this matter is not translated verbatim into the wording of this amendment, and I will explain the difference in a moment. This clause proposes to add to section 53 of the Act the following subsection (2) -

Anything to be done by the Conservation Commission under this Division in relation to a management plan for land that is State forest or a timber reserve is to be done -

- (a) by the Conservation Commission; or
- (b) by the Conservation Commission through the agency of the Department,

as the case requires, acting jointly with the Forest Products Commission.

Proposed subsection (3) inserts a requirement for the Conservation Commission to act jointly with the Water and Rivers Commission in considering a management plan for land that is or includes a public water catchment area.

What is of concern here, and what has given rise to this amendment to delete these two proposed subsections, is the broad scope of the words, "anything to be done by the Conservation Commission". Section 53 of the CALM Act is in a division headed "Management of land", which is a very broad heading for a division. Section 53 is the first section in that division and is headed "Definitions". Therefore, to place in the first section in this division the words "anything to be done by the Conservation Commission" appears to give very broad scope to the meaning of those words. I understand that was not the intention of the Government, and when the ESD committee raised this matter with Dr Wally Cox, the Executive Director of the Department of Conservation and Land Management, he made it clear that that was not the intention of these proposed subsections. The short summary of Dr Cox's position at paragraph 4.26 on page 21 of the ESD report states -

Dr Wally Cox agreed that the problem was one of sequential drafting as opposed to concurrent drafting but despite this, the intent would be to ". . . read the clauses as being about the preparation of a plan" . . .

However, our concern is that that is not what these proposed subsections say. The scope of these proposed subsections is far broader than that. Therefore, the committee made the finding that proposed subsections 53(2) and (3) are ambiguous in their current location, and it recommended that they be relocated within the body of section 54. However, in our haste in finalising our report on the last day before the requirement for tabling, we did not give the best advice that we could have given to the Chamber about how to deal with this problem, because these provisions are already located within section 54. It would be superfluous to double up on the same requirement in the same section. Therefore, I propose a different solution to the unanimous concerns of the committee - the only other unanimous aspect of the report - about the ambiguous nature of the current wording of section 53. I submit that these provisions are superfluous as they are to be found, quite properly, in section 54, which is about the preparation of management plans. Therefore, these two proposed subsections should be deleted from this part of the Bill.

Hon J.A. COWDELL: The Opposition believes that these proposed subsections are unnecessary. Of course, we have followed the argument of the Attorney General about over-bureaucratisation and the stifling of initiative and activity. Proposed subsection (2) refers to anything to be done by the Conservation Commission under this division in relation to a management plan for land that is state forest or a timber reserve is to be done, and it then gives a specification of this requirement or that requirement. Frankly I do not see that these subsections will add anything to the effective functioning of the commission. The amendment before us seeks to delete two subsections which would require the Conservation Commission to act jointly with the Forest Products Commission or the Water and Rivers Commission on anything relating to a management plan for land that is state forest or timber reserve. We agree with an argument raised by the Environmentally Sustainable Development Committee that the requirement to act jointly may curtail the independence of the Conservation Commission because it may require a certain consensus before any action can be taken. Therefore, the Opposition supports the proposed amendment.

Hon PETER FOSS: I applaud the fact that Hon Christine Sharp has agreed that the recommendation of the committee was

wrong. If it were to be taken out of section 53, it could be put closer to the relevant sections, which are 56, 59, and 60. Some of the amendments in the definition section are necessary. The best thing to do is what has been done, which is to collect all the definitions and interpretations relating to that part and put them at the beginning of that part. I do not agree that the proposed subsections are not necessary. Parliamentary counsel believes they are necessary. I am reluctant to assume at this stage - just because Hon Christine Sharp has worked out that the committee got it wrong - that it is appropriate to delete them without looking at the full consequences of doing so. It is a pity that we are again being asked to make a decision at this late stage which is quite different from what was originally proposed by the committee.

Hon NORM KELLY: The Australian Democrats believe it is appropriate that this deletion be made. The Attorney General's comment about having to consider these matters at this late stage is inappropriate. The difficulties relating to this section of the Act have been known for a long time. The ESD committee held hearings in which this issue was canvassed. During those hearings there was talk about different ways that the Bill could be amended to remove this ambiguity, whether it be by the deletion of these proposed subsections for section 53 or by amending section 54. The transcript of the hearings shows some acknowledgement of the confusion with sections 53 and 54 of the Act. Dr Wally Cox, the Executive Director of Department of Conservation and Land Management, stated in reference to this matter, in reply to a question from the chair -

Chair: So why is this requirement not in section 54, the preparation of the management plan?

Dr Cox: My intuition tells me that it is a case of sequential drafting as opposed to concurrent drafting.

I would not expect the executive director to be able to give an absolute answer to such a question during a normal hearing process.

Hon Peter Foss: About forestry, but not so much about drafting.

Hon NORM KELLY: That is why four departmental officers, all with their own areas of expertise, were at the committee. Mr Simon Hancocks went on to explain the drafting requirements and the reasons for them in more detail. It is important that we simplify these two sections of the Act to provide clarity for all concerned. The Australian Democrats believe this is a worthwhile amendment.

Hon MARK NEVILL: I will oppose the amendment. Philosophically I believe that within the part of the estate that is set aside for forestry, the Conservation Commission should act - gently - jointly with the Water and Rivers Commission. I realise that forestry is not a gentle art. If people look at a picture of a clear-felled forest without seeing a picture of a regrowth forest next to it, their opinion can be changed very quickly - which has happened. Clear-felling is a brutal activity; there is no doubt about that. Getting back to the point, I believe, philosophically, that there should be cooperation in these two areas. If the Conservation Commission gets captured by a certain viewpoint, it will have the capacity to take issues out of the control of elected people, and that is not sensible public policy. I will oppose this amendment.

Hon CHRISTINE SHARP: I find it profoundly sad that the Government does not see its way clear to being generous on this point, because there is a problem with the drafting which needs to be fixed. The Attorney General said that parliamentary counsel says this is necessary.

Hon Peter Foss: I think it is necessary too.

Hon CHRISTINE SHARP: The question is, necessary for what? Given the stated intent of the Government, which is that the Conservation Commission should work jointly in the preparation of management plans, the Government has that power under the next section. It raises the question, what do we want to achieve by this? It greatly concerns me. I remind members that no amendments are proposed for the next section. If the Chairman prefers, I will speak on that matter when we deal with the proposed changes to section 54.

The Greens (WA) accept in a spirit of generosity that the formulation of the management plan should involve both organisations. That is a huge concession. We are not trying to dominate. We accept that there is a valid role for the Forest Products Commission, not only in commenting on the forest management plan, but also in being part of the process of the plan's formulation and drafting from the beginning. We have conceded that point without a murmur, let alone moving an amendment. We have given that ground. Therefore, I find it absolutely appalling that, having accepted that process with generosity, the Government will not fix up its problem with sequential drafting in the previous provision. Clearly, that drafting refers to the addition of further powers wherever possible to the Forest Products Commission and its minister. This will weaken wherever possible the Conservation Commission and compromise its independence. That is where the sequential drafting problem has arisen. I find it appalling that the Government is so naked in its total ambition to turn the Conservation Commission into a wimp, and will do nothing to enable a good, strong and independent regulation watchdog to be established. Such a commission would ensure that what happens in our forests over the next 20 years will not repeat the fiasco of the past 20 years.

Hon PETER FOSS: I do not know about the member, but the Government seeks to enact legislation to effect a division of CALM. We have a good scheme for that division. I do not doubt that I disagree with Hon Christine Sharp on some matters, particularly the highly emotional and totally inaccurate summary of the good work performed by both the former forest department and the Department of Conservation and Land Management. We know the honourable member's position clearly. I am not sure what point she is trying to make. Her only comment was that the provision is unnecessary. If so, I would have thought that we could quietly go ahead at this stage without taking time to detect whether the honourable member is correct about the provision being unnecessary. We must get on with the Bill. Unless we make some progress

fairly soon, we will be wasting our time. We will not get the Bill to the other House and it will have little chance of being passed. Rather than wasting our time, we could get on with some Bills with which we could do some good.

Hon CHRISTINE SHARP: The critical word in the findings of the Standing Committee on Ecologically Sustainable Development concerning the Bill's drafting is "ambiguous". It is a matter of great concern and regret that the Attorney General does not support the removal of the ambiguity.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon G.T. Giffard

Hon N.D. Griffiths
Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly

Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp
Hon Ken Travers

Hon Giz Watson
E.R.J. Dermer
(Teller)

Noes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

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

Pairs

Hon Tom Stephens
Hon Bob Thomas

Hon Barry House
Hon Murray Montgomery

Amendment thus negatived.

Clause put and passed.

Clauses 24 to 26 put and passed.

Clause 27: Section 60 amended -

Hon NORM KELLY: I move -

Page 30, lines 20 to 30 - To delete all words after the word "Minister" through to the word "to" and substitute the following -

, if the submissions relate to one or more of the matters specified in subsection (2ca), must provide the Minister for Forest Products with a copy of the proposed plan with an invitation to comment within a specified time, before approving that plan.

(2ca) For the purposes of subsection (2c), the submissions made by the Minister for Forest Products are those relating to -

I also refer to other consequential amendments if the measure before us is successful; namely, amendments 55/27 to 59/27 on the Supplementary Notice Paper. The section of the principal Act to be amended by this clause is pivotal to debate on this Bill. It is very much about the powers of relevant ministers. We can see how different ministers treat matters in different ways. For example, section 62B of the Conservation and Land Management Act enables the Minister for Mines to make submissions to a controlling body on a proposed management plan for a marine park. Also, the Minister for the Environment should not approve that plan unless he or she is satisfied that the proposed plan gives effect to the submission. The Minister for Mines has quite a powerful role in the process of formulating a management plan; however, the final determination is left with the Minister for the Environment. The Australian Democrats believe that, in a similar way, the Minister for the Environment, when receiving a submission from the Minister for Forest Products, should make the final determination. If successful, this amendment would change proposed new section 60(2c) so that it would read -

If the Minister for Forest Products has made submissions to the controlling body on a proposed management plan for State forest or a timber reserve, the Minister, if the submissions relate to one or more of the matters specified in subsection (2ca), must provide the Minister for Forest Products with a copy of the proposed plan with an invitation to comment within a specified time, before approving that plan.

(2ca) For the purposes of subsection (2c), the submissions made by the Minister for Forest Products are those relating to -

- (iii) the production and yield of forest products;
- (iv) the sustainable use of indigenous forest products;
- (v) the harvesting of forest products;
- (vi) the forest products industry; or
- (vii) a proposal under section 17(2) to cancel or amend the purpose for the timber reserve or alter a boundary of a timber reserve;

The Australian Democrats are trying to ensure that the Minister for Forest Products plays a relevant and significant role in the formulation of management plans. This amendment stipulates that the Minister for Forest Products is informed throughout the process by being able to comment on the proposed plan. This amendment is subsequent to the provision allowing the minister to make submissions to the Minister for the Environment about the proposed plan. The Minister for Forest Products is also closely involved in the formulation of forest management plans through the Forest Products Commission. The requirement would be for the Minister for Forest Products and the Minister for the Environment to act jointly in the determination of the plan. The Minister for Forest Products and the Forest Products Commission already have significant roles. We do not want to remove those roles from the Minister for Forest Products, which is why the amendment provides the requirement that he be consulted and the ability for him to provide further submissions. However, we are opposed to the Minister for Forest Products having a power of veto over the Minister for the Environment in the formulation of these plans. I know the Government argues that no such power of veto will exist, and it will continue to discuss the semantics of the argument.

The provisions for the expiry of forest management plans are set out in section 55(2) of the Conservation and Land Management Act. A forest management plan is normally set in place for a period of 10 years. At the end of that 10-year period, if no agreement is reached on the replacement plan, the life of the original plan can be extended. The situation could arise in which the Minister for Forest Products might want the logging levels of the existing regime to continue, but the new plan provides for a lower cut. It would then be in the interests of the minister to delay the progress of the plan so that the existing regime continued beyond its original 10-year term. Logging contracts do not bind the Department of Conservation and Land Management beyond the term of the management plan. However, if the 10-year life of the plan were extended, the contracts signed under the original plan would continue. That scenario could occur in a couple of years when the forest management plan that is now in place expires. Under proposed new section 60(2c), the Minister for Forest Products could delay the progress, thus extending the plan and allowing further logging contracts to be signed under the current unsustainable logging regime. When the plan was set up in 1993, it was acknowledged that the allowable tonnages were beyond the sustainable limit. The then Minister for the Environment agreed to the forest management plan on the understanding that the 10-year life of the plan would allow the timber industry sufficient time to adjust to the necessary reduction in the cut to a sustainable level that would be enacted in the next plan. The problems of recent years occurred because this State is logging beyond sustainable limits.

The Australian Democrats' concern is that the clause as it stands could allow the current unsustainable regime to be extended. The former Minister for the Environment, Bob Pearce, appeared before the Standing Committee on Ecologically Sustainable Development. He said that some forest management plans in New South Wales had been in place for 18 or 20 years. This amendment, in conjunction with other amendments, seeks to ensure that that does not occur here. For those reasons, the Minister for Forest Products should have a relevant, but not overriding, role. The Government allowing the Minister for Forest Products to have an overriding role would make clear its intent on ensuring that the interests of the timber industry prevail over the interests of those seeking the conservation of this State. The Forest Products Commission should have a relevant interest in the formulation of forest management plans, but it should not have an overriding role.

Hon J.A. COWDELL: The Opposition supports this amendment. This part of the Bill sets up a clear regime: If the Minister for Forest Products makes a submission on a proposed management plan for a state forest or a timber reserve, the Minister for the Environment cannot approve the plan unless both agree that the plan gives effect to the Minister for Forest Products' submission. If no agreement is made, the proposed plan is referred to Cabinet for a decision. In the Opposition's view, this amounts to an effective veto power for the Minister for Forest Products over management plans. This clause must be amended to ensure that the final say on management plans rests with the Minister for the Environment.

This amendment provides the Minister for Forest Products with an invitation to comment on proposed management plans if he has made a submission relating to proposed subsection (2ca). This amendment provides a similar role for the Minister for Forest Products to Hon Christine Sharp's proposed amendment to remove the effective veto over management plans. This amendment provides the minister with an invitation to comment on proposed management plans, while Hon Christine Sharp's proposed amendment requires that the Minister for the Environment be satisfied that the proposed plan gives consideration to the submissions of the Minister for Forest Products. This proposed amendment, coming first on the Notice Paper, provides some enhancement, over mere "consideration", to the role of the Minister for Forest Products that is envisaged in later amendments. Therefore, we see that as an accommodation. This does away with, as the amendment states, "all words after the word 'Minister' through to the word 'to'", which establishes a regime that we believe is totally unsuitable for forest management plans. Labor therefore supports the amendment of Hon Norm Kelly. However if his amendment fails, we will support the amendment that follows proposed by Hon Christine Sharp.

Hon MARK NEVILL: I will not support these amendments. I do not agree with the interpretation of this clause by some of the previous speakers. The system that has been set up is a proper system under which to operate our forest industries. The Minister for Forest Products cannot do anything without the agreement of the Minister for the Environment. If he cannot get the agreement of the Minister for the Environment, the matter will be taken to Cabinet, where people who are elected and are answerable to the public will make that decision. The policy of this Bill was settled at the second reading stage, much to my disgust. We had an agreement to separate out the forestry activities from Department of Conservation and Land Management. That has been achieved, and is significant. In this case, the Minister for Forest Products must act in conjunction with the Minister for the Environment. If that minister's agreement is not received, the matter is taken to Cabinet. That is a sensible way to manage our forests. If we implement the sorts of amendments that have been contemplated, it will highly politicise these sorts of decisions, particularly in the run-up to elections. When that is done, knowing how lily-livered politicians are, we will get all sorts of arbitrary decision making depending on what the polls say

this week and next week. This is a much more constructive way on which to base public policy. I can see why these amendments are sought. However, it will open up the process to influence month by month and that will destabilise our whole system. Members must remember that some people want to shut this industry down, whether it is logging in native forests or in plantations. They will never be satisfied; the dogs will continue to bark.

Hon NORM KELLY: Hon Mark Nevill said if this amendment were successful, it would politicise or open up the whole process to months of public debate and controversy, which has typified the forest debate over the past few decades. Section 58 of the Conservation and Land Management Act provides for a process of public submissions and allows two months in which submissions can be made. That is an entirely fit and proper way for the public to have input into the preparation of these plans. My amendment would not extend the public debate; it would mean that the Minister for Forest Products would be provided with a copy of the proposed management plan and invited to comment on that plan. At this stage of the process it is an internal government matter. It will not change in any way the ability or otherwise for public debate, because that public submission period is over and done with and will be further along the process to the final management plan.

My reading of the proposed amendment is different from that of Hon Mark Nevill, whose reading may be wrong. It will not create a public furore. We are trying to avoid that. The current requirement for the Minister for the Environment to agree that effect will be given to submissions of the Minister for Forest Products is far more likely to cause ongoing public furore, anger and controversy than the amendment which I propose. My amendment will facilitate a better process; it will be a consultative process rather than confrontationalist.

Hon PETER FOSS: The Government has already made its position clear. It does not support these amendments. They are fundamentally flawed. They undermine the necessary cooperation between the two ministers. The Minister for the Environment already has a further go under the Environmental Protection Authority Act and anybody who supports these amendments has little idea of the reality of what will happen.

Hon CHRISTINE SHARP: I am sure it is clear to all members that the proposed amendment, and the amendments in my name following immediately after on the Supplementary Notice Paper, are alternative schemes for dealing with the issues that have been raised about the powers of the Minister for Forest Products in proposed section 60. I was of the view that the amendment before the Chamber, in providing for additional consultation by the Minister for Forest Products, may have provided sufficient comfort to that minister for him to agree to amend this part of the Bill. The provisions to be inserted into proposed section 60 go to the heart of the credibility of these two Bills. Indeed, they will undermine that credibility for a long time after our debate in this House is over. We hoped these Bills would put the matter of the Department of Conservation and Land Management to rest and that, at least on this contentious issue, it would have been a move away from the polarisation and conflict that has surrounded these matters for such a long time. The tragedy is that that opportunity and the opportunity for providing the system with credibility is being lost.

With proposed section 60, the Government has fallen into the trap into which many of us have fallen for a long time on the debate over forest management; that is, of becoming involved in the philosophical debate about the desirability or otherwise of logging old-growth forest. The intensification of the logging impacts that have so aroused emotion on both sides of the community and even in this place, have tended to make it almost impossible for us to think more clearly about matters of good public administration.

In many ways, that blurring and polarisation of the debate has caused the Government to deny what was clearly the unsatisfactory administration under CALM, because it would be seen to be conceding ground in a matter that was too controversial. In the same way, we are talking today about proposed section 60 as though it would be a victory for the "greenies" if the amendment in the name of Hon Norm Kelly and the amendments that follow in my name were passed. I fear that that misses the point of the amendments, which is to ensure a sound basis for the administration of the forest in the future that has not existed in the recent past.

The scheme provided by the Government is deficient in two ways. As we have discussed, it fails to provide that critical separation between the commercial functions of the Forest Products Commission and, in this case, its minister - I concur with the Attorney General; we hope the membership of the Conservation Commission will be of great scientific merit - and the good administrative prowess of the Minister for the Environment. This critical separation through the finalisation of the forest management plans fails in proposed section 60 because it will severely compromise the requirement that regulation is not impacted on by the commercial considerations which, very properly, the Minister for Forest Products will be representing.

The other administrative flaw in proposed section 60 is that it will undoubtedly give rise to conflict and even to deadlock. It is certainly not a recipe for clear and decisive decision making. In addition, because it can cause a stalemate in the finalisation of the forest management plans, it could lead to further difficulties with renewal of the forest management plans. We will examine in more detail, later today, the problem that could arise from any deadlocks that may arise.

The heart of these issues is to be found in proposed section 60. We will think for a long time about the system that will be established here and from our different positions, not on the debate about sound administration but the debate on the forests and clear felling. From our different positions we will wonder whether we should not have taken this opportunity - which was there for much of the formulation, not of the forest management plan, but of these Bills - for a constructive consensus between all parties in this place, which was concurrent with the original drafting. We have lost that. We are back down the trenches as it were, and in the future we will all wish it had not turned out this way.

Hon DEXTER DAVIES: I will clarify the position of members of the Standing Committee on Ecologically Sustainable

Development. This is the reason not many recommendations were made. We unanimously supported the separation of conservation and land management and forest products. However, when arguments were contrary to those of the people proposing the amendment to do away with the power of veto, we had to find some agreement. Agreement was reached based on an inclusive philosophy. To extend Hon Christine Sharp's argument, it involves including people in the argument rather than polarising them, and providing a mechanism for reaching resolution in the forest management plans. As Hon Mark Neville rightly said, the Forest Products Commission cannot do anything without the agreement of the Minister for the Environment. It will work both ways.

Hon Norm Kelly interjected.

Hon DEXTER DAVIES: There must be agreement. It quite clearly provides a mechanism; then it goes to Cabinet and reaches a conclusion. Fundamentally, from now on, that is where these points will be separated. We argued that acting jointly, agreeing and doing things in concurrence was a sensible managerial way of coming to a conclusion. That is why there are no more recommendations from the committee.

Hon PETER FOSS: I thank Hon Christine Sharp for her lecture or sermon on the matter. Some of us believe we have already gone more than a reasonable distance towards accommodating the wishes of the Greens (WA). I am one of those people. I believe there was a necessity to separate the decision-making process at the top. I do not believe there was any need to separate the executive labouring functions. However, I am not surprised that we are getting the demands that are currently being made. My experience is that whatever demand is made, if we give in to it, no matter how unreasonable it is, it will be put under the belt and accepted as the next stage for the next demand. Whatever Hon Christine Sharp's personal views might be on whether one should or should not use native forests, the few people who voted for the Greens want to stop all logging in native forests. I know that is not her personal view; she happens to believe, as I do, that a properly logged native forest is one of the most environmentally and ecologically satisfactory things to do. I am not against logging in native forests. I have tried talking to other people in her movement. By the time one gets through all their demands, it is quite clear that they do not want any logging in native forests at all. When one talks about plantations, one finds that they do not want that either, because that is a monoculture. They do not actually want anything. What they like doing is opposing everything. I am not surprised that the member regrets that we have not done what she wants us to do. That is the high moral ground that is taken by the people who put those who have gone a good job for the environment out of work.

There is nothing to regret about the Department of Conservation and Land Management. However, that does not mean it got everything right. CALM would have to be one of the best agencies we have. It has done some of the most wonderful things for conservation and the environment. The constant attacks on Dr Shea and on the scientists working for CALM are totally immoral, and the people who made them were totally immoral. I accept that they got embroiled in controversy because the Green movement has always played the man, not the ball. It knows perfectly well that the way to undermine CALM is not to deal with the truth, but to undermine the director and the scientists. I have already told this Chamber some of the disgraceful things that were done by people in the Green movement to discredit CALM and the scientists who work for it.

I regret this sort of smear campaign and the immoral labelling of CALM. Even Hon Christine Sharp, having said it, seems to think that she can now assume it is correct and that it is a bad organisation. CALM has made mistakes. Can the member show me one organisation which has never made a mistake? Human beings would not be running it if mistakes were not made; in fact, computers would not be running it if mistakes were not made. The fact is that people do make mistakes and sometimes, with hindsight, it can be a benefit. The reality is that CALM has been one of the most successful organisations we have had. It and Dr Syd Shea have done a fantastic job. While I was Minister for the Environment I had the pleasure of meeting some of the most dedicated and learned scientists I have ever come across; people who are dedicated to their work and to getting their facts straight using a proper scientific method. I also met some people from the other side for whom I have no respect whatsoever; people who have no dedication to scientific method. One person, who was helped by CALM with a study, prostituted her science. She went out of her way to come up with a result that was totally and utterly wrong, and then handed it over to the Green movement so it could start publicising the paper before it had been appropriately refereed. The paper was absolute garbage. I have heard the Greens (WA) talk about 2000-year-old karris. That is the sort of garbage that has been used to blacken the name of CALM.

I cannot sit here - I want to get on with this legislation - and once again listen to criticism of people who have done a good job and who have done the best for this State and for the environment. I applaud what CALM has done. I think this particular move goes further than was absolutely necessary for good administration. However, I am prepared to go along with that, if only in the faint and ever-to-be-doomed hope that the Greens would accept any form of forestry. They will not. Hon Christine Sharp says that we will be fighting this. Of course we will be fighting it, because that is the way her people work. They do not accept forestry. She might say that she accepts forestry, but they do not. She might be a scientist, but they are not; they do not give a darn about science. Unfortunately, I believe this debate will end up not as a matter of environment or conservation, but as a matter of warm and fuzzy feelings. They do not worry about people.

I recall when I was in England and the Irish Republican Army blew up the Horse Guards. Do members know what all the letters were about?

Point of Order

Hon NORM KELLY: I am having difficulty working out how the Attorney General's sermon relates to the amendment before us.

Hon Mark Nevill: Terrorists are highly relevant.

Hon Peter Foss: Yes.

Hon Greg Smith interjected.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Perhaps Hon Greg Smith would like to continue his discussion outside the Chamber. The Chair does not like to be interrupted. Hon Norm Kelly has raised a point of order. I do not think it is a point of order, because the matters that are being canvassed by the Attorney General were raised by others and he is responding to them. I regret, however, that the debate has taken the direction it has, because we are moving well away from the motion that was moved. We would expedite matters were we to focus our attention on the business of the Chamber, rather than get into what is extraneous debate.

Debate Resumed

Hon PETER FOSS: I agree entirely. I rose only because of the comments that have been made. As I was saying, unfortunately, this is a human characteristic. We worry about trees, even though it is an emotional attachment which is misplaced, but we do not worry about human beings. In the same way, when the IRA blew up the Horse Guards, all the letters and sympathy were for the horses, not for the Horse Guards. No-one cared about the Horse Guards; people did not count.

There are two very important countervailing matters: First, I state categorically that forestry is one of the best environmental activities that can be carried on. I do not see that there is necessarily a conflict between good forestry and good environmental management. I see them working very well together, but the two perspectives must be raised. I see a conflict between good environmental management and mollycoddling, fussy sentimentalism for trees while disregarding human beings. Human beings are involved in a very worthwhile industry. I believe it is a vital industry which needs to be appropriately recognised in this legislation. I do not for one moment accept all the sentimental mush that Hon Christine Sharp went on about. If we want to get into sentimental mush, I would rather start talking about the people whom her supporters have put out of work, when they could be doing good work which does not upset the environment. I do not like what has happened to the reputation of CALM over a period of years due to the attacks made on it.

Sitting suspended from 1.01 to 2.00 pm

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon N.D. Griffiths

Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly

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

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

Noes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

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

Pairs

Hon Tom Stephens
Hon E.R.J. Dermer

Hon Barry House
Hon Murray Montgomery

Amendment thus negated.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): We are still dealing with clause 27, and I call on Hon Norm Kelly to move his amendment No 61/27 on page 8 of the Supplementary Notice Paper. As a result of the committee rejecting amendment No 54/27, the amendments on page 7 from 40/27 to amendment No 45/27 on page 8 are out of order because the matters in them have already been dealt with in amendment No 54/27 just defeated by the Committee. At some subsequent stage, a member may move for the recommittal of clause 27 to again deal with amendment No 54/27, but at this stage it has been defeated. Therefore, those other amendments will not be moved.

Points of Order

Hon J.A. COWDELL: Will you, Mr Deputy Chairman, explain your ruling? There is some difference in the regime proposed by Hon Norm Kelly in his amendment and the alternative regime proposed by Hon Christine Sharp.

The DEPUTY CHAIRMAN: The ruling is based upon the decision of the Committee to not accept amendment No 54/27. Therefore, the subsequent amendment 40/27, which moves to delete the words "and the Minister for Forest Products", forms part of the amendment already defeated. That and the subsequent amendments become out of order.

Hon NORM KELLY: Amendment No 54/27, which has just been defeated, sought to delete all words after "Minister" to the word "to" in lines 20 and 30, whereas the following amendment proposed by Hon Christine Sharp seeks to delete a few

selected words. The subsequent amendments, likewise, are extremely selective in the words proposed to be deleted and the words proposed to be substituted. I have difficulty understanding this ruling and the ramifications it has for other committee proceedings, given that the amendments in Hon Christine Sharp's name serve a different purpose.

The DEPUTY CHAIRMAN: The Committee defeated amendment No 54/27 to delete those words. The subsequent amendments now being discussed deal with the same words. The Committee has agreed to not delete those words, and they will not be deleted in part.

Hon NORM KELLY: I appreciate that explanation. In a hypothetical case, if a member had moved to delete a clause, and the minister subsequently wanted to delete a couple of words in the middle of that clause, by virtue of the amendments appearing in order on the Notice Paper, would the defeat of that first amendment to delete the entire clause mean the minister could not delete specified words in the text?

The DEPUTY CHAIRMAN: The hypothetical situation would not arise because if there were an intention to remove a clause, the members would vote against that clause. There would be no need to move to delete the clause. However, this motion was to delete certain words in the clause. The committee did not agree to delete those words and having done that, we cannot return to the matter to delete those same words by a different means. The committee has already decided not to delete those words.

Hon CHRISTINE SHARP: Mr Deputy Chairman, if your ruling is correct, is the implication of it that my amendments now being discussed - as to whether they are out of order and have already been determined - should not have been included on the Supplementary Notice Paper? Whether they were to be successful was irrelevant as their fate would be decided by the amendment to delete moved by Hon Norm Kelly. Is my understanding correct, therefore, that it was misleading for the amendments to be included on the Supplementary Notice Paper?

The DEPUTY CHAIRMAN: When the Clerk is presented with proposed amendments for inclusion in the Supplementary Notice Paper, it is not within his power to predict the decisions of the Committee. It is his or her task merely to carry out the instructions of the members. It is then up to the Committee to decide what it will do with the individual motions proposed by the members. A decision has been made on this motion, but that is not necessarily the end of the matter. It is within the power of the member at the end of this committee stage to move for recommitment of the clause. If the member therefore wants to reconsider the decision made not to delete those words, the time to do that is at the end of the committee stage when the member moves to recommit the clause.

Hon NORM KELLY: I do not want to extend this matter too long. However, in regard to the hypothetical situation I presented earlier, I shall provide a more relevant and accurate example, which occurs on page 14 of the Supplementary Notice Paper where an amendment stands in the Attorney General's name to delete lines 24 to 27 of page 56 of the Bill. I seek clarification that if an amendment were to be moved for those lines to be deleted and such an amendment were defeated, would the Attorney General then be unable to move his amendment?

The DEPUTY CHAIRMAN: I do not know whether much is to be gained by dealing with hypothetical questions. However, if it were to happen in the way in which Hon Norm Kelly outlined, while an amendment is live before the Chair it is appropriate for any member to move an amendment to the amendment. If the member is trying to anticipate what might occur in the future, that is a direction which may be taken. We are dealing with a clause with which we have already dealt and which is not a hypothetical, it is a fact. It is a matter of whether the member wishes to accept my ruling on the matter.

Debate Resumed

Hon NORM KELLY: Thank you for that Mr Deputy Chairman. I move -

Page 31, lines 18 to 28 - To delete all words after the word "Minister" through to the word "to" and substitute the following -

, if the submissions relate to one or more of the matters specified in subsection (2da), must provide the Minister for Water Resources with a copy of the proposed plan with an invitation to comment within a specified time, before approving that plan.

(2da) For the purposes of subsection (2c), the submissions made by the Minister for Water Resources are those relating to -

We have discussed the reasons for this amendment in the previous amendment motion. However, for consistency, the Australian Democrats believe it is important that the Minister for Water Resources does not have a power of veto over the Minister for the Environment. We believe that is a far less likely occurrence as the Minister for Water Resources has a more conservative imperative than does the Minister for Forest Products, who would pursue resource development or resource production from state forests. It is a difficult question in that there could be a move to recommit the clause for further consideration. However, I do not anticipate that, except to say that members should look at the amendments standing in my name subsequent to this amendment and read them all in conjunction, as with the previous amendments. I urge members to support this amendment.

The DEPUTY CHAIRMAN: I should point out that the same matter applies in 61/27 and subsequent amendments foreshadowed on the Supplementary Notice Paper.

Hon J.A. COWDELL: Hon Norm Kelly has mentioned the argument of consistency with respect to this amendment.

Indeed, had the House carried his earlier proposed amendment with respect to clause 27 - that is, page 30, lines 20 to 30 pertaining to the power of the Minister for Forest Products - I believe consistency would require that we carry a similar amendment with respect to the Minister for Water Resources. However, as the previous amendment has been defeated, consistency with respect to this amendment does not apply. The Australian Labor Party has consistently taken the view that the extra powers accorded to the Minister for Water Resources in this regard were not as deleterious to the conservation estate or the environmental processes as the earlier powers accorded to the Minister for Forest Products, and does not view with the same alarm or concern the allocation of such powers. We recognise that, if the previous amendment had been carried, it would have been logical for consistency to support this amendment. Now the Opposition will not support this amendment and is content to leave the powers that the Bill proposes in the hands of the Minister for Water Resources.

Hon CHRISTINE SHARP: I have listened to the member's argument with some interest. The debate about proposed new section 60 has raised a far greater degree of concern about the powers accorded to the Minister for Forest Products than about those accorded to the Minister for Water Resources. It is interesting that certain members on this side of the Chamber feel that the Minister for Water Resources will be more sympathetic to good environmental management. I do not wish to imply that the Minister for Forest Products will be antagonistic to environmental management, but the fulfilment of his or her responsibilities causes an environmental impact.

Liability for the protection of public health - through the supply of safe water which ultimately rests with the Minister for Water Resources - means that in many cases the minister's submissions will push the Minister for the Environment towards causing less rather than more impact within the areas of land covered by the proposed management plans.

I seek some clarification from the Attorney General. Will the Minister for Water Resources' powers under proposed new sections 97A and 101, which relate to licences for the use of land, allow him or her to influence decisions about the establishment of public water catchment areas in national parks and nature reserves provided for in later clauses in the Bill? Those powers relate to agreeing to management plans. Is this simply a matter of consistency or do we need to be assured that the Minister for the Environment will have the power to ensure that management plans for the establishment of new public water supply areas do not have any unnecessarily deleterious impact on national parks and nature reserves?

Hon PETER FOSS: I am puzzled about what the member is thinking might happen. Is she suggesting that the Minister for Water Resources can use the obligation to consult and get his agreement as a means of getting things he would not otherwise be able to get?

Hon Christine Sharp: No. I am suggesting that because the overall provisions of this Bill will introduce the ability to extract public water supplies from national parks and nature reserves through the licence provisions, that will then become relevant to management plans for the same areas. The Minister for Water Resources will then influence that.

Hon PETER FOSS: My biggest problem is that I do not understand the question. Perhaps the member would like to rephrase it.

Hon CHRISTINE SHARP: My question relates to whether -

Hon Peter Foss: Give me an example.

Hon CHRISTINE SHARP: Let us say that a proposal has been put to create a public water supply in a nature reserve. I am not sure what processes will enable the granting of a licence. Would that be followed in sequence by the proposed management plan that enables that to take place? Will agreement under proposed new section 60 influence the determination of the granting of new licences under later sections?

Hon PETER FOSS: I am still having a problem with the example. Some water is taken out of national parks for drinking purposes; that is, bottled water. National parks are also used as major catchment areas. That is one of the reasons for keeping timber in those areas. The member is suggesting that a reservoir or dam might be proposed in a nature reserve. I understand the question, but the difficulties involved in achieving it would be almost insuperable if the nature reserve were of any consequence. Such a proposal would not get past the Environmental Protection Authority, even if everyone else agreed.

The Department of Conservation and Land Management resisted the removal of gravel from nature reserves. People saw nice, cheap land alongside very expensive farming land. I had tremendous battles with farmers because I said it was the most expensive land in the world. Once the natural bush is removed, it can never be replaced. We have already taken the natural bush off the farming land, so it is appropriate to take the gravel.

Hon M.D. Nixon interjected.

Hon PETER FOSS: It depends on the value put on it. If we were to put a dollar value on it, I am sure the farming land would be more expensive. However, in the long term, the reserves are more expensive.

The attitude in CALM has always been to preserve its reserves. I do not think it would ever agree to a management plan that was inconsistent with the needs of a reserve. CALM has been extremely jealous of reserves, even if they are not A class reserves, on the basis that even the smallest of reserves is valuable and is not to be chipped away at. To give an example, when I was Minister for Water Resources and Minister for the Environment, I remember going to some part of Hon John Cowlid's electorate where the then Water Authority wanted to put a bore down on a CALM reserve because it considered that land to be cheaper than farming land. I told it there was no way it could do that, because I regarded that reserve as an important part of the national estate and it could not have it; it might cost it a bit more money to buy farming land on which

to put its bore, but that is what it was faced with. I understand the member's concern. The practice is that if there is an environmental issue, it does not even get to the EPA but is dealt with by CALM. The minister would not agree to a use of a reserve which was inconsistent with its reserve status. There can often be useful linkages between the accumulation of water and reserve land, and there has been a very sensible synergy between the two.

Hon CHRISTINE SHARP: I thank the Attorney General for his comments. In practical terms, on many occasions the Attorney General would be right. Unlike the issue of forests, where we all carry a lot of baggage, proposed sections 97A and 101, which permit the granting of licences for the removal of public water supply, have been discussed very little. These are major new provisions, and I am sure the Attorney General can understand that there is some concern that these provisions will be linked to the formulation of management plans, because the provisions of proposed section 60 refer not only to forest management plans but also to management plans for all lands that are vested in the Conservation Commission. At the end of the day, although I have been persuaded in my support of this amendment by the argument that if we were to change the powers of the Minister for Forest Products, we should similarly change the powers of the Minister for Water Resources, simply on the ground of consistency of drafting, I nevertheless have a concern that these provisions go beyond mere drafting consistency and are matters of significance. Therefore, I will be supporting the amendment in the name of Hon Norm Kelly to change the powers of the Minister for Water Resources.

Amendment put and negatived.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Having defeated amendment No 61/27, the consequential amendments on the Notice Paper in the name of Hon Norm Kelly no longer apply, and the sequential amendments are not accepted because the deletion of those words has been rejected in toto.

Clause put and a division taken with the following result -

Ayes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

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

Noes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon G.T. Giffard

Hon N.D. Griffiths
Hon Helen Hodgson
Hon Norm Kelly

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

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

Pairs

Hon Barry House
Hon Murray Montgomery

Hon E.R.J. Dermer
Hon Tom Stephens

Clause thus passed.

Clauses 28 to 31 put and passed.

Clause 32: Section 87A inserted -

Hon CHRISTINE SHARP: I move -

Page 37, line 2 - To delete the words "after consultation".

This amendment refers to proposed section 87A, which is headed "Restriction on exercise of powers", and is to be inserted in part VIII of the CALM Act, which is headed "Permits, licences, contracts, leases, etc". The gist of this amendment is to delete the words "after consultation" in proposed subsection (1)(b) and insert before the word "Conservation" the words "approval of the". Subsequent clauses in this part of the Bill refer to the leases and licences for long-term use of land within the forest. This proposed new section outlines the restrictions that will be imposed on the Conservation Commission in granting long-term licences. They are entirely inadequate.

The DEPUTY CHAIRMAN: Order! I am sorry to interrupt the conversation of the members on my left, but I would not like Hon Christine Sharp to be rude and interrupt their private conversation either. If the members wish to converse, they should leave the Chamber.

Hon CHRISTINE SHARP: I assure the Deputy Chairman that I have no intention of being rude, especially not to the Attorney General.

Hon Peter Foss: You would make an exception in my case.

Hon CHRISTINE SHARP: As the Bill stands, two million hectares of state forest land is clearly vested in the Conservation Commission, yet it is not allowed to approve long-term lease licences for that land. The Conservation Commission has an inadequate role in this area. That contrasts with its functions, which are outlined earlier on the Bill. I am seeking to

strengthen the role of the Conservation Commission in these matters by substituting "after consultation" with "approval of the". I commend the amendment to the Chamber.

Hon PETER FOSS: I oppose the amendment. I have already made clear that the proper constitutional arrangement should be that the Government is responsible for making decisions. Such powers should not be given to bodies that are not accountable. We seem to be demanding more accountability from government but giving it less ability to make decisions. This clause is an important reassertion of the appropriate constitutional arrangements.

Hon J.A. COWDELL: The Opposition supports the amendment and, therefore, the restriction of the exercise of the minister's powers. Proposed new section 87A requires the minister to consult with the executive director of the Conservation Commission before issuing permits and licences and entering into contracts and leases for state forest timber reserves and crown land. This and further amendments would require all permits, licences, contracts and leases for state forests and timber reserves to be approved by the Conservation Commission. Proposed new section 19(1)(a) states that the Conservation Commission is the vesting body for state forest, timber reserves, national parks, conservation parks and so on. Therefore, it is appropriate that the Conservation Commission approve all proposals for permits, licences or contracts that affect that land. The Opposition supports the amendment.

Hon NORM KELLY: The Australian Democrats support this amendment. Proposed new section 19 states that the Conservation Commission has vested in it -

State forest, timber reserves, national parks, conservation parks, nature reserves, relevant land referred to in section 5(g) . . .

The Conservation Commission has a huge responsibility for the care, control and management of that land. Denying the executive director of the commission the power of approval for long-term leases and permits would make it difficult for the Conservation Commission to fulfil that responsibility. One expects that the minister would seek the advice of the Conservation Commission prior to giving the approval required by proposed new section 87A(1)(a). If the minister approves something in contradiction with the commission's advice, is there a requirement for that advice to be made publicly available? It may have been outlined earlier in the Bill, but I would like clarification from the Attorney General. If this amendment is not successful and the clause stands, would the minister's decision not to act in accordance with the Conservation Commission's advice when giving such approvals be made known to the Parliament?

The DEPUTY CHAIRMAN: The question is the words to be deleted be deleted.

Hon NORM KELLY: I am happy to continue talking if the Attorney General requires more time to answer my question. However, I do not want to unnecessarily delay these proceedings. I would appreciate some form of response. The question is critical for members to decide whether to support the amendment. If the amendment is not supported, what would be the effect in cases in which the minister decided to give approval against the advice of the Conservation Commission?

Hon PETER FOSS: I refer the member to new section 19(10).

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport

Hon G.T. Giffard
Hon N.D. Griffiths
Hon Helen Hodgson
Hon Norm Kelly

Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp
Hon Ken Travers

Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (14)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

Hon Derrick Tomlinson
Hon Muriel Patterson
(*Teller*)

Pairs

Hon Tom Stephens
Hon E.R.J. Dermer
Hon Tom Helm

Hon Barry House
Hon Bill Stretch
Hon Murray Montgomery

Amendment thus negated.

Clause put and passed.

Clauses 33 to 36 put and passed.

Clause 37: Section 99 amended -

Hon CHRISTINE SHARP: I move -

Page 42, line 6 - To delete the words "after consultation".

Clause 37 takes us to a new division outside the forests and into other land, but it is a similar amendment to the one we have just considered about the current provisions for the restriction of the powers to grant leases and licences. In the new areas of land in this division the same argument arises about the need to strengthen the role of the Conservation Commission in the pursuit of its responsibilities so that it has some power over whether long-term leases and licences are granted in other land. This amendment deals with commercial conflicts of interest within the Department of Conservation and Land Management which the provisions of the Bills before us do not attempt to resolve; that is, outside the areas of state forest.

It is widely known in the community that if we ever get forest management onto a better footing, the next departmental argument will be over its gung-ho approach to the development of the lucrative aspects of tourism in our national parks and nature reserves. Arguments are raging in many areas of this State about this matter at the moment. I am thinking in particular of the national parks at Wedge Island and Grey where a draft management plan proposes the development of a major resort. I have already discussed the construction of visitors' facilities at Two Peoples Bay where some rare and endangered species are just surviving and CALM has developed a huge visitor resource in the middle of the area. There is Woody Island and the interesting case of the Karijini National Park where CALM is seeking to grant a lease to an outside commercial interest to run a pub. This sort of activity is going on all over the place and it is clearly of financial advantage to the Government to make the most out of selling our nature conservation areas.

This kind of approach in the United States and sub-Saharan Africa has led Governments to reconsider their approach on these matters. In places like Yellowstone National Park, the management of the conservation resources has been severely compromised by the sheer numbers of visitors and the facilities that have been developed so that they can enjoy those wide open spaces - a queue has practically formed. The position is similar in Africa which, because of its spectacular fauna, was probably the first area of land that was developed for ecotourism. People who can afford to have been going on safaris for many decades. The lesson that has been learnt in Africa is that it is not desirable that these tourism amenities be constructed so close to the natural attractions people are travelling great distances to see because, in the end, what is supposed to be enjoyed is spoilt. There is an important conservation argument for this amendment as well as the same arguments I have already used several times today. I would not dream of boring members by repeating those arguments -

The PRESIDENT: You will not get the chance. I suggest that the member focus on her amendment which is to delete the words, "after consultation".

Hon CHRISTINE SHARP: I remind members of the administrative arguments in favour of a strong role for the Conservation Commission in undertaking its responsibilities to manage the 20 million hectares of land covered by this provision and which would be further protected by this proposed amendment.

Hon J.A. COWDELL: The Opposition will support this amendment. The Labor Party believes that it is appropriate for the Conservation Commission to check off all proposals for permits, licences, contracts and leases on land vested in it. This opinion should not be taken as an objection to lucrative tourism operations and enterprises to be conducted by the Department of Conservation and Land Management, preferably directly. We see a significant role there for CALM. We are not opposed to a significant role for CALM in conducting tourism enterprises, and we would not want our support for this amendment to be taken as a Luddite view in that regard.

Hon NORM KELLY: The Australian Democrats will also support this amendment. It is important in the light of the fact that the Government is putting this legislation through Parliament to remove conflicts of interest within the current Conservation and Land Management Act. This is a worthwhile amendment to ensure that any commercial considerations of CALM do not, in conjunction with the minister and the Executive Director of CALM, override conservation considerations of the commission. It is appropriate that the Conservation Commission, in whom the land is vested, be required to give approval for such powers.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

Hon G.T. Giffard
Hon N.D. Griffiths
Hon Helen Hodgson
Hon Norm Kelly

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

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

Noes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

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

Pairs

Hon Tom Stephens
Hon Tom Helm

Hon Barry House
Hon Murray Montgomery

Amendment thus negated.

Clause put and passed.

Clauses 38 to 47 put and passed.**Clause 48: Section 132 amended -**

Hon CHRISTINE SHARP: I hope that the Attorney General will help me out with my amendment on the Supplementary Notice Paper, because my proposal to significantly alter section 132 of the CALM Act by inserting a new clause 48 is really a lawyer's argument. This amendment concerns the issue of liability in tort. Members will note that the Bill, apart from updating the nomenclature of the relevant authorities, does not alter the section on exemption from liability currently in the CALM Act. That is a pity because the section is very old fashioned; in fact, it dates back to the last century. The Western Australian Government and the courts have recognised in the past five years that the type of protection provided under section 132 leaves members of the general public totally disadvantaged in the unfortunate event that a member of the public should be injured by an employee of CALM when that employee is carrying out his duties, even when the employee is acting in good faith. That exemption from liability is provided under section 132 of the Act.

I believe also that the common law provides that the employer is liable only to the extent that the employee is liable in the first place. This has been a vexed issue legally, but in recent years there has been a move to remove the exemption of the Crown in these matters. Indeed, in the next Bill to be dealt with today, the Forest Products Bill, the Government has adopted the measure that I advocate it should adopt with this Bill; that is, a measure to bring section 132 up to date so that if there is an incident in which a member of the public is hurt or even killed, that person or family has the potential to receive damages from the Government for those injuries.

I propose to delete clause 48 entirely and to substitute wording similar to that found in the Forest Products Bill. Therefore, this will give the public the general provisions I have outlined. There are some slight differences between my proposed amendment and the provision in the Forest Products Bill. Clause 67(5) reads -

Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

That is relevant for the Forest Products Commission, but not the Conservation and Land Management Amendment Bill. I hope the Attorney General will enlighten the Committee on this matter. I hope that he will agree that what is good for forest products is also good for conservation, and that these provision should become consistent across the two Bills.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): I point out to Hon Christine Sharp that to delete the clause one must vote against it. If defeated, she will have the opportunity to move her alternative clause.

Hon PETER FOSS: I have looked at the two clauses and I am not sure why the section is being amended, as it is more standard wording and is more understandable and acceptable than the proposed new clause. I do not know why that decision was made. I would prefer to make the forest products clause like the one in the Conservation and Land Management Act, rather than the other way around. It has been in Acts for some time and has been interpreted and understood.

Hon Christine Sharp: My proposed amendment is similar, but not identical. I draw your attention to clause 67(3) on page 47 of the Forest Products Bill, which states that neither the commission nor the Crown is relieved of any liability. That is the critical part.

Hon PETER FOSS: I have another problem. I do not approve of some of the changes taking place with regard to public authorities. Some disaster appears to always take place which causes bad law to be made. The classic example is the Rottnest Island Authority case, which must be one of the worst law cases ever. This has caused Rottnest Island to sprout signs everywhere. An employee dived into the basin when he had been drinking. One should know not to dive into the Basin. Nevertheless, somehow the High Court thought there should have been a sign telling him the obvious. Some sad results have arisen with such changes in law regarding where public authorities stand. I prefer not to broaden that area of law. Covering Rottnest in signs is a negative, and we find signs all over Western Australia telling people the obvious. All playground equipment seems to have vanished. If it is a thrill for kids, so it must be dangerous and that is the end of that. Therefore, children must find a thrill elsewhere. Some of the social impacts of the decisions are poor, and large amounts of money are spent on insurance. I prefer the current section 132 of the Conservation and Land Management Act. If the member were to make it consistent, it should be made exactly consistent. Disadvantages arise in not being totally consistent.

The Crown Solicitor's Office comments that if the change is to be made, it should be identical as far as possible. There appears to be no justification for not using the provisions of clause 67(5) of the Forest Products Bill in the amendment. The office believes that clause 132(4), as proposed by the member, is redundant. The Crown Solicitor's Office states that section 132 of the CALM Act is not an unusual provision as it can be found essentially mirrored in any number of other Acts.

I am not sure why the Forest Products Bill contains the provision in question. It is a different situation as it is not a landowner or a public authority. Perhaps it could be justified in that way. I do not want to change the situation with a major statement of the kind proposed.

Hon J.A. COWDELL: The Opposition opposes clause 48 standing as printed, with a view to supporting the proposed amendment in the name of Hon Christine Sharp on the Supplementary Notice Paper. The Opposition notes that such a change will bring the Bill into line with the Forest Products Bill. Obviously, the Government proposes that we accept the principle in that Bill: If it is good enough for that Bill, it appears to be applicable here as well. Proceedings could not be taken in tort against a person acting in good faith in doing things under the legislation; however, a crown liability would be retained for non-employees - namely, contractors - not acting in good faith. The Opposition opposes this clause with a view to supporting the proposed amendment.

Hon NORM KELLY: The Australian Democrats oppose clause 48 and will support the insertion, if we reach that point, of Hon Christine Sharp's proposal. The proposed provision is not identical to clause 67(4) in the Forest Products Bill. I refer to information given to the Standing Committee on Ecologically Sustainable Development in response to a series of questions put to CALM. The questions read: How is exemption from liability in clause 67 of the Forest Products Bill different in effect from section 132 of the CALM Act; are there any reasons for this difference? The answer was that, as the Forest Products Commission will be a public trading enterprise, the commissioner's personal liability would also be made subject to the Statutory Corporations (Liability of Directors) Act 1996, and in this respect the corresponding protection from liability is not as wide as that under the current Act.

Hon Peter Foss: That fits in with my remarks.

Hon NORM KELLY: I appreciate that difference. I can talk about the differences if we get to that point. I agree with the Attorney General that we should get as much uniformity as possible in these statutes. From the Attorney General's comment that he does not believe the clause in the Forest Products Bill is as good as the wording in the current Conservation and Land Management Act - and if that remains in the current CALM Act - I look forward to the possibility of changes to the Forest Products Bill when we come to that. The Australian Democrats oppose the clause.

Hon MARK NEVILL: Section 132 of the Act as it stands is easy to understand and read. The proposed new section is verbose. The current section can probably be broken up into two or three sentences, instead of one fairly long sentence which taxes one's short term memory. I agree there should be uniformity, and the comment of Hon Norm Kelly that the Government should look at an amendment in the Forest Products Bill is probably the way to go. I would prefer to see it left as it is. However, I will be guided by the Attorney General because I am not in a position to judge the merits of either.

Clause put and a division taken with the following result -

Ayes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

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

Noes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

Hon G.T. Giffard
Hon N.D. Griffiths
Hon Tom Helm
Hon Helen Hodgson

Hon Norm Kelly
Hon J.A. Scott
Hon Christine Sharp

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

Pairs

Hon Barry House
Hon Murray Montgomery

Hon Tom Stephens
Hon Ljiljanna Ravlich

Clause thus passed.

Clauses 49 and 50 put and passed.

Clause 51: References to the department amended -

Hon MARK NEVILL: I urge the Chamber to vote against this clause. The change of name from the Department of Conservation and Land Management to the Department of Conservation is not needed. The current name accurately reflects the work of that department. It is no longer involved in forestry management, so that problem would be put to rest. Changing all those signs around State would be a gratuitous waste of taxpayers' money. I can think of a few things, such as prison programs, on which I would rather see the money spent. Even if the signs are changed only when one falls over or is destroyed, many of those CALM signs will be there for 10 or 15 years.

I have the luxury and also the disadvantage of representing a massive electorate. Those signs go from one end of the State to the other - from Eucla to Kalumburu. CALM has signposted reserves so people know where they are, and CALM is a well-known brand name. I know that the name upsets some people in the conservation movement. However, in my electorate CALM is a highly respected department. Most of the people do not normally think of CALM's purported record in the south-west forest. The most complaints I get about CALM are its stopping people from water skiing on nature reserves and setting up nature reserves in areas that some bush people think are highly prospective for minerals. CALM fights a pretty tough battle in my electorate to secure areas. The members should see what the CALM staff in the goldfields have achieved with nature reserves without having a full head-on fight with some of the more avaricious developers. It is a great credit to them that they have been able to achieve what they have been able to achieve. CALM is a well-known brand name that is generally very well respected and well-known around the world and in Western Australia. Many people come to Western Australia to look at many of the aspects of the work that CALM undertakes. Forestry in the south west, while significant in terms of the funds that it generates for conservation, is only a small part of the area that the department covers. The name accurately reflects the work that department will continue to do. It is an unnecessary, gratuitous waste of money to systematically change it. I urge members to put aside their prejudices and vote for the name to remain.

Hon J.A. COWDELL: In support of the Government's clause, I rise to come to the defence of the Government against the violent attack by Hon Mark Nevill! I trust the Government also will defend its clause. I appreciate the member's arguments about stationery and saving signage costs, etc. We all appreciate that CALM has done some excellent work. However, it is time to signal a new direction. Change must not only be made, but also it must be seen to be made. This is how change is signalled clearly to the public. Therefore, the Labor Party supports the clause as it stands.

Hon NORM KELLY: The Australian Democrats are tempted to support the proposal by Hon Mark Nevill. After considering what occurred during the committee stage of the Bill, it occurs to me that we may go into Committee on another occasion and ask how much has changed. It may be appropriate to keep the name of CALM intact because not much change will occur. However, we will not support Hon Mark Nevill because, as Hon John Cowdell put it, this is an opportunity for a new start.

Unfortunately the ongoing conflict over the past decade or so has had a negative impact on CALM employees. Through no fault of their own, they have often had to deal with protests. All the employees of CALM to whom I have spoken have been dedicated to their work, including one officer who met me as I was leaving TCA near Northcliffe a year or so ago.

A change of name for the department would be a positive move to give employees a fresh start in the new separation of this department. I understand there is no intention to change the CALM logo. It is very much an identifiable, well-recognised and graphically well-designed logo. I am pleased to hear use of it will continue. As long as that is on those scientific journals and the work to which Hon Mark Nevill referred, it will be a positive move. The Australian Democrats support the Government in retaining this clause.

Hon PETER FOSS: I have been overwhelmed by the argument of Hon Mark Nevill! It has been one of those matters that has engaged the Government strongly in argument. The suggestion of change is no more than an attempt to window dress. The essential issue is that the department will be involved in conservation and land management and it would be silly to change the name without good reason. The "good reason" put forward on one side is not that it is an appropriate change, but that it is change to indicate something different.

The people who work for CALM are very proud to work there. There is no suggestion they are not proud of their involvement with CALM. However, it is unfortunate that ordure has been heaped on them. If the "Greenies" do not get what they want, I suspect it will not be long before they heap ordure on the department irrespective of its name. They will soon ensure they maliciously destroy the reputations of the people who work for CALM.

I understand that everybody supports keeping CALM's logo. If we were to change the name, we would probably have to change the logo because it is better known than the name. As Hon Mark Nevill said, it is all over the State and in the most remote corners of the State. I was involved with an issue concerning a CALM logo in Karawara.

Hon Mark Nevill interjected.

Hon PETER FOSS: Yes; we excised a significant piece of land out of a CALM reserve and transferred it to the people at Karawara because it contained important cultural material of theirs. Having a CALM star picket stuck in their land was somewhat aggravating to them.

It is a very good logo that clearly suggests its purpose, which is to deal with conservation and land management. The change is not vital; in fact, strong argument could be made that change would be window dressing and it is far better to encapsulate the department's purpose, which is conservation and land management. It is a good name and I support the suggestion that we defeat the clause.

Hon MARK NEVILL: *Hansard* will not show the welts from the wet lettuce leaf with which Hon John Cowdell attacked me a few minutes ago! Over the years we have gratuitously changed department names; for example, the Water Authority to the Water Corporation. Every time the Government has changed we have made about 20 or 30 departmental name changes. The United States still has the same departmental names it had 100 years ago, such as the Department of Interior and the State Department. I think the most recent one was created 40 years ago and I think it is called the Department of Health, Education and Welfare. All Governments should stop gratuitous changes of names to put their stamp on a new product every time they get into government. They need to focus not on the perception but on getting the internal workings right, regardless of our view.

Hon CHRISTINE SHARP: This is the most difficult issue with which we have dealt all afternoon! I am in agreement with Hon Mark Nevill about how irritating it is that we go for these changes of name to make them sound more trendy or whatever. We spend enormous amounts of money on them.

Although Hon Mark Nevill's argument has merit, this is not the appropriate department on which to take that stand. Clearly, whether he agrees or not, for ages the name CALM has roused unbelievable ire, despair, hatred and many other negative feelings within the community. For many good people in the department I am sure a huge amount of discomfort and damage has been attached to that, the unpopularity they have had to live with and the difficult role they have had to perform. For the sake of those people, being known as DOC rather than being known as CALM may give them the kind of boost they deserve, after being in a very difficult position for a long time.

The symbolism of the proposal for deletion is not lost on any of us. The ironies abound at this moment at the Government's sudden enlightenment on this matter. Even though we - by that I mean non-government parties - have been so singularly

unsuccessful in amending this Bill, I hope there will be an improvement in the working relationship of those people to whom I have just referred. Overall, and despite my real regrets about some of the issues in the Bill, this part of the Bill should remain in place. I will be opposing the deletion.

Hon NORM KELLY: I want to comment on the symbolism of this change to which the Attorney General referred. It is symbolic to a large degree, but that should not demean the importance of the change contained in this clause. I have said it before and I will not go through it again. It is very important that we send a clear message to the members of the Western Australian public, who have shown their anger on a number of occasions at the actions of CALM in recent years, that change is taking place. From what Hon Mark Nevill said, perhaps we should not make too many changes and just go back to old forest department terminology.

The Department of Conservation title works very well. It is the same title which is used in some other States in Australia. I know it is the name of the department in New Zealand, and it is very identifiable for conservation matters. As I said, we will be supporting the Government's clause.

Clause put and a division taken with the following result -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

Hon G.T. Giffard
Hon N.D. Griffiths
Hon Tom Helm
Hon Helen Hodgson

Hon Norm Kelly
Hon J.A. Scott
Hon Christine Sharp

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

Noes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon N.F. Moore
Hon Mark Nevill

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith

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

Pairs

Hon Ljiljanna Ravlich
Hon Tom Stephens

Hon Barry House
Hon Murray Montgomery

Clause thus negatived.

Progress reported and leave given to sit again.

Sitting suspended from 3.46 to 4.00 pm

[Questions without notice taken.]

SITTINGS OF THE HOUSE - EXTENDED AFTER 6.00 PM

Thursday, 29 June

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.34 pm]: I move -

That the House continue to sit beyond 6.00 pm.

As a result of a business management meeting, it has been determined by all parties that they would prefer to finish the legislative program this evening rather than sit tomorrow or next week. Therefore, I propose to now resume debate on the appropriation Bill (No 1), and, when that is concluded, to deal with the disallowance motion which is Order of the Day No 2, the appropriation Bill (No 2) and the Bulk Handling Repeal Bill; and, if we are still awake, we will look at returning to the Conservation and Land Management Amendment Bill; but I suspect that is highly unlikely. I hope we can finish at a reasonable time tonight. I have moved that the House sit beyond 6.00 pm to achieve those objectives.

Point of Order

Hon NORM KELLY: Mr President, I seek some clarification. If we do not return to the Conservation and Land Management Amendment Bill, which has been adjourned to a later stage of this day's sitting, does that mean that Bill will be discharged or will drop off the Notice Paper?

The PRESIDENT: That would have been a very relevant question some years ago, when a rule was in place that meant it would have dropped off the Notice Paper, but that rule caused so much consternation that the practice of the House was changed so that a Bill is reinstated to the Notice Paper irrespective of whether it is called on.

Question put and passed.

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 1) 2000

Second Reading

Resumed from 21 June.

HON CHERYL DAVENPORT (South Metropolitan) [4.36 pm]: I want to take this opportunity to raise an issue that has

been ongoing and in which I have been involved. It involves a coronial inquiry that completed its findings in April this year and that arose from what I consider to be a vexatious complaint made to the coroner by the Health Consumers' Council WA against the home and community care program that I chair in the Carlisle area. I would not ordinarily raise a matter like this, but the consequences have been such that I need to raise it in the context of this debate to try to find a way of preventing such an incident from recurring. It has cost the HACC service in the vicinity of \$22 000 in legal costs to be represented at that inquiry, and it has placed a cloud over the service and the workers within that service over the past three years and one month, because that is how long the process has taken from the date of the death of the person involved until the delivery of the finding of the coroner.

I will place on the record a brief history of this case. The client involved in this case was for a period of seven or eight years a very difficult client to service. Over a significant number of years there was a history of abuse, verbal abuse in particular, of the various people who had occasion to provide transport and gardening services to this client, and of the people who were administering the program. From time to time the ire of this gentleman was vented against my committee, and on one occasion I had to hang up the telephone after receiving a torrent of abuse from him. When a client has difficulty with a decision made by a service provider, an advocate - which is generally funded by government and carried out by the non-government sector - becomes involved. In the two years prior to the man's death, four different advocacy services were involved in his case. Our agency eventually refused to reinstate the service this man had been receiving, which was the provision of transport eight hours a month so that he could do some shopping and banking. In January 1997, a final meeting was held between us as the service provider, an advocate and the gentleman, during which he became particularly abusive. The advocate decided he had had enough and would no longer represent him. At that time, we had made some progress towards the reinstatement of the service. The service had ceased because the man had been in hospital, and the agency insisted that his needs be reassessed before it continued the service. A nominal account was outstanding, but that was the least of the complaint. Essentially, the man wanted the service reinstated. When he refused the reassessment of his needs and began to abuse one of the few care providers willing to assist him, the agency decided there was no point in continuing to discuss the reinstatement of the service and that it would no longer provide the service. This gentleman was a good user of the "system". Although I have no difficulty with that, as a service provider, we had a duty of care to our employees. We made sure we were acting within our rights by not reinstating the service. I consulted WorkSafe to make sure we were legally able to refuse to reinstate the service. WorkSafe assured me that employees should not have to experience this type of abuse and that we were acting within our rights.

The client continued to have discussions with the Health Department, which had also received a substantial amount of abuse. The Government tried to find ways around the problem and suggested that the man contact the Health Consumers' Council WA, which he did. One of the problems with that process is that the Health Consumers' Council was established as a consumers' rights organisation to represent people experiencing difficulty with the health system. Unfortunately, the home and community care program is not a health care service, although it is funded by the Health Department. Carers in this sector are not allowed to administer any kind of health service unless they are nursing staff. HACC is a social model of care that enables people to stay in their homes so they are not institutionalised for as long as it can be avoided. My agency was contacted by the Health Consumers' Council and we acquainted it with what had transpired. The council was made aware that a number of other advocacy agencies had not been able to resolve the differences between our agency and the consumer and that, as a consequence, those agencies, and ours, had withdrawn their services. The Health Department decided to meet with our agency because it was not able to placate the client. A meeting was scheduled for early March. On the morning of the meeting, we received a telephone call to tell us that the consumer had died the previous weekend. He had been having ongoing contact with the Health Consumers' Council, although it was revealed at the coronial inquest that the council had only ever had contact with this man by telephone. That had not been revealed to us earlier. I remember the audible gasp from the audience at the inquest when the person from the Health Consumers' Council indicated that. I have spoken with Hon Kim Chance about this, about the public administration nature of it, as the incident has shown that when a client is refused service or is not able to have a service reinstated, no right of appeal is available through the mechanisms of the Health Department. We could not do much more after our meeting with the Health Department because the client had died.

A month later - about April or May 1997 - the office of the State Coroner contacted us to say that a complaint had been laid against our service and that the coroner, Michael McGuire, was contemplating the need for an inquest. It was 18 months before a preliminary hearing was held, and then another six months before the three-day inquest. Michael McGuire was taken from active duty towards the end of last year because he needed to finalise 20 outstanding decisions. This case was one of those affected. We did not receive a decision until 27 April this year. From March 1997 to April 2000, the agency had the issue hanging over its head, for what I think are vexatious reasons.

We believed that the man's death would be found to be due to natural causes, and that was the case. The decision is 133 pages long and it mainly regurgitates the evidence given by all the witnesses over a four-day period. The only recommendation for change that the document contains is on the final page where it notes that over the three-year period, the Health Department had moved to a contract purchaser-provider model, so there was some tightening up of the obligations of the various stakeholders. The recommendation was that the Health Department should widen its appeals process where services have either been withdrawn or are not reinstated.

I think the way in which this inquiry came about was inappropriate. It cost the service provider and the funding body an extra \$22 000 in legal costs. The Health Department had to provide a lawyer for four days. The coroner's office spent an inordinate amount of time and expense making its findings. Severe stress was placed on the service agency employees and its management committee during the time. One has to ask: For what end? I think the coroner was wrong to conduct an

inquiry into this issue. The information the agency had suggested that people supporting the coroner viewed it as a death through natural causes from the beginning. The complaint was to try to establish that, because the agency had not provided transport for this individual to go shopping, it was culpable - as I said earlier, the agency provided eight hours of service each month. The case being levelled against the service was that it had somehow contributed to this man starving. The autopsy indicated that the man had died from a heart attack and that his physical condition prior to his death bordered on obesity. It was totally inappropriate to try to establish that this person died from starvation. I am yet to see any evidence of the Health Department providing an appeals process that will deal with clients who have experienced either a withdrawal of services or the refusal of reinstatement of services. The Standing Committee on Public Administration may have a role to play in holding an inquiry into putting an appeals process in place. There is no doubt that in delivering these services through home and community care, from time to time there will be clients who are difficult. There will be difficulties for the service provider and for the client. I have no trouble in accepting that. Advocacy services are currently provided with funding to act on behalf of clients and in this case four different advocacy services had intervened on behalf of this individual over the previous 12 months. The bottom line was that he would not take no for an answer. He had no other organisation to which to appeal other than the Health Department, which kept referring him to other agencies. The problem was never resolved. In the interim, he died and another agency decided to make a complaint about the service provider. I believe the complaint was unwarranted, particularly when the agency knew the circumstances and history of the client.

It has been a very difficult time for the agency, and the financial and human costs have been substantial. I am concerned that the Health Department still has not put an appeals process in place. I have written to the Minister for Health and I await his reply. I thought this issue was worthy of being raised in the House. It is something that, from my perspective as the chair of the management committee of the organisation, I know has had an effect on the workers in the service and I want to try to do what I can to ensure that this sort of thing cannot happen again. It is intolerable to have had this shadow cast over the reputation of this very good agency which provides a tremendous service to that community. I hope that, having experienced pain through this process, we will be able to get in place an appeals process that will ensure that it does not happen again. If that is not the case, then it is something that I will certainly be inclined to raise with the Standing Committee on Public Administration. As someone who has a vested interest, I would not like to do that. I know the system and I am on the committee. However, I believe that, if an appeals process were in place, this issue would never have reached the stage it did.

I am glad that I could raise this issue before the end of the current session as I believe it is an important one. I support the Bill.

HON BARRY HOUSE (South West) [4.58 pm]: I will use this appropriation debate as an opportunity to reply to a query that was presented a few days ago during another appropriation debate. Hon Ljiljana Ravlich and Hon Bob Thomas had asked for additional information on an appropriation of \$14.993m from the consolidated fund for education for the year ending 30 June 1999. I confirm to the members and the House that the money was for a capital works program associated with the local area education planning process. In particular, it involved the local area education planning process for the western suburbs. The Education Department had to buy some land from the Health Department for the establishment of Shenton college. That transaction was spread over two financial years. There was a slight delay into the next year, and the deal was completed a little later in the next financial year. That explains that allocation of \$14 993 000.

HON TOM HELM (Mining and Pastoral) [5.00 pm]: I too support the Bill. In doing so, I will bring matters before the House that have caused me concern over a period. Perhaps I will read into the record parts of correspondence from the Information Commissioner. I have been advised many times, particularly by the Leader of this House, that there are different ways for people to resolve disputes with government agencies. People can go to the Ombudsman to have freedom of information inquiries resolved and so on, rather than trying to receive satisfactory replies from the ministers in charge of those government agencies. I have said on a number of occasions that it is all very well to have those other watchdog authorities acting on behalf of constituents or on behalf of the taxpayers of this State, but the bottom line, as I understand the Westminster system, is that the minister takes a great deal of responsibility in the resolution of those disputes.

The case to which I will refer has nothing to do with the Leader of the House or the Minister for Mines; it concerns the Minister for Works and Services - not the current minister but his predecessor. The history of this case is that a gentleman called Geoff Moran, who was the managing director of a company called Lynch Interiors Pty Ltd, was in dispute with the Minister for Works and Services regarding some work that he carried out at the beginning of this Government's reign. The dispute took certain pathways, one of which was that the minister employed a person to endeavour to resolve the dispute between the parties. It was an ongoing conflict, and the parties could not agree on an outcome.

An outcome was forced on Mr Moran; that is, he was blamed in large part for what had happened. Therefore, his reputation was besmirched, and he was out of pocket to the tune of something like \$26 000. The issue continued bubbling along. I became involved in it a couple of years ago. I facilitated meetings with officers from the Department of Contract and Management Services and from the minister's department, including the minister himself - at the time the minister was Hon Mike Board. However, we still could not get anywhere. Therefore, Mr Moran decided to go to the Information Commissioner. He was of the view that certain documents would prove that he was in the right in this dispute, and that if the documents were found the dispute could be resolved. Mr Moran went to the Information Commissioner, and the commissioner's officers were successful in finding certain documents that were of help to him. However, the officers could not find one document for which he asked.

Section 26 of the Freedom of Information Act deals with the requirements upon an agency in circumstances when it is unable to locate the documents sought by an access applicant. There was an application to access documents, and the Office

of the Information Commissioner pursued that access application. The commissioner's officer went down various pathways, but for the life of him he could not find the relevant documents in the minister's department. Therefore, the officer made inquiries of a gentleman called Mr Foster, who was employed by the minister, to ascertain whether the file relating to this matter could be located. Mr Foster said that the file had been misplaced, but he tried to explain to the officer from the Office of the Information Commissioner what the file consisted of. In any event, it appears that the verbal report was not as helpful as Mr Moran of Lynch Interiors had hoped, because it did not help to resolve the matter.

The Information Commissioner wrote to Mr Moran and explained in her conclusion -

For the reasons described above, -

In other words, the officer had tried to pursue the documents required by Mr Moran -

- I am satisfied that none of the documents described in your access application exist in the office of the current Minister. However, I consider that documents of that kind should exist and the most likely place where those documents would be filed is at CAMS. In my view, your application could have been, and probably should have been, transferred to CAMS for that agency to deal with it. However, it was not transferred and I have therefore, made the inquiries described on page 3 on your behalf at CAMS, but without success.

I consider that copies of some of those documents may exist elsewhere, specifically in the possession of Mr Foster. However, for the reasons given, those documents cannot be found by Mr Foster.

My point is that it is hard for anyone to make a decision about the complaint and the dispute in which Mr Moran was involved. That does not give much comfort to Mr Moran, or to a lot of other people, for that matter. This is not the first time that I have found that departments, the role of which is to act on behalf of the taxpayers of this State, have had an inability to act in a proper manner. In large part, it has been because of a lack of cooperation, but it has also been because the keeping of files, etc, has not been as efficient as it should be. I bring this to the attention of the House because it is an important matter. I have raised this matter to try to dissuade ministers from using those other avenues that are supposed to be available to people to get answers to their questions or to have their disputes resolved, because at the end of the day, whether people use the Ombudsman or freedom of information, it still depends upon the cooperation of the minister and his department to bring about a resolution of these disputes and for answers to be forthcoming. It is incumbent upon all departmental heads, as well as their ministers, to resolve those sorts of issues. I understand that that is the situation under the Westminster system. I know it is the end of the session. Nonetheless, I wanted to put that matter on record so that it can be referred to further down the track.

I will bring another matter to the attention of the House. People would be aware of my recent action in the Western Australian Industrial Relations Commission concerning my preselection and the processes that were put in place. I think that I am entitled to raise those matters in the House for a number of purposes, not the least of which is to bring to the attention of organisations that they are not above the law or not above affording natural justice to their members.

The PRESIDENT: Order! The member would be aware that the sub judice rule restricts what members can say on matters before the courts. Has the member's case been resolved?

Hon TOM HELM: Yes. That is why I am raising the matter now.

The PRESIDENT: In that case the member is free to speak.

Hon TOM HELM: I apologise for not advising the House of that. I should have made that clear. I am aware of the sub judice rules and I am sensitive to them as well. The matter was resolved on Wednesday when Senior Commissioner Sharkey dismissed my application. I will not make any judgments or criticisms, but will tell the House what happened as people have different ideas on what this whole debacle was about.

I start at the end. My application to the Industrial Relations Commission was made under section 66 of the Industrial Relations Act, which obliges organisations to abide by their rules and to ensure that people receive natural justice. I wanted the commission to find that the organisation to which I belonged, the Australian Manufacturing Workers Union, did not act according to its rules. I wanted the commissioner to agree with me. I cannot say that he agreed, because he dismissed the application. That is the end of the matter in the Industrial Relations Commission. However, it is open to me to appeal to the Full Court of the Industrial Relations Commission. My wife, Debbie, and I will consider that option strongly. We will proceed from there.

I now relate the history. The House will not be surprised to know that I joined the trade union movement in 1957, and in those 43 years I do not think I received one penny or one cent from the union movement. I joined it and remain with it to this day because I believe I have a contribution to make. I have been fortunate enough to make a contribution during those 43 years. I have been in many disputes, as the House is aware, and contributed also through my union dues.

When the union made the decision that I no longer had its confidence and support, I was very disappointed. I learnt that in October 1999 the AMWU administration committee made a decision that it no longer supported my preselection for the Mining and Pastoral Region. I was not told about that decision until 9 December 1999. Somebody said to me, "You must have taken a leaf out of the Peter Dowding preselection manual!" He was overseas when he was sacked; I was on Christmas Island, where one must stay for a week as the transport is only weekly.

Hon Bob Thomas: Has the casino been reopened?

Hon TOM HELM: It has been bought, but not reopened.

Hon Bob Thomas: I'll not be going for a while then.

Hon TOM HELM: The member probably could not afford it.

I was told on 9 December that the union no longer supported me. I took that on board. I asked whether I would have an opportunity to argue my case before the relevant committees of the union, and I was assured that I would have that opportunity. I take members back to November 1999 and a conversation I had with the assistant state secretary, Jock Ferguson. He told me that he was advised to tap me on the shoulder. I asked who was putting him under pressure, but he could not tell me. He was a close friend of mine at the time. I said I would give it some thought and speak to Debbie and my family and friends about it and see how I felt.

I phoned him a couple of days later and said I still had work to do and a role to play in the Mining and Pastoral Region. I had considered the matter and felt I should have the support of the union. The answer to that statement was, "Okay." I did not know what "okay" meant, but it must have meant goodbye. In an attempt to argue my case, I asked the union state secretary whether I could have the names, addresses and telephone numbers of people who would form the caucus which would make the final decision. I was given 23 names. I telephoned them when I returned from Christmas Island, and had a reasonable response. The people who said they could not support me said that this was because of the decision of the administration committee. None of the people on the committee advised me that they knew about the decision. The administration committee, which is the senior policy making body of the union between state conferences, had made that decision, but no-one knew it was the case.

I went to meet with the 23 people whose names and addresses I had been given. However, only 10 to 13 of them were in attendance; another 16 people, some of whom I did not know at all, were present. After I argued my case, a vote was taken; the vote was 19 to 10 in favour of the union not giving me support; so 10 people supported me and 19 did not. The argument of the 19 was that the administration committee had made a decision, and they would support that committee. That is understandable. I am not a stranger to such findings, although I have never been involved before in such a personal way.

This contribution tonight is difficult to make as I speak on my behalf. I take comfort in the thought that if someone had asked me to take this on, I would have done so. Although it is embarrassing to talk about oneself, the issue is bigger than that as it relates to what the Industrial Relations Commission found and the events surrounding my de-selection from the ALP ticket for Mining and Pastoral Region. The 19-10 result meant I did not have the support of the union. As I am obliged to do when such a vote is taken, and as a loyal servant, I withdrew my nomination from the state executive which would determine my position on the ticket. That was the end of that set of circumstances.

People should understand that I have never been so hurt in all my life as I was by this outcome, having long been an advocate of the union. Taking this matter to the commission opened a can of worms. When people see a policeman, they think they have done something wrong. I thought people would have evidence about me being a drunk, a paedophile, a thief or whatever. I was waiting for that to happen. I am no angel. However, a letter from the union stated it had no problem with my loyalty or my performance - it was nothing to do with that; it was a matter of my time being up and it being time for change and renewal.

Even in the cold light of day, that is something I could easily accept. However, I have a problem accepting that I was not given natural justice or any information that the decision had been made some two or three months before I was told. People are entitled to better than that. I am very hurt by that approach. I hope I am doing something positive by making this matter public. I place it on the record to send a signal to organisations, including unions, that there are certain things they cannot do. One should pursue the same things within one's organisation as one pursues outside it. I have been in many disputes, including with metalworkers, against bosses who tried to do what was done to me in this matter. To be consistent we should apply the same rules to others as we would apply to ourselves.

The hearing was set down for two days; it lasted for two and a half hours. No evidence was supplied by the union in defence of its position. The union's position was that a decision had been made and the matter was over; it was too late. Even if it was guilty, its view was that life goes on, and we must take life as it comes. I tried to explain to the commissioner and to other people that one of the reasons I am a member of the Labor Party is that it acts professionally in many ways. People criticise the factional system. However, that helps us to behave professionally. We air our differences interfactionally and then intrafactionally. In that way we do not have our blues in public, and we know where the enemy is. Once we are outside we can concentrate our forces on the enemy. That was a difficult concept for the commissioner to take on board. Nonetheless, he took on board the arguments I presented when he came to his conclusion.

People have encouraged me to cop it sweet and walk away. To do that would be a complete abrogation of all those things in which I believe. Just because the odds are stacked against a person does not mean he should not fight an injustice. It is not over until the fat person sings. Matters were raised during the course of the hearing about the advice I was given. An allegation was made, which was not disputed, that three people were given the responsibility to advise me after October that the union no longer wanted to support my preselection. Those people never gave me that information on their own behalf or on behalf of the union. That is particularly galling, and rather bizarre. The record will show, and people appreciate, that what happens to me usually stays with me and my family. I have always considered the union and the Labor Party to be part of my family. To be part of a family one must give respect to get respect. It was most disrespectful of the union to wait until I was out of Australia and unable to get back before, in a sense, passing me the poisoned chalice

or putting the knife in my back. I was not given an opportunity to argue my position. Even recognising that I probably would have lost, everything would have been sweet and I would have copped what was coming down to me.

Goodness knows, when I was working for Hamersley Iron as a rigger I was earning more money than I could spend. I was organising my finances so I could retire when I was 50 years of age. I will be 60 by the time I retire - 10 years later than I planned. I will retire with more money than I would have had if I had retired from Hamersley Iron, and my wife, Debbie, and I do not have a problem with being duded and financially embarrassed. I cannot emphasise enough how important it was to me for Debbie to support the position I adopted. Many of my friends in the party - they are still my friends - advised me not to go down that track because I would lose. I could not see it. My legal adviser had a problem understanding how the commissioner could formulate a conclusion that would other than support my application. However, the intimate part of the application was not responded to by the union or addressed by the commissioner. The commissioner did not have to address those matters; he had to take on board the fact that the caravan had moved on and I was one of dogs left behind. That was the commissioner's conclusion and why he dismissed the application. Without Debbie I could not have done this.

I hope at the end of this debate that I will be glad I used this opportunity to raise this matter. I am sure people in my electorate will think there are more important things I could have talked about. However, in the 14 years I have been privileged to represent those constituents, no-one has said - not to my face anyway - I have done other than the best I can for people, even when I have been unsuccessful. I will always be proud of that. I hope that will go with me no matter what happens.

I also raise this matter to highlight that people like me who are loyal members of the union movement should be able to expect better treatment than that which has happened to me. I joined the Metals and Engineering Workers Union in 1980. In the six years I was a member while I was employed by Hamersley Iron the union was in a position to give back to me what I could give to it. I do not think I ever got any strike pay or anything at all from the union, but it would have been available. In the 14 years from 1986 to now, when I continued paying my dues to the union, the union could not assist me - it could not represent me in this place or any other place. That did not matter. I thought I had a role to play as a member of this place in promoting the union's cause within the electorate. It is important I take this opportunity to make sure that people understand I did not, could not and would not take up a case for unfair dismissal, because members of Parliament are not employed by unions, the party or anybody else; we are the servants of the taxpayer. Nonetheless, a law is in place that is supposed to give people confidence that the organisation to which they belong will abide by the rules. One of the basic tenets of every organisation - unless one belongs to the Ku Klux Klan or the Nazi party - is that one should get natural justice. A union is set up for that purpose of ensuring that people get a fair go in every sense of the word.

I tell people that I am not going away. I am here until 21 May 2001. I hope to continue to represent my constituents in the way I have in the past. I will not fade away. I hope I will retain the respect of my colleagues and peers. I hope those people who say I have acted with dignity in this matter continue to say that. However, there is dignity and stupidity. I would be stupid if the 43 years I invested in the union movement went to waste and I did not bring this matter to the attention of the House. I hope that my pain and disappointment will help to prevent somebody else going through the same. Organisations are obliged to abide by the rules. Organisations, and members of organisations, have an enormous responsibility to abide by the rules. Mr President, like your predecessor, you have said on many occasions that we may not like the rules but until we change them we must abide by them. The obligation for the membership of an organisation to abide by the rules should be reflected by the organisation to which they belong also abiding by the rules.

The union movement will be here long after my children and my grandchildren are dead and gone. There will always be individuals within the movement who will want to bend or twist the rules to suit themselves. That will not do the organisation any good. However, if we can highlight the times when that happens and not, as has been suggested to me, fade away, we will achieve something. It has cost me a large amount of money to take my case to the Industrial Relations Commission, but it has been money well spent. It is money that Debbie and I can ill-afford, given what is facing us. Nonetheless, that money has been well spent.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

METROPOLITAN REGION SCHEME AMENDMENT No. 10004/33 HEATHCOTE

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon J.A. Scott was moved pro forma on 29 June -

That the Metropolitan Region Scheme Amendment No. 1004/33 Heathcote published in the *Gazette* on 9 May 2000 and tabled in the Legislative Council on 10 May 2000, be and is hereby disallowed.

HON J.A. SCOTT (South Metropolitan) [5.34 pm]: The Heathcote agreement is of considerable concern to the Melville community. I have been contacted by ordinary residents and counsellors of the City of Melville who are very concerned about changes to the original agreement and the process by which it was changed.

I will provide members with background information. The City of Melville and the State Government came to an agreement about how the Heathcote site would be managed in the future and what metropolitan region scheme amendments would be required to achieve that. It was originally proposed that the heritage precinct would be protected - that is, the

highlands on which the hospital stood - the non-heritage buildings on that site would be removed and the whole area, including Duncraig House, would be included in that precinct. Another area, which is known as the lowlands and which is close to the South Perth Yacht Club, would be partially urbanised with medium density development. As part of the agreement, the City of Melville was to get \$6m to help it refurbish the Heathcote heritage buildings and site. That proposal was the subject of considerable public consultation.

I have a brief description of that process. This document was distributed by Katie Mair, the mayor of Melville, to counter accusations that the community had not been properly consulted and to deal with other issues. It states -

HEATHCOTE HERITAGE PRECINCT - THE FACTS, NOT THE FICTION

1 OVER 72% - 6.35 HECTARES - OF THE HEATHCOTE HOSPITAL SITE WILL BE RETAINED FOR PUBLIC USE

The development of the 8.8-hectare Heathcote site will see 6.35 hectares or over 72% of the area, retained for public use. Prior to the substantial involvement of the City of Melville, the total site was destined for residential development.

Many years ago, this site was intended to be set aside for parks and recreation - prior to the hospital option being floated. The document continues -

2 ALL OF THE SIGNIFICANT HERITAGE AREAS WILL BE RETAINED AND REFURBISHED FOR COMMUNITY USE

The development of Heathcote Heritage Precinct means that all of the heritage-listed buildings will be retained, restored and made available for community use. The development has been approved by the Heritage Council of WA.

3 THE PROJECT HAS THE SUPPORT OF THE HERITAGE COUNCIL AND THE AREA DESIGNATED FOR THE RESIDENTIAL DEVELOPMENT IS NOT CONSIDERED BY THE HERITAGE COUNCIL TO BE OF ANY HISTORICAL SIGNIFICANCE . . .

4 ALL OF THE STUDIES THAT SHOULD HAVE BEEN UNDERTAKEN, HAVE BEEN UNDERTAKEN - INCLUDING A LOCAL TRAFFIC AND PARKING STUDY, A LANDSCAPING STUDY, A HERITAGE STUDY AND A CONSERVATION STUDY . . .

5 THE CITY OF MELVILLE DOES NOT RECEIVE ANY OF THE REVENUE FROM THE SALE OF THE RESIDENTIAL LAND . . .

6 THE DEVELOPMENT OF THE HEATHCOTE HERITAGE PRECINCT AS HAS BEEN THE SUBJECT OF EXTENSIVE PUBLIC COMMENT AND CONSULTATION

According to this document that has included -

The proposal for the development of Heathcote Heritage Precinct has been the subject of extensive public consultation and comment.

Large signs describing the development were placed on the site for a period of over 18 months, letterbox drops to adjoining residents and householders within 300 metres of the site were undertaken and advertisements placed in local newspapers.

Nine submissions were received, with only two of these substantially against the proposals.

As the scheme was being developed there was also a great deal of media interest shown in the project and details of the proposal were covered by both local newspapers and the broadcast media.

This is hardly development by stealth.

The proposal to increase the residential density from R15 to R30 was considered and adopted in December 1997, nearly eighteen months ago! The City of Melville adopted the R30 code because it would allow a greater choice and mix of homes available on the riverfront.

The change to the R30 code is not a new proposal, nor is such residential density unique in a riverfront setting. Within the City of Melville the Canning Bridge frame has a residential code of up to R50 and the Hislop frame at Alfred Cove has a split residential coding of R25/R50.

7 THE HEATHCOTE REDEVELOPMENT WILL PROVIDE RESIDENTS OF THE CITY OF MELVILLE WITH A RECREATIONAL RESOURCE OF REGIONAL SIGNIFICANCE AND A FACILITY OF WHICH THEY CAN BE PROUD

The proper processes had been followed at that point. We then had community-driven opposition. One person involved was described in the newspapers as "Michael Coleman - a millionaire resident" - I do not know precisely what he does, but I think he is a developer.

Mr Coleman and some others were very concerned that the lowland area would be urbanised. Other people were concerned,

not so much that part of it would be urbanised, but that the development would allow multistorey dwellings, which would be inappropriate for the site.

A campaign was carried out and a petition was organised which approximately 2 000 people signed in support of the views of Mr Coleman and his supporters. However, a great many people had an opposing view. A number of meetings were held and a couple of petitions were collected, one of which bore more than 8 000 signatures. That petition was in support of the original plan that would keep Duncraig House within the heritage precinct and public ownership.

In addition, a meeting was held on 28 September of the Heathcote Occasional Committee from the City of Melville. Its conclusions read -

1. The two local members of Parliament (Hon Michael Board and Hon Doug Shave) nor the Council, received community objections to creating the 2.4 ha residential estate notwithstanding that its proposal was widely advertised over a 3-year period until approximately 8 weeks ago.
2. In 1997 and 1999 only 4 objections were lodged. This is from a population of 95,000 residents.
3. No Public Open Space or Traffic reasons exist for not creating the residential area. Manageable traffic solutions exist and abundant public open space is available to residents.
4. No heritage reason exists for including the low land (residential) in the Permanent Register.
5. No amenity reason exists for not providing a 2.4 ha R30 residential area on the 8.8 ha site.
6. No impropriety existed, no political interference was exerted, no conflict of interest occurred and no Town Planning statutory requirement has been overlooked or not adhered to.
7. The Council has always given strong consideration to the quality of the submissions, or the reasons people give for opposing Planning decisions. There was very little new information provided in the period after the Council endorsed Scheme Amendment 144.

Despite that, the resolution of a public meeting noted in the minutes of the Heathcote Occasional Committee of 27 September 1999 as follows -

6.0 RESOLUTION OF THE PUBLIC MEETING

The Special Meeting of Electors held on 25 August 1999 at 7.30pm made the following resolutions.

1. The Council rescinds all resolutions creating amendments to Town Planning Scheme No. 3 - Amendment No. 144 in relation to the Heathcote Heritage site;
2. The Council re-endorses its policy decision of 17 November 1992, to retain the Heathcote Heritage site 100% for public use and access;
3. The Council shall amend Community Planning Scheme No. 5 so that all of the land situated within Swan Location 8792 as public open space and community facility;
4. The Council re-negotiate with the Minister for Works for the purchase of the property contained in Swan Location 8792, Volume 1869, Fol 685 on terms to be agreed;
5. Any Council deliberation on the proceedings be heard in meetings open to the public.

Clearly, while people had genuine objections to part of the lowland area being developed, it was also clearly part of the funding arrangements that the State Government had made with the Melville City Council in the original agreement, whereby the Government was to pay the council \$6m to upgrade the Heathcote site.

Under the new agreement, which has ended with the proposal to amend the MRS scheme that is the matter of this discussion, although an area of the heritage precinct is to taken out of public ownership if it goes ahead, the lowland area is supposed to become public area under a parks and recreations designation. However, as part of that agreement the council will no longer receive \$6m from the State Government, but must fund the refurbishment from its own coffers.

Having spoken to council officers I understand they are thinking of selling 30 hectares of land that the council owns around the Melville area to raise the money to repay the \$6m. That is causing a great deal of consternation to people who do not enjoy the riverside area and who live in suburbs less well endowed with recreation areas, as they are likely to lose some of the areas they already enjoy. They are not happy with the so-called trade-off.

There is a double issue, as most people preferred the initial agreement between the State Government and the Melville City Council which was to result in an MRS amendment that would have been different from that which is before the House.

We have a third problem, which is that the council has lost the \$6m, which is seen by most people to be a trade-off for 2.4 hectares of lowlands which is to be designated urban; and because the community is supposedly to see the area designated parks and recreation, that \$6m has disappeared. However, the amendment does not provide for that. The area has not been turned over to parks and recreation; it has remained public purpose, with the "hospital" designation. I am told that some time in the future a move will be made to amend the scheme again to turn the area into parks and recreation. However, the MRS Amendment Report on Submissions Document, Volume 1, for Amendment No 1004/33 Heathcote, reads -

Following adoption of the Report on Submissions, the Minister for Planning advised the WAPC that a new set of arrangements had been agreed to between the Government and the City of Melville concerning disposal and development of the Heathcote site. To implement the new agreement the Minister requested that the current amendment be modified as shown on the plan in Schedule 5 ("Heathcote - Proposed Major Amendment as Modified for Final Approval") by:

- i) deleting the Urban zone from the lower eastern portion of the site so that the area remains in the Public Purpose (Hospital) Reservation; and
- ii) deleting a small section of the proposed Parks and Recreation Reservation adjoining the south eastern boundary of the Scout Hall site at the eastern end of The Strand.

A second MRS amendment would then need to be initiated by the WAPC at a later date to further implement other aspects of the new agreement.

However, it states one paragraph further down -

This decision does not imply agreement to any additional proposals that may be put before the WAPC for other MRS amendments . . .

Therefore, there is no certainty at this time that that land will be turned over to parks and recreation; so the Melville council may be lumped with a \$6m bill, which it never thought it would have, and will need to sell off land to pay that \$6m bill; that it will not get the trade-off of public open space through a parks and recreation reservation in the lowlands; and that the magnificent site which contains Duncraig House will be lost to the city and the wider community and will come under the ownership of someone with a great deal of money.

These matters are of such great concern that they have been the catalyst for a big division within the Melville City Council. Most people will be aware that the councillors and the mayor are at loggerheads, to say the least, and there is a great deal of anger and division in that council. There are some merits on both sides of the argument, but what really concerns me is the process by which the change has occurred. The local member of Parliament, the member for Alfred Cove, instigated the setting up of a committee which incorporated a small group of people, including Michael Coleman, the person who initiated the campaign against the original agreement between the council and the State Government, and that committee in effect reported its decision on what should happen with that site. I am not sure whether it reported directly to the State Government or to the council - that is not very clear - but it certainly did not have the sort of public process and openness in the decision-making process that should have existed on such a contentious issue and one on which it would seem to be in the minority.

We must add to that the problem of the debt that will be faced by the council, which may need to sell recreational and other areas that may be useful to other parts of the city. Some very succinct letters describe the concerns better than I have expressed them in this place. Two letters from a Mr M.J. French do this very well. The first letter is to the Chief Executive Officer of the City of Melville and states -

I write to you regarding the new proposal for Heathcote. You may recall that the Heathcote debate has been about preserving river foreshore and as much Heathcote land as possible.

My understanding of the new proposal is as follows:

- 1) Land fronting roughly 40m of river foreshore (the scout hall) is now lost, and behind this, Duncraig House. In total about 0.5ha between the foreshore and Duncraig Road, a distance of about 100m.
- 2) Roughly 40m of "lowlands" river foreshore just west of the SPYC security fence is retained (as before), but the north-south depth of POS will now extend about 250m (previously about 50m).

By any stretch of the imagination, it is difficult to reconcile that the southern part of the lowlands site (say within 100m of Duncraig Road) is more worthy of preserving than the scout hall and Duncraig House sites.

The southern park of the lowlands site:

does not front the River as it is more than 100m from the foreshore,
 in relative terms, has no views,
 is difficult to see from Heathcote's eastern lookout,
 is wedged between the yacht club security fence and the escarpment.

The scout hall and Duncraig House sites:

from the River,
 are within 100m of the foreshore,
 are elevated (the views over the river from the lawn in front of Duncraig House are magnificent).

The value of the "lowlands" river foreshore has been further compromised by the adjacent construction activities

of the South of Perth Yacht Club (the construction of groynes some 100m out onto the riverbed and associated filling to create a hardstand area). I certainly would encourage the wider Melville community to take a walk or bike ride to view this, in order to judge for themselves the value of retaining all of the "lowlands" site.

I understand that Council would have preferred to allow some new housing fronting Duncraig Road. This is understandable, if the objective is still to preserve the maximum amount of river foreshore. If this is the case, it is difficult to see how Councillors have represented the interests of the wider community, in supporting the new deal.

It appears that the original objective has been lost, and I urge you, and Council, to take a fresh look at this matter.

I would suggest that the loss of some of the "lowlands", within say 50m or even 100m of Duncraig Road, would not detract from the community's use of the river foreshore or the remainder of Heathcote. The loss of the scout hall and Duncraig House will.

It also appears that the sale of Government land in Melville/Palmyra/Willagee, the Ward most devoid of POS in the City, will go toward funding non-river foreshore in a Ward with an abundance of POS.

Can you please forward a copy of this letter to all Councillors.

These are very relevant and correct statements that a great deal is set to be lost by the community, in particular the community of the City of Melville. Part of the problem occurred because the member for Alfred Cove was very worried about the political action of people who wanted to retain all of the lowlands area, because that had included a probable political opponent of his in the next state election. I believe there has been rather a knee-jerk reaction on this matter and a race to put this amendment through before the promised trade-off for the Duncraig House area and the lack of urbanisation, the reward being the lowlands area becoming parks and recreation, but that has not appeared in this amendment; so we have an amendment where nothing has been gained and a great deal has been lost by the community.

Sitting suspended from 6.00 to 7.30 pm

Hon J.A. SCOTT: Another important issue is whether disallowing this amendment would cause significant problems for the City of Melville, the State Government or individuals. In reality, I do not think it would. I telephoned the City of Melville and asked whether it would be able to continue its program if this amendment were disallowed. I was told that it would cause some problems, that the council had worked out ways to overcome them and that it was possible for it to go forward under that likely state of affairs; that is, if the amendment were disallowed, the council could still continue its program of forwarding the heritage site and would not be totally hamstrung by this disallowance. I have also heard statements that it would take another 12 months in which to readvertise this proposal and to have the whole matter done again. That would cause an inordinate delay in the process from the point of view of the Western Australian Planning Commission. However, I understand that is not likely to happen. Having done a considerable amount of work already, the council would not have to go through that whole process again. I understand that Hon Norm Kelly may comment on that issue in his remarks.

To quickly recap: My principal concerns are that this MRS does not do what it sets out to do; that is, to provide an area called the lowlands as parks and recreation area. That goes back on an agreement which has cost the City of Melville \$6m, because of the trade-off that occurred through not having urbanisation of that land. The city also will lose an area of the heritage precinct which contains a very substantial and important building and which is a fantastic site for the community to enjoy. It is a lose-lose situation for the city, with no certainty that at any time in the future it will gain from this situation. In effect, the State Government has handed the city the task of restoring the heritage site. Certainly some benefits will be forthcoming from that for the city, because there will be revenue-gathering possibilities in that area. However, it must pay a large bill to get that opportunity; that is, the \$6m it will forgo and the management of that complete site.

I recommend members seriously consider this disallowance. I understand there are other views about the use of the site. However, in reality, there is no doubt that a flawed process has occurred. The proper process was to go through the normal system of community consultation when the council had reached an agreement with the State Government about where it would go from there. That had been well canvassed throughout the community. Then suddenly, largely, but not entirely, because of a local member's political problem, that member and a colleague stepped in and subverted that process and took away the broad consensus view and replaced it with something which was outside the normal planning processes. We have ended up with a compromise with which most of the community and most of the councillors from the City of Melville are not happy - I have not been able to find any councillors who are happy with it. I understand the mayor supports it. Although I respect his position, it seems that there is significant community concern about the proposal. I also understand there is significant concern about losses of areas in other parts of the community. I commend this disallowance motion to members, and I hope they consider it seriously.

HON J.A. COWDELL (South West) [7.36 pm]: The Australian Labor Party has concerns about this development and hopes that the Government can address some of those concerns. My initial reaction was in regard to the bottom line. I am interested in the process, but processes have been and gone. The key question is what will be the allocation now and is it adequate, rather than what was the first deal proposed, what was the second deal and what was the third deal.

The map of the area I have shows that the Heathcote site is currently zoned public purposes reservation hospital. It is proposed to rezone that into three categories: The first is an area to be zoned urban, which is mainly for the use of buildings for public purposes. Those uses are already under way to a significant degree under the auspices of the City of Melville.

What will this change to urban zoning allow to happen that cannot happen at the moment? Is it the establishment of restaurants and other commercial activities that cannot occur unless this particular -

Hon Peter Foss: This is the metropolitan region scheme; it is not a local planning scheme.

Hon J.A. COWDELL: Nevertheless, I need to know whether anything which cannot happen at the moment in terms of the public purposes reservation hospital zoning will be able to happen in the urban area, such as community and commercial activities. Will it involve the sale of land or long-term leases, which may not be practicable to effect under its current zonings? I recognise that one-third of the area to be zoned urban comprises the old Heathcote public buildings.

I have no difficulty with the area that is designated on the map to become parks and recreational reservation. It is an attractive feature of this change. Another area comprises the lowlands. That determination is left in abeyance because its zoning - public purposes reservation hospital - will not change. There is a view that it should be included in the parks and recreation reservation. Why has that decision been put off? What is the Government waiting to do with that area? I recognise that disallowance is not a good instrument for achieving a planning outcome as it would mean the entire area will remain zoned for public purposes reservation hospital, and the parks and recreation component - one-third of the area to be rezoned - would not be achieved. The question would be left up in the air for six to 12 months while another comprehensive metropolitan region scheme was completed.

My concerns also focus on the area to be zoned urban; that is, area 2 of the map. What proposals have been put forward to deal with the alienation of the residential houses or the sale or long-term lease of land for commercial purposes? Will the MRS amendment allow developments of that nature to proceed that cannot now proceed? If the amendment proceeds, what is the approximate time frame for dealing with the lowlands MRS amendment? Presumably, it would be treated as a metropolitan region scheme amendment in its own right. Will it be a six, nine or 12-month timetable?

Hon J.A. Scott interjected.

Hon J.A. COWDELL: I was about to get to that. The Government obviously does not believe that the entire lowlands area should not be rezoned for park and recreation, otherwise it would have effected it in this amendment. How much of the area will be formally classified as parks and recreation? The Government must have a view on that. It seems to be about 30 per cent of the total new site. What will be the total once the MRS amendment has taken effect? If the House were to disallow the amendment, it would send the message that any scheme must set aside more than 30 per cent of the area to reservation; however, it would not guarantee more than 30 per cent. We are concerned that a composite plan for the site does not exist, but that a plan for two-thirds of the site has been put forward while further deliberations are to take place on the remainder of the area. Once this determination is made, the land-use activity for two-thirds of the site will be set in concrete and the ability to manoeuvre on the issue of the total development of the site and its uses will be far less flexible, as consideration will be limited to the remaining one-third. I look forward to receiving some government advice on those matters, including any argument it may have about the downside of not proceeding with the amendment. I surmise that a further six to 12 months' consideration would not be catastrophic, given what is going on and what will proceed. The amendments to the MRS should be considered as a whole. I look forward to the Government's response because it will determine the vote of the Australian Labor Party members. Some real questions need to be answered. These amendments propose a balance that is yet to be determined.

HON NORM KELLY (East Metropolitan) [7.48 pm]: The Australian Democrats also have serious concerns about the metropolitan region scheme amendment. It is unfortunate that debate is taking place in these circumstances. It was only last night that the acting Leader of the House indicated that this would be debated today.

Hon Peter Foss: It would have been disallowed if it were not debated tonight.

Hon NORM KELLY: Why? Will there be a prorogation during the winter recess?

Hon Peter Foss: There is every chance that the Parliament will be prorogued before we come back. In that case, the amendment to the metropolitan region scheme would be disallowed.

Hon NORM KELLY: It is unfortunate that the Government did not raise that at the business management meeting last week, as it would have given us more time to consult on this issue and do some research. On Tuesday, I sent letters to concerned groups of people to arrange to meet with them about this issue in the first couple of weeks of the recess. If I had known that the Government intended to debate it this week, I would not have sent those letters. The sudden timing of the debate has made it awkward to be fully briefed on this issue. However, staff from the Ministry for Planning briefed me early this morning and I was able to make some telephone calls to do some work on the issue.

For those reasons I will be exploring some of these issues and seeking assurances from the Government and some clarification before determining the position of the Australian Democrats on this motion. There is a long history regarding this site. I will not go through all of it but I will refer to the planning commission's report. A concept agreement was entered into in 1997 between the Government and the City of Melville on the future of the site. I was told in my briefing this morning that in December 1998 it was agreed that the City of Melville would be paid \$6m in recognition of the city's costs in developing and restoring the site, which included restoration work on the heritage buildings, landscaping work, the construction of playgrounds and the like. I have not had the opportunity of visiting the site but I have seen some photographs. I quite regularly ride past the site along the riverfront cycleway. Next time I will take a detour and check out the site as it appears to be a worthwhile community resource which I understand is being very well used. I will refer to it later in my speech, but I believe that the amount of usage of the site is creating problems of its own.

In the agreement it was decided that an amount of \$4m would be paid to the Health Department in recognition of the costs incurred by the department in providing security for the site and maintaining the site while the future of the site was decided.

Hon Peter Foss: That is because the Swanbourne hospital was raided during a similar phase and it cost about \$5m to reconstruct it.

Hon NORM KELLY: I have no problem with that and I think it is quite worthwhile that that amount of money go back into the Health budget so that it is used for the primary purpose of health funding rather than just for maintaining the site. I am advised that in December 1999 Cabinet decided to make the eastern portion of the site a parks and recreation reserve, and not to follow the original proposal of urban zoning for the lowland site. To facilitate the progress of this amendment it was proposed that, rather than turning the lowland area into a parks and recreation reserve through this amendment, nothing would be done to it so that it is retained under its current zoning of public purposes-hospital. That leads to concerns as to what will happen to the zoning of the lowland site if this amendment is allowed. It is currently zoned as public purposes-hospital. I am not sure how close an analogy it is, but on first thoughts there is a good analogy between public purposes-hospital zoned land and Eden Hill, which a few years ago was proposed to be amended to urban planning for development. That urban zoning did not proceed and instead we find a prison being built on that site. I hope that the Attorney General, though voting on this in his representative capacity, will not be harbouring sinister motives for the Heathcote site. If there are any plans to put a prison on the Heathcote site, I hope that the Attorney General will be forthright and frank about such proposals tonight. If people do have to be in prison there is no reason that they should not be provided with a good view!

Because of the change in the proposal, it is now up to the City of Melville to locate other parcels of land within the city's boundaries so that they can be sold to fulfil the agreement that the city be paid \$6m as compensation for previous efforts. In relation to this \$6m worth of land that must be found, I have been told that a number of sites have been identified as being possibly available to be sold. In my briefing this morning I was told about three sites that have been identified, one of which was the scout hall site which is on the south west corner of the proposal area, but apparently it is no longer considered as suitable for sale. Another site is the Dunvegan Road tennis courts site, but I am advised that this is also off the list as it has been sold. Another site is on the corner of North Lake Road and Stock Road. It is land that is currently zoned as a road reserve and could be rezoned as industrial. This land could provide about \$1.5m in revenue to help toward the \$6m commitment. They were the only three sites mentioned to me as possible alternatives. I note that Hon Jim Scott mentioned a list of 30 sites that are being considered in the City of Melville area. I have not been able to get further information at this time about where the other sites may be. The question remains: Why should the City of Melville have to find other sites to be sold simply so the Government can fulfil its commitment?

Hon Peter Foss: Our commitment? They made the suggestion.

Hon NORM KELLY: My understanding, based on my initial briefing this morning, is that there is a commitment between the Government and the City of Melville. I have not been able to research the details of the agreement any further.

Hon Peter Foss: It was the council's suggestion - we only went along with it. We are quite happy for council to get its money. It was council's decision to change the zoning of the land, which resulted in its not being able to sell it and get its money back.

Hon NORM KELLY: Given that the land is now proposed by the Government not to be sold -

Hon Peter Foss: It was not us who proposed it - council changed its minds.

Hon NORM KELLY: It is my understanding that it was a Cabinet decision from December last year.

Hon Peter Foss: We accepted it because council asked us to. It was council's suggestion in the first place. Council put up the money to do up the site. It was its suggestion in the first place that it could reinvest itself from the sale of the land and it was council's suggestion that the land no longer be sold. All we have done is to go along with it.

Hon NORM KELLY: The city suggested that it would find those other sites to be sold.

Hon Peter Foss: Yes. We have been the patsies who have gone along and agreed to it all. We did not ask council to spend the money.

Hon NORM KELLY: Given that, I find it interesting that the Government is still happy for that land to be sold.

Hon Peter Foss: Which land?

Hon NORM KELLY: The other sites, once they are identified.

Hon Peter Foss: Sure. The Government has been very cooperative all the way through.

Hon NORM KELLY: It is also important to point out that if this proposal were to go through, without any other areas of public land being sold to pay for it, the City of Melville still has a profitable concern that it can continue in perpetuity. On the passing of this amendment, the upper area will be rezoned urban, which will allow the commercial development of this land for a proposed function centre, restaurant, cafe and the like, and the City of Melville will profit from being able to join in that. The city has put money into this site for the community, and there is probably a good argument that the city should recoup the money involved in the previous work that it put into this site. As I said, I have not visited the site, but I have looked at the photographs, and it looks like a very good development, with playgrounds and facilities.

Hon Peter Foss: That is why the city suggested putting in the money - it thought it would be a reasonable deal for it.

Hon NORM KELLY: That alone is sufficient compensation for the City of Melville; that is, to have that land and to be able to recoup money from it by allowing commercial activities such as restaurants, cafes or whatever.

Hon Peter Foss: That is its decision.

Hon NORM KELLY: That is right.

I will go through some other concerns. The first is the proposal to develop Duncraig House in the south west corner of the area. Duncraig House was originally the nurses quarters for the hospital. I am sure it has its own good history. Although this is a heritage-registered building, the proposal is that the building be redeveloped as private residences and that a suitable area of land be set aside around the building to allow for that development to take place. I read in one newspaper report that the sale of one or two residences could generate \$5m. It has also been put to me that it could be as many as four residences.

Hon Peter Foss: They would be peculiar residences, I suspect. They would look a bit like a railway carriage.

Hon NORM KELLY: These are the proposals that are going forward. What is of more concern is that there will be a need to allocate a certain amount of land around the building to facilitate its development into private residences. There will be a need to retain the integrity of the heritage-registered building by providing other facilities, such as garages, tennis courts, a swimming pool or whatever in the surrounding area, so that if a developer wanted to develop the building in that way, it would be lucrative to expand the surrounding area to allow for other facilities away from the Duncraig House building. I am told that an area of 3 500 square metres will be set aside, including the footprint of the building, to allow for this development. In the Attorney General's response, I would like him to tell us what guarantee there is that that area could not be expanded so that the private development could not be -

Hon Peter Foss: The Government is not doing it; it is the council.

Hon NORM KELLY: That is fine. I would appreciate a response from the Attorney General on that matter. To zone the whole upper area of the site urban will not preclude any future development so that the entire upper area will become off limits to the public.

Hon Peter Foss: It cannot be expanded into the part that is public land.

Hon NORM KELLY: Why not, if it is zoned urban?

Hon Peter Foss: What part are you saying is zoned urban?

Hon NORM KELLY: The whole of the upper area.

Hon Peter Foss: No, the yellow part is public purposes.

Hon NORM KELLY: I refer to schedule 5 of the Western Australian Planning Commission's report, which is the coloured map. On that map is an area numbered 2, which is a yellow hatched area and which will be included in the urban zone. That includes the Duncraig House area as well as all the other heritage-registered buildings on the site. It is my understanding that future development of that site will be under the City of Melville's local town planning scheme.

Hon Peter Foss: There are two hatchings. There is a cross-hatching and a straight hatching. The cross-hatching is the urban zone, and the straight hatching is proposed parks and recreation reservation.

Hon NORM KELLY: The cross-hatching is the high land area. The single-hatching is basically the scarp area. Although the intent is to develop only 3 500 square metres for private purposes, from what I can tell there are no guarantees -

Hon Peter Foss: You had better ask the City of Melville.

Hon NORM KELLY: Okay. Although it is intended that 3 500 square metres will be developed for private purposes, there is nothing here which gives a protection for the remaining area. I believe that it would be unlikely, given the amount of work and capital that the city has put into the remaining area, that it would now go to private development. However, from what I can see, there is no protection. It would be reliant upon a subsequent local town planning scheme amendment, which would have to occur within three months of this going through.

Hon Peter Foss: It would be a town planning scheme amendment, and that would be done by the council. It puts it in the council's area rather than ours.

Hon NORM KELLY: That is right. That is one of our concerns. If we compare the map at schedule 4 of the report with the map at schedule 5, a significant change can be seen in the south west corner of the site. That is the area near the scout hall. In schedule 4, the map is entitled "Heathcote - Proposed Major Amendment as Modified in Response to Submissions". In other words, this is the plan that emerged after the commission had considered the public submissions. There is an area single-hatched for parks and recreation, which is adjacent to the Duncraig House area. In the final proposal, that area that was proposed to be parks and reserves is now removed from that parks and reserves zoning. It is to be retained under the public purpose - hospital zoning, as it is now. I refer to page 13 of the report which states -

To implement the new agreement the Minister requested that the current amendment be modified as shown on the plan in Schedule 5 . . . by:

...

- ii) deleting a small section of the proposed Parks and Recreation Reservation adjoining the south eastern boundary of the Scout Hall site at the eastern end of The Strand.

Nothing in the report states why that amendment has been made. I would be interested to hear from the Attorney General why the minister has recommended that the amendment be made in the final version of the proposal. The map, dated October 1998 showing the contours of the site, indicates the proposal before this went out to the public, and it has a boundary which includes some of the scarp. Thankfully, that was changed before the proposal was released, and the boundary was moved so that the entire scarp would be contained in the parks and recreation reserve. The protection of the scarp is deemed to be of paramount importance, and that is why the original proposal for public comment included the entire scarp as a parks and recreation reserve. However, in this amendment suggested by the minister, and adopted by the WA Planning Commission, the parks and recreation reserve has been removed and that area now reverts to public purposes "hospital" zoning. That extends the area available for development down the scarp. At page 12 of the Planning Commission's report, there is reference to proposed modifications. The first dot point states -

it would not be appropriate for any of the scarp to be built on given its landscape significance;

If it is not appropriate, why are we removing this proposal to protect the scarp by zoning it a parks and recreation reserve?

Hon Peter Foss: Where is that?

Hon NORM KELLY: The area between the scout hall and Duncraig House. In the narrow strip in schedule 4 there is single hatching. On the coloured map, the single hatching has been removed. The area in the schedule 5 coloured map that is yellow and without hatching takes in a certain area of the scarp, and removes the parks and recreation reserve proposal from the scarp. It is a dangerous precedent, and I ask the Attorney General to provide an explanation. It was based on a proposal by the minister after public submissions, and it is only fair for the Government to indicate why the minister made that recommendation. It is very close to Duncraig House, and would facilitate the development of a car park if, for example, a high wall were built down the scarp and the area was filled with sand. That area could be used for tennis courts, car parks and so on. It is very dangerous, and this scarp area could be damaged by development if the final version of this proposal stands.

I received a letter from the Melville Conservation Group, which is one of the groups I plan to meet with next week. In its letter it refers to concerns that the boundary between the parks and recreation reserve and the urban area is located a certain way down the scarp. That group includes a couple of photographs to illustrate that. One photograph from *The West Australian* of 20 March, is captioned "Spectacular", and refers to Mr Court showing his daughter the views from Heathcote. In this instance the term "spectacular" is a reference to the views and not the Premier!

The maps with which I have been provided today show the boundary is not mid-way down the scarp, but is at the top of the scarp so that the entire scarp is protected. However, a fence has been built within the parks and recreation area to allow free access to the views from the top of the scarp. As I said earlier, the popularity of the site creates its own dangers. The letter from Olive Langham of the Melville Conservation Group states -

A recent visit to the site has revealed that the top of this escarpment is eroding very quickly. Within only a few weeks turf is breaking away at the top edge of the escarpment, soil is slipping down the slope and there is concern for further severe erosion, when Winter rains set in.

I see that more as a local management issue for the City of Melville to prevent the damage. I am reasonably satisfied that the actual boundary is at the top of the scarp. However, I am very concerned that in the south west corner that protection has been removed because of the Minister for Planning's preference and request, and the Planning Commission's approval of that request to remove the protection.

The whole issue of the lowland area being retained as a public purposes "hospital" reservation, rather than being rezoned as a parks and recreation reserve, is of concern. When the minister made his request after public submissions, why did he not request that rezoning? It is stated at page 13 of the report -

To implement the new agreement the Minister requested that the current amendment be modified as shown on the plan in Schedule 5 . . .

There were only two proposals. The first was -

deleting the Urban zone from the lower eastern portion of the site so that the area remains in the Public Purpose (Hospital) Reservation;

The second was to delete the area of the proposed parks and recreation reservation near the scout hall, to which I have just referred. It is of concern that the minister did not request that change to the parks and recreation reserve. The Metropolitan Region Town Planning Scheme Act allows speedy resolution of these matters. If this is to be disallowed, it will not take 12 months to go through the process again. Section 33A of the Act contains procedures which allow for speedier transition and, given the extensive public input and consultation, it would be interesting to see what time span will be involved.

Hon Peter Foss: You supported section 33A; we have not used it.

Hon NORM KELLY: I appreciate that the Government has not used section 33A during its term, but I have argued previously that on occasions its use is merited when there has been sufficient public debate and consultation.

Also, I would appreciate debate on the Metropolitan Region Town Planning Scheme Amendment Bill which has been sitting on the Notice Paper for the past three years. We are concerned about this change to the lowlands area. Not only have we been requested to change the parks and recreation reserve zoning, but also parts of the existing parks and recreation zoning have been diminished. In the original proposal when it was anticipated that the lowlands area would become urban, there was a sufficient area of parks and recreation to allow access to good views from the scarp to the river, and vice versa. That has been reduced. If there is no intention to develop this lowland site in the future, why was there a need to reduce the parks and recreation reserve in that lowlands area? The WA Planning Commission report states -

Given that the WAPC previously agreed to a particular area of land for Urban zoning for the purpose of advertising the amendment, it is considered that this area should not be reduced. This could be achieved by locating an equivalent area of Urban zone to that removed from the escarpment at the northern boundary of the eastern urban zone, as shown on the plan in Schedule 4.

Although the Planning Commission does not want to change the total area, the total area of urban land is significant in this amendment. The report continues -

- the area involved is relatively small (approximately 1000m²) representing a strip of land approximately 14m to 16m wide;

Therefore if it is relatively small, why should it not be kept in parks and recreation? Why should we open up the potential future development by retaining it in public purposes "hospital" zoning?

Those are the concerns of the Australian Democrats on this motion. As I said, I would have appreciated further time to be able to research this fully and to properly consult with the people who raised concerns. However, unless those concerns can be adequately addressed in the Attorney General's response, the Australian Democrats will support this disallowance motion as that is the best way to go at this time. Our support of this disallowance motion will be dependent on the response we receive from the Attorney General on the matter.

HON PETER FOSS (East Metropolitan - Attorney General) [8.21 pm]: The Government feels a bit of a victim of circumstance in this matter. When we originally dealt with the Heathcote site, we decided we did not want the same thing to happen to Heathcote as happened to the Swanbourne hospital. We therefore consulted and arranged with local government about how to appropriately deal with the site. As a result of those consultations, an agreement was reached with the City of Melville. That agreement was prompted in many ways by the wishes of the City of Melville relating to the development of the site which offered to put up the money so that the site could be developed. It was always understood by the parties that the costs of the Health Department in maintaining the site and the costs of the City of Melville in developing the site would be met out of the sale of the lower land, and that is what happened. I am sure everyone would say that the result so far has been an absolutely outstanding success. We arrived at that result with public consultation and, most importantly, with the agreement of the local council.

Having arrived at that agreement, there was then a local campaign against the development of the lowland site. One thing a government does when dealing with a local government is sincerely hope that the local government has done its homework in its representation of its local people. However, as a result of this campaign a different proposition was put to government which would have resulted in the lowlands site not being zoned for use as residential land. I cannot say that the Government was thrilled with that. It appeared to lead to a far more complicated situation than otherwise would have been the case. However, we were happy to accommodate the requirements of local government. Therefore the proposal was that a different arrangement would take place which would allow that site to be preserved and in due course would also allow the recoupment of the moneys expended by both the City of Melville and the Health Department. Being ever accommodating, the Government went along with that.

In the meantime, the rather lengthy process of an amendment to the metropolitan region scheme under section 33 of the Metropolitan Region Town Planning Scheme Act was on its way. That provided for a large amount of the site to be zoned urban. Hon John Cowdell asked what could happen about a site being zoned urban. A metropolitan region scheme is different from a town planning scheme; it is not a use-based scheme. It states the general nature of the usage of the land and if land is reserved, it is totally the responsibility of the state Planning Commission to decide what will take place on that land. If the land is zoned, the usages to which the land can be put are determined by a local planning scheme. However, the metropolitan region scheme is not a use-based type of scheme. The uses come later when there is a town planning scheme. The decision of the City of Subiaco v the University of Western Australia stated that once land is reserved, it is removed from any form of planning control by the local council. Once land is zoned, it comes back into the planning control of the local council. The principal way therefore in which to bring land under the planning control of the local council is to zone it rather than to reserve it.

Returning to the amendments to the metropolitan region scheme, zoning the land urban under the scheme tells one very little about what it is to be used for, other than it is to be used for the type of purpose to be found in the middle of a city, and that the final usage will be determined by the local planning scheme. It could result in being reserved under the town planning scheme; in other words, the town planning scheme itself could reserve it for public purposes, for educational purposes or for goodness knows what else. That is a matter that the planning process will deal with and it requires this amendment to be passed to allow the council to progress a planning scheme that will be in accordance with the amendment.

That will be a public process and subject to local comment and to its being approved by the minister. I therefore cannot tell the member what it is as, until it goes through that process, we do not put it in the hands of the City of Melville to make those decisions. While it remains a reserve under the metropolitan region scheme, what the land can be used for is totally in the hands of the WA Planning Commission.

Hon Norm Kelly: You must point out also that under the local town planning scheme amendments the Minister for Planning can override the council.

Hon PETER FOSS: That is true. That was brought in principally because a number of council zonings under the metropolitan region scheme were totally ignored for many years and councils used the town planning process as a means of extorting money out of people in order to get appropriate approvals. However, I think those attitudes are changing. Except for one council I can think of, that attitude is disappearing to a large degree, partly because councils know that if they deal with the matter improperly they will be overruled. It is like having a stick and never having to use it, provided one has the stick!

The question asked by Hon John Cowdell misses the point about what this matter is about as we are not dealing with usages. Having got to the planning stage under section 33 of the Metropolitan Region Town Planning Scheme Act where it was decided that the lowland area should continue to be a reserve but for parks and recreation, it was impossible to change the amendment at that stage. The scheme stated that it would become urban and it could not suddenly become parks and recreation. A better way to preserve the situation when a decision is made by the WA Planning Commission is for the land to remain as a form of reserve; that is what happened in this case. It is the intention of the Government to promote an amendment to the metropolitan region scheme which will change that land to parks and recreation to the same zone as the land marked green on the map in the planning report. We could not do that; it must be done in the future.

I note the urging by Hon Norm Kelly that we should use section 33A of the Metropolitan Region Town Planning Scheme Act. When Hon Richard Lewis became Minister for Planning he said he would not use section 33A because it had been substantially abused for about 15 years. It had become the major method of changing colours on maps. I will not call it planning, because it was not planning. "Planning" would be a misnomer of the process. It led to enormous contention. It eliminated the opportunity for the public and the Parliament to be involved in the planning process. It discredited the entire planning process. Instead, Hon Richard Lewis set up a process whereby major isolated amendments went through under section 33, and omnibus amendments were used for what would have been done legitimately under section 33A. That gave everyone the opportunity to comment and for Parliament to disallow. We must talk more about that, because we must look at the basis on which Parliament disallows, otherwise people will go back to using section 33A for minor amendments.

Hon Norm Kelly: There is an opportunity on the Notice Paper to debate it.

Hon PETER FOSS: I do not like that method at all.

Hon J.A. Cowdell: Did the Attorney General just say the Government proposes that the area that is to remain public purpose reservation hospital - that is, the lowlands - will be converted to parks and recreation in the next metropolitan region scheme amendment?

Hon PETER FOSS: The intent is that there be another amendment. That will come before this Parliament, although we have the invitation by Hon Norm Kelly to completely circumvent Parliament and the public process and use section 33A.

Hon Norm Kelly: Section 33A has a process of public consultation of at least two months.

Hon PETER FOSS: It does. Hon Norm Kelly can try it out. It will be helpful if all members of all parties indicate that they would support a section 33A amendment. It may be that if it is on the record that the Greens (WA), the Australian Democrats and the Labor Party all support a section 33A amendment, that will be sufficient to persuade the minister to depart from the policy of this Government of not using section 33A. I do not say it will, because I know there has been considerable reluctance and our Government has quite advisedly eschewed section 33A. We should be given credit for refusing to use it. The Government would be loath to adopt a process it believes is discredited. It will lead to more contention than satisfaction in the community.

Hon J.A. Cowdell: Will that cover 100 per cent of the remaining lowlands area?

Hon PETER FOSS: I will read what has been agreed, rather than interpret it and respond to questions. The other matter relates to the narrow area on the other side. I understand it is associated with the scout hall and that it is intended that that part be developed. I will read what was agreed to. I emphasise that this was at the request of Melville City Council. The Government is in a bind here because it has tried to accommodate the current wishes of the City of Melville as the representative of the local community. The decision reads -

1. full public access be maintained to lower oval as a park, to be landscaped and maintained by the City of Melville at its expense to the same standard as the remainder of the site and to a plan approved by Council and Government. Limited parking may be included;
2. land totalling approximately 6,500 square metres, comprising the western moiety surrounding Duncraig House and part of the adjoining reserve on which the Scout Hall is situated is to be rezoned, put into freehold and sold for residential purposes . . . The balance of the Scout Hall reserve is to be placed in the Foreshore Reserve;

3. the Scout Hall is to be relocated to the South of Perth Yacht Club or adjacent land with agreement of the respective organisations;
4. if, for any reason, sufficient funds do not eventuate from sale of the above land, other land vested in the City of Melville and specified in the new agreement may be sold after due public and statutory process to make up the required balance. Net proceeds from the sale of land in this category that bring the total above \$10 million are to be divided equally between the Health Department and the City of Melville. The latter is to be expended on interest payments on existing expenditure, development of the lower oval and maintenance of the Heathcote Heritage Precinct.
5. funds arising from property sales are to be assigned in the following order:
 - . \$4 million to the Health Department; and
 - . \$6 million to the City of Melville.

If the remaining funds arise from land sales specified at 2, they are all to be credited to the Health Development. Funds that bring the total above \$10 million arising from the sale of land vested in the City of Melville are to be distributed equally between the two organisations as they arise;

Hon Norm Kelly: I am not too sure if that covers that narrow strip. That could not be sold privately if it were still zoned public purpose hospital.

Hon PETER FOSS: That will have to be rezoned. At the moment we cannot do that.

Hon Norm Kelly: Is the Attorney General saying that will be included in this future amendment?

Hon PETER FOSS: That little bit will have to be rezoned.

Hon Norm Kelly: Has the Government agreed to rezone that narrow strip which will now be public purpose hospital?

Hon PETER FOSS: All of it is public purpose hospital. In the bits that are neither hatched nor cross-hatched, one part will be zoned urban and the other part will be zoned parks and recreation.

Hon Norm Kelly: Will that change to urban zoning at a future date to allow for development on that small area which includes part of the scarp?

Hon PETER FOSS: I do not think it is part of the scarp; it is adjacent to the scout hall.

Hon J.A. Cowdell: Will it be split between foreshore reserve and urban development?

Hon PETER FOSS: If it is coloured green if it will be part of the foreshore reserve. I have a feeling that was necessary to enable -

The PRESIDENT: Order! If there is a need for me to leave the Chair for a short time I will do that. It is an absolute breach of the standing orders for anyone to be communicating outside the Chamber to another person.

Hon PETER FOSS: I ask that you do that, Mr President.

The PRESIDENT: The Attorney has invited me to leave the Chair until the ringing of the bells for the purpose of seeking advice on a matter, and I am prepared to accede to that request.

Sitting suspended from 8.39 to 8.41 pm

Hon PETER FOSS: Mr President, I thank you for your indulgence.

As I understand it, that land was going to be zoned urban, so there would not be not an island involved in the scout hall area, but there would be a memorial to prevent the site being built on. Since then, the City of Melville has decided against going ahead with the scout hall development. It has decided to seek modifications to some terms of the proposed agreement and to defer the sale of the scout hall reserve and the Dunvegan Road land until a new council committee is established to identify and recommend other areas of crown land that could be sold.

Although that was the plan, that will not happen because the council has now abandoned the idea of selling the scout hall land. The plan was to have a link from one piece of urban development to another piece without doing any building. At this stage, that land will all go into the parks and recreation reserve in due course.

Hon Norm Kelly: Will that happen even though you are removing it from the proposal? I know it is not in the parks and recreation area now.

Hon PETER FOSS: It was to be a public purposes reservation.

Hon Norm Kelly: It is now, but it was proposed to be a parks and recreation reserve. It will now be changed back -

Hon PETER FOSS: It will probably revert to a parks and recreation reserve. That will be decided when we know what the City of Melville wants to do. The council's current intention is that it will not do that. It will find other land, and that will be sold and dealt with in the way suggested.

The net result is we have tried to accommodate the requirements of the City of Melville to give it control of the zoning of the land and its uses, and to allow it to make the decisions about that land. The changes that have occurred have been brought about by the council's wish to change things that had originally been agreed.

An amount is due to be paid and, again, the Government has been cooperating with the council in trying to identify other land that can be sold to enable that to happen. At this stage we are to some degree in the hands of the committee and the people working to find the land to do that. It has all come about because the piece of land which would have funded it all and which the Government was happy to have sold will now not be sold, according to the council's wishes. The Government will accommodate the council as much as it can.

The most important thing to keep in mind is that, even though the City of Melville has put \$6m into the site, it has obtained \$6m of value out of it. It has turned out to be a remarkably good facility for the people of Western Australia and particularly for the people of the City of Melville. Although I understand the city's wish not to have that amount of debt, it has a countervailing asset that is well worth the \$6m that it has spent.

Hon J.A. Cowdell: Do you have a timetable for the next MRS amendment; that is, when will you bring forward a proposal to change those areas that will remain zoned for public purposes?

Hon PETER FOSS: I do not have a timetable. Assuming we do not take up the offer made by Hon Norm Kelly, an MRS amendment takes about two years to complete. A Section 33A amendment is completed much more quickly. It is slightly dependent upon the final resolution of the matter as far as the City of Melville is concerned. In this process we started with one scheme and we deleted something that may now need to be included in the next amendment. We will ensure the process proceeds carefully while all the matters that the council wishes to have resolved are bedded down.

Hon J.A. Cowdell: You have stated the Government's commitment to proposing that the lowlands be designated a parks and recreation reserve in the new MRS amendment.

Hon PETER FOSS: Yes.

Is there any matter I should deal with? Have I dealt with all the matters to the satisfaction of members? I do not want to invite interjections, but if I sit down I cannot make any further contribution. I urge the House to reject the resolution.

HON MARK NEVILL (Mining and Pastoral) [8.46 pm]: I have looked at this metropolitan region scheme amendment, and I generally agree with the proposal. I do not oppose residential zoning for the area set aside for a public hospital. Certainly, this disallowance does not do that; that will require a separate amendment. At this stage, I do have not any strong objection to that public hospital land being used for residential development. A significant part of that land has been set aside for public open space, particularly along the riverfront. There appears to be no objection to the redevelopment of the existing buildings.

The zoning for the other parcel of land, which is on the downstream side of the block, will eventually be decided by the City of Melville. The council will be answerable to its electors.

Hon J.A. Scott: You are talking about the lowlands.

Hon MARK NEVILL: Yes, that is reserved for public open space.

Hon J.A. Scott: No, it is reserved for public purposes.

Hon MARK NEVILL: The member is talking about the big block upstream. I am not talking about that. We do not have to make that decision now. I am not opposed to that becoming a residential zone. I will consider that when the next amendment is tabled. I am talking about downstream, which is the part the member referred to earlier.

Hon J.A. Scott: That is the Dunvegan area.

Hon MARK NEVILL: The City of Melville will eventually decide how that land will be used. It will be sensitive to public opinion in that area. I am not inclined to support the disallowance of this regulation.

HON J.A. SCOTT (South Metropolitan) [8.50 pm]: I thank members for their contributions. The issue has been well debated. Hon John Cowdell was seeking some sort of assurance about what would occur on the land, the purpose of which has not been fully resolved. As I said before, it is not yet zoned as the agreement between the City of Melville and the Government stated it would be.

Hon Norm Kelly raised a number of issues about the \$6m payment to the City of Melville. The minister has confirmed that the council is working with government in considering other areas it may sell to raise the \$6m to pay for the improvements that have been completed.

Despite the debate, the minister has not fully explained the extent of development that can occur around Dun Craig House. The information I have received so far is fairly nebulous. It is difficult to ascertain to what level it will be developed. As I said, the council has some power over what will occur in that area.

One of the recurring themes from the minister, both by interjection and during his speech, was that the new agreement was sought by the City of Melville; yet when I spoke to the councillors, they told me quite the contrary. I quoted earlier tonight from part of a document dated 20 September 1999 containing recommendations from the City of Melville Heathcote Occasional Committee. The council again affirmed its desire to maintain the current Heathcote agreement with the State

Government and requested the Minister for Planning to finalise the planning process and advise the Premier that the council would, however, be prepared to discuss other arrangements that the State Government may wish to put forward. It seems somebody is not telling the truth here.

Hon Peter Foss: It's the Martians.

Hon Simon O'Brien: Perhaps the issue here is something that the City of Melville supported.

Several members interjected.

The PRESIDENT: Order! As I have said before, people working for Hansard are required to record what is said. We are trying to make some progress. I understand that Hon Simon O'Brien is seeking a response from Hon Jim Scott on matters. Members should let that be dealt with before they start yelling about other matters.

Hon Simon O'Brien: I offered the suggestion that although the ultimate use is being debated, the rezoning in its current shape would have to take place regardless of the decision, or reverse the decision by the council. The part on the map shown as No 2 to be rezoned from "hospital" to "urban" must be changed regardless of what happens to the buildings. I'm sorry I did not speak before.

Hon J.A. SCOTT: Hon Simon O'Brien has indicated that zoning would proceed to achieve the outcomes to which I referred and which the council wanted. However, that is not quite correct. It has been made very clear to me by the group seeking "parks and recreation" zoning and the group who feels it should be urbanised to pay for the other arrangement that Duncraig House should remain as part of a heritage precinct and not be privately developed.

Hon Simon O'Brien: I suggest that would be the case if it were rezoned the same as the rest of the top of the site, because it would leave the option open to do that, which is what this disallowance is all about.

Hon J.A. SCOTT: It would also leave open the option to do the opposite to that. If it were zoned "parks and recreation" or whatever, that private development could not occur. It is a prime location and that is one of the major concerns.

Hon Simon O'Brien: If it were "parks and recreation" as you hypothesised, it could not be used for a range of things including reception centres.

Hon J.A. SCOTT: It would depend on the type of park reservation it was given. I understand that could occur within certain park reservations. The minister has informed us now that the scout building idea has been deferred.

Hon Peter Foss: Abandoned would be a better description.

Hon J.A. SCOTT: It is not the outcome now being sought and people are considering a different arrangement. That was one of the major concerns about that land.

Hon Norm Kelly highlighted the problem about the protection of the escarpment because clearly the contours on the map showed that the escarpment was between the scout hall and Duncraig House - within the area that was to be urbanised. That is still of considerable concern to me. It is true, however, that the council should be able to give that some protection. Nonetheless, I am most concerned that it may become a retaining wall and some sort of enhancement to the lifestyle of the people living in that area rather than remaining as a natural landscape. I am not sure whether Duncraig House has the full protection of the Heritage Council.

Hon Peter Foss: It does.

Hon J.A. SCOTT: I hope it will be able to maintain some control over the landscape in that area.

The other issue is that Hon Peter Foss has said on behalf of the Government that the Government is helping the City of Melville to find some pieces of land that it can sell to make up the \$6m shortfall in its budget as a result of this change that has occurred whereby it is unable to sell the area of land on the lowlands. That may be all very well in terms of a straight accounting transaction, but it certainly will not help people in other parts of the City of Melville who will lose recreational areas and may not have regular access to the riverfront; so I hope the council will do that in a reasonably just way and protect the recreation areas for those people, because there are a number of proposals in the City of Melville to use recreational areas for other than their current purpose, such as Ken Hurst Park, and so on. I still have these concerns, and I still do not have any time frame for the turning over of the lowlands land to recreation, and I am, like Hon Mark Nevill, fairly ambivalent about the degree of urbanisation that is proposed for that area.

Hon Mark Nevill: I would like to see it used for public housing.

Hon J.A. SCOTT: That would be particularly good, and that reminds me that the councillors said to me that they did not want to make it only for the wealthy people who usually reside in that area and it would be smaller lots and so on. I am never confident about those things occurring on such lovely sites, but that did seem to be its intention.

Hon Mark Nevill: The Government also has plans to turn Government House into a home for homeless Aborigines, you know.

Hon J.A. SCOTT: I am sure the member will agree to that. Because these concerns have not been met, I still support this motion for disallowance.

Question put and negatived.

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 2) 2000*Second Reading*

Resumed from 27 June.

HON LJILJANNA RAVLICH (East Metropolitan) [9.03 pm]: I welcome the opportunity to make some comments on this Bill, which seeks to appropriate a sum of \$569 317 000, of which \$7 810 000 is sought for the Western Australian Department of Training and Employment. I will also comment on the appropriation for Health, which is in the order of \$89 500 000. My comments will relate to government waste.

The PRESIDENT: Order! Five conversations are occurring in the Chamber.

Hon LJILJANNA RAVLICH: The amount of government waste in these two agencies is cause for concern and indicates that if money were used more efficiently and priorities were allocated more appropriately, perhaps the appropriations sought from this place would not be as high as they are.

I want to make some quick comments about the autonomous college model as it applies to the State's training sector. Members would be aware that in 1996, the Government introduced into this place the vocational education and training legislation. I understand that there has been a review of the Vocational Education and Training Act, which is due to be tabled in this place by 30 June. I have not seen that; nevertheless, I am sure it is not far away.

As part of the changes made to the VET sector in 1996, the autonomous college model was introduced. Each TAFE college was given autonomy and, as such, was encouraged to take greater responsibility for the activities of the college. To some extent, some people thought that would be a good idea, particularly moving the TAFE colleges into a training market so they could be toughened up. I do not share that view; nor do I share the view that the devolution would result in greater efficiencies. In fact, there has not been any greater efficiency in administrative functions, rather there have been increased inefficiencies in the administrative functions, and the TAFE colleges have not been toughened up in a commercial or any other sense. It was a ridiculous proposition to go with the autonomous college model, because some TAFE colleges have interpreted autonomy to mean they can do exactly as they want. As a result, many have been encouraged to enter into commercial arrangements, some of which have been bad commercial arrangements that have resulted in enormous losses for the TAFE sector and, invariably, for the Government. Those losses are real opportunity costs; in fact, if the losses had not been so great, particularly in the Department of Training and Employment, perhaps the \$7.8m which is being sought would not be required.

I cannot think of a more stupid proposition than to create the so-called competition in a training system, which has resulted in many TAFE colleges working under capacity. There are 900 registered training organisations which are competitors of TAFE in this State. Because of that competition, work which normally would have gone to the TAFE sector is now going to private training providers. Capital in the form of facilities and equipment is being particularly underutilised in certain areas purely to facilitate this ideologically driven model of a competitive training environment. This competitive training model was designed to do one thing in particular: To bring competition into the training market so that TAFE could compete with private training providers and, in addition, compete with each other. Of course, that model has not worked. There is an enormous waste of resources within the TAFE sector. I am amazed that the Government is seeking to appropriate such a substantial sum of money to the Western Australian Department of Training and Employment, because it created this nonsense of a model which does not work and which will be very difficult to salvage. I am sure that Hon Derrick Tomlinson would have heard some interesting tales from people within the training sector about some of the amazing anomalies and problems which that sector now faces as a result of the Government's ideologically driven agenda.

One of the things that the VET Act of 1996 made very clear was that colleges could not participate in business arrangements without the approval of the minister. The other day, the Auditor General released his report on Western Australian public universities and technical and further education colleges. This report included an investigation into a commercial venture between the South East Metropolitan College of TAFE and a company known as the Australian Academy of Business Development. I expressed my concerns to the House late last year about the business arrangement between the college and this private company, in which simple processes were not followed. One of the simplest processes is that a TAFE college must seek the approval of the Minister for Employment and Training before it enters into a business arrangement with the private sector. The South East Metropolitan College of TAFE did not do this when it became involved in the commercial activities of the Australian Academy of Business Development. The Auditor General was quite scathing of what occurred. The relationship between the Australian Academy of Business Development and the TAFE sector commenced in 1996 with the C.Y. O'Connor College of TAFE. The Australian Academy of Business Development then moved into the metropolitan area and entered into a commercial arrangement with the managing director of the South East Metropolitan College of TAFE. As part of that arrangement, staff and resources were given to the Australian Academy of Business Development for its commercial benefit at the expense of the college.

A number of things about the arrangement are quite odd. No contractual agreement between the college and the Australian Academy of Business Development was signed, nor were any records kept of the time that TAFE staff spent working for the Australian Academy of Business Development. One staff member was responsible for securing contract work for the Australian Academy of Business Development. This employee of the South East Metropolitan College of TAFE and three other individuals were seconded to the Australian Academy of Business Development. The staff member was successful in securing work and the Australian Academy of Business Development entered into a number of contracts with the Navy and Main Roads WA, among others. The estimated value of those contracts varies between \$10m and \$20m. A fallout

occurred between the South East Metropolitan College of TAFE and the Australian Academy of Business Development and, as no contractual arrangements were in place, the academy simply took off with the contracts. That is a clear case of an enormous loss to the system of anywhere between \$10m and \$20m, simply because the South East Metropolitan College of TAFE did not follow the right processes.

I wrote to the Auditor General on 19 January of this year and asked that he investigate this matter because everything I had heard and all the information I had access to indicated that taxpayers were being ripped off and that the managing director had overstepped his mark by believing he had the power, simply on the strength of a handshake, to allocate the college's resources - and therefore taxpayers' resources - to a commercial venture, which action eventually led to substantial losses. I was particularly concerned at that stage. In his report, the Auditor General certainly reinforced that I had something about which to be concerned. I quote from page 11 of the report as follows -

Several instances of non-compliance with legislative requirements and standard practice were identified in relation to these business arrangements, including:

Non-compliance with the *Vocational Education and Training (VET) Act 1996*, in that:

entering into business arrangements was beyond the powers of the College;

and

the College did not obtain approval from the Treasurer for the terms and conditions of the arrangements, as required under the Act.

A formal agreement was not established between the College and its business partner in respect of roles, obligations, financial arrangements, performance monitoring and other key aspects of the business relationship. One consequence was that most of the salary expenses for four College staff seconded to the partner were not recouped.

In other words, taxpayers' money has been wasted and sent across to a private operator. The Auditor General also found that -

The college paid for its business partner's consultancy services by providing resources in the form of staff and making existing college accommodation available to the partner.

Not only did the college do that, but it also helped with the cost of refurbishing the private operator's offices and with the cost of advertising its business. The Auditor General continues -

The absence of a quotation or tendering process for these services is contrary to State Supply Commission policies.

A college employee on secondment to the business partner assisted the partner in the preparation of a tender for a significant training contract which was subsequently awarded to the partner's consortium in preference to the bid of a consortium which included another Western Australian TAFE college.

How ridiculous is that? A TAFE employee assists a private training provider to win a contract at the expense of another TAFE college, and in this Bill we have the agency seeking an appropriation of \$7.810m. If the vocational education and training sector is prepared to waste money in that manner, it really begs the question of whether it needs the money at all. This is an appalling example of waste in the TAFE sector.

It will be interesting to see what transpires when the chief executive officer appointments are made for the TAFE sector. I put on the record that all the CEOs are due for reappointment. Some of the CEOs, or managing directors as they are more commonly called, have been waiting for reappointment for 12 months, because their contracts expired 12 months ago. It will be interesting to see how the Commissioner for Public Sector Standards assesses the merits of the CEO who, in my view, was so remiss in entering into this sort of contractual arrangement. Not only has the Vocational Education and Training Act been breached, but so have the State Supply Commission Act and the redeployment and redundancy regulations of the Public Sector Management Act. The only thing that can be concluded from that is that this managing director is a law unto himself. Quite frankly, if he does not know the legislative requirements of a chief executive officer, he should not be in the job. Having said that, I will watch with great interest the reappointments of CEOs to gauge whether this CEO will get back his job. That is just one example of substantial waste.

The commercial activities of the Central Metropolitan College of TAFE also come into question. I do not think that those two colleges are islands. I think all technical and further education colleges are engaged in commercial activities, and I am not confident that each and every one of them has gone through the process of seeking both the ministerial approval and the Treasury approval that is required under the Vocational Education and Training Act.

I have raised in this place before the issue of the leasing arrangements when the Central Metropolitan College of TAFE shifted premises from a Mt Lawley address to 111 St Georges Terrace because it believed that that address would be more in keeping with a business type of image and that that should be the direction the college should take. As a result of that, the college signed a 10-year lease on the property at 111 St Georges Terrace. After being there for less than a year, I understand that the college decided that it did not want to stay at that address any longer and wanted to move. It moved to a site in East Perth. What is the substantial difference between Mt Lawley and East Perth? Was it worth the costs incurred by the college to facilitate that move? In less than a year, the Central Metropolitan College of TAFE decided that

it did not want to be at 111 St Georges Terrace. Never mind the fact that it had a 10-year lease and that the lease cost \$250 000 annually; for some reason it just decided of its own accord that it wanted to take off and be in East Perth. The figure that has been provided to me for the college's move from 111 St Georges Terrace to East Perth and then back again, when it could not sublease the premises at 111 St Georges Terrace, amounts to \$76 000. That is another example of absolute waste in the system. I am concerned that an appropriation is being sought by the college. Everywhere I look in the TAFE sector I see these examples of waste and extravagance. There does not seem to be any checking of what these TAFE colleges are getting up to or any management of them.

A most recent example that has come to my attention is a restructure - it has been referred to as the third horizon restructure - which is currently taking place at the Western Australian Department of Training and Employment. I am not sure of the aim of the restructure. However, I know that what is happening there is cause for concern. My understanding is that a number of positions will be abolished. One class 2 position, one level 7 position, one level 6 position and one level 4 position will be abolished and will be replaced by one class 1 position and one class 2 position.

One of the things that strikes me as odd, but certainly not surprising given the culture and practices in the Department of Training and Employment, is that it seems to be getting rid of all the Indians - the people who actually do the work - and creating a position to look after one of the executive mates. There is great cause for concern with the Department of Training and Employment, and many people within the department have expressed their concern to me. Once again, it is an example of extravagance and waste. I could go on, but I am sure that anybody who has had anything to do with the vocational education and training sector will reaffirm my concerns.

I am aware that the hour is getting late and that other members would like to contribute to this debate on the appropriation Bill, so I will not take much more time.

The other matter I bring to the attention of the House relates to the Health appropriation, for which \$89.005m is sought. I am amazed that this sum is being sought. I sat in this place during the estimates committee hearings, and put to the senior bureaucrats from the Health Department my concern about the cost of vehicle leasing. I asked why they had 22 fewer vehicles this year than they had last year, but were paying an additional \$3m. They did not bat an eyelid. They defended the indefensible and said it was not much of a problem. If it is not that much of a problem, it begs the question: Why is the department seeking this appropriation? There is enormous waste in the health system, at the same time that people are waiting for hip replacements and even just for a hospital bed. That is one area of waste I have identified.

I identified another area a few months ago in a freedom of information application in relation to the use of credit cards by Dr Bryant Stokes, the chief medical officer at the Health Department of Western Australia. I received information that Dr Stokes had expended \$6 200 between January 1999 and May this year on 28 visits to the Matilda Bay Restaurant. That is a lot of fine dining and some of the bills were \$300. To the mums and dads in the community, those who work hard for their money, and those waiting for hip replacement operations, this expenditure could rightly be seen as extravagance. The Western Australian taxpayers have paid for 28 visits to the Matilda Bay Restaurant, at a cost of more than \$6 000. There is no question that the health system is in crisis. That amount may not sound much, but I draw it to the attention of the House because it is an example of waste. When the Government is seriously considering the closure of facilities, such as the King Edward Memorial Hospital and other medical services, it highlights the priorities of this Government.

The other matter of concern to me in relation to this expenditure is the lack of recorded detail to indicate whether the expenditure was for private purposes or specifically related to business. I really do not know but, in anyone's language, it is fair enough to describe this expenditure as extravagant. I have touched on only two areas in two agencies. I am sure waste is much more widespread and that there are many more examples throughout the system. However, it is ironic that we are appropriating money on one hand when there is such massive waste and such poor regard for the taxpayers' dollars on the other hand.

HON J.A. SCOTT (South Metropolitan) [9.30 pm]: It is interesting to note that in all the hype that surrounds the new budget and the Government's proposal around that time of the year to convince the community that it is dealing with the big issues, this Government has failed to deal with two of the biggest issues that we confront today in this State; that is, greenhouse production and climate change and the issue of salinity, particularly in our rural areas. When we look at the effects of greenhouse emissions and climate change, we must first look at agricultural regions where the changing climate will have significant effects on the levels of production of our crops and the plant diseases that are able to emerge with a different climate. We will experience extreme weather conditions, not only in this State but also around the world, with cyclones, hurricanes, tornadoes and storms. Anybody who has observed our climate in the past 12 months will note that Australia had the strongest cyclone ever recorded; the Indian subcontinent had the strongest tornado ever recorded; and the United States had the strongest hurricane ever recorded.

The DEPUTY PRESIDENT: I interrupt the member's speech to remind him that we are dealing with the Appropriation (Consolidated Fund) Bill (No. 2) which relates to items of capital expenditure. The previous speaker related her comments to items of capital expenditure with respect to technical and further education colleges. The member must indicate a relationship to the topics to which he is referring to the capital items that appear in schedule 1 of this Bill.

Hon J.A. SCOTT: I intend to do that. We have been promised a greenhouse response by this Government as part of its capital expenditure and the reality is that it is not forthcoming. We have been waiting for some time to be told of the expenditure to be made on this response so that it can have a bearing on these issues. Obviously, the lack of expenditure on this program must be the only reason that the Government is holding back on that response at this time.

Very little expenditure has been made by the Government on the salinity program. The budget outlines some 38 programs for expenditure and 33 of those are for studies and administration. Only five programs are not related to studies and administration. I guess studies and administration is a worthwhile expenditure if it is a reasonable portion of the total amount. However, only five programs are on-the-ground actions. On the expenditure side, \$39.755m of identified spending was allocated to studies in administration, plus \$12.355m for the on-ground component of these time-line studies. That totals \$52.3m. Rather than dealing in an effective way with the salinity problem, most of the money that is pointed out as expenditure on salinity is not new expenditure; it will support programs that have been around for a long time. For instance, the budget papers state that Agriculture WA will coordinate the agencies to develop a framework between the Government and the community. That will formalise cooperative relationships with the management committees, the community landcare coordinators and other similar community-based personnel. This sort of program has been going on for some time. Although it does need expenditure, it is not a new expenditure. It is stated that money has been allocated to assist regional and catchment groups to develop regional goals and strategies, and to coordinate actions to address salinity and other natural resource management issues. It refers to the Western Australian Planning Commission addressing salinity management and regional strategies and promoting measures to address salinity. It refers to the Department of Environmental Protection working with agencies and communities to develop environmental objectives and criteria for identifying priority environmental assets. Most of these things are programs that those departments were carrying out anyway. It is a real black mark against this Government that it is not putting more real funding and new funding into this serious problem.

Members will be aware that salinity costs the State \$100m a year in lost production. While we fail to address this problem, it has a huge impact on the whole economy. We need to be critical of that expenditure as being totally insufficient for this serious problem. At the current rate of progress, far from being a major exporter of agricultural produce, in 30 years this State will not be able to produce sufficient to feed itself.

I noted when I questioned the minister about expenditure on the southern rail extension that most of the expenditure had gone into a road building program. It was called expenditure on the railway because it was spent on overpasses that crossed the railway line. Clearly this is a dishonest designation. It means that we have far less spending on public transport than is indicated and far more on the encouragement of private car use, which is causing significant trouble in our city. Questions were asked by me and Hon Norm Kelly during the estimates committee regarding the failure of the Government to meet its targets in reducing private car use in comparison to the use of public transport and other forms of less damaging travel. The chief executive officer of Main Roads confessed that, rather than improving that situation, we are going backwards. Much less money should be allocated to these road programs. We should not be taking money from public transport enhancement and using it to boost the Main Roads budget. That is a very unfair piece of accounting.

The Government seems not to understand that increasing the allocation to Main Roads will have a very big impact on other parts of the budget, in particular our Health budget. Clearly, the cost of private car use as a result of accidents, insurance, air pollution and so on is impacting dramatically on our Health budget. The Government has been remiss in not tackling this reduction in private car use. We now have the dubious record of having more road space per capita than does any other city in the world. It is little wonder that we are heading down the path of very high expenditure on health. We will become an international pariah because of our greenhouse gas production.

I refer members to the cost that LandCorp will impose as a result of the Wattleup-Hope Valley redevelopment. Members may not be aware, but LandCorp will have to spend a significant amount to buy private dwellings and property for that development. Although we have a budget, it is almost impossible to gauge the total amount that will be spent. The effects of that are even greater than would appear when looking at the direct amounts. All of the land in that area purchased by LandCorp will be non-rateable and that will have a severe impact on those communities. From a rough look at the area, the purchase will involve approximately a quarter of the total land area of the City of Cockburn. Although LandCorp is making the expenditure, it has some way of getting back that money. It will be on-selling much of that land for development as industrial sites, so it will have an opportunity to make some money out of that.

However, the budget was remiss in not considering its effect on the community of Cockburn, which will miss out for up to 30 years on revenue through rates in that area under the control of LandCorp and the WA Planning Commission.

The budget should have provided some recompense for the council and for the community so they could continue to carry out the work done in that area. It is an unfair imposition on those people and it will be a serious matter.

I notice expenditure will be ongoing into the Jervoise Bay proposal in Cockburn Sound, which will be a significant impost for the State. This should have been funded by the private sector. In the past few years, a number of government services have been purchased by the private sector and this year our budgets will change significantly due to the sale of AlintaGas and Westrail to private companies.

While the Government is preaching that this is of great benefit, it is establishing public industrial sites. This whole philosophy should be reviewed. Large amounts of money are being spent on these industrial sites, including Oakajee. The minister has painted the worst scenario for that area, as a private developer is not likely to pay for the building of the port. The State will have to pay even more money into the development at Jervois Bay.

We are already committed to a large amount of money on other infrastructure for the Oakajee industrial development site. At the same time King Edward Memorial Hospital for Women needs funding and concerns are being expressed about the poor condition of bus services. It appears that the Government is unable to maintain the level of service without raising prices on most public transport.

We are also aware of the extraordinary decision by Western Power to make a dollar-for-dollar investment in a green power scheme. However, the green power scheme that it is putting in place is one under which the users of this alternative energy will be charged more than the people who use energy that causes pollution are charged. It is an extraordinary that Western Power should bring in a scheme that rewards the polluters and punishes the people who want to use clean energy. Clearly the Minister for Energy should be pushing a scheme under which people who use energy that causes a high level of pollution and greenhouse gases should have a levy put on them that is at least equal to the levy on people who use green power energy. That impost should be used to provide a much higher level of expenditure on green power schemes, because many people will not want to pay an additional amount for green energy and will buy the polluting energy. This scheme is a rip-off, and while it seems to be the only way that anyone can get any expenditure on green power schemes, it is very unfair and should be reviewed. I hope the minister will review this scheme and ensure that for every dollar that is spent by green power users, an equivalent amount is levied from the users of non-green power. In other words, there should be an impost on all energy users and not just on green power users, because they are the ones who are trying to do the right thing, as opposed to the people who are using the polluting energy, which puts a whole lot of other strains on our budget, as we already know.

Hon Ljiljanna Ravlich referred to some ways in which money can be saved by this Government and which have been ignored. By dealing sensibly with environmental issues, by putting more expenditure into the public transport area and much less into the building of more roads, and by encouraging green power schemes, as I have outlined, we could make significant savings in the health area by reducing the cost of accidents and time off work, and the cost of illnesses caused by nitrous oxides and sulfur dioxides from exhausts. We could also deal with climate change, which will cost us a huge amount of money over the next decade and beyond; and it may, in fact, cost us the earth. The expenditure by the Government has been very unimaginative. We could have had a much better use of taxpayers' money in this State. I also hope that the new forestry department in this State will look into the pricing policy for forest commodities and services because it is clear that our resources have been sold too cheaply in the past. As a result, there has been an over-destruction of our natural forest systems.

HON NORM KELLY (East Metropolitan) [9.55 pm]: I have a sense of this occasion and, as I look around the Chamber, I am tempted to draw your attention, Mr Deputy President, to the state of the House, but I will not. The Australian Democrats will be supporting the Appropriation (Consolidated Fund) Bill (No. 2) 2000. I note with interest that page 6 of the Bill refers to the capital allocations of \$19m to the Western Australian Planning Commission. That leads me to refer to what has been occurring with the East Perth Redevelopment Authority this year and to a debate we had in this Chamber just over a month ago on the extension of the East Perth Redevelopment Authority's footprint on which it has planning control. That debate related to the approval of this House to that footprint being extended so that the EPRA has control over the Northbridge tunnel land. During that debate it was pointed out that the authority had been negligent in regard to section 4(3) of the East Perth Redevelopment Act. When an area is to be added for the EPRA under section 4(3) of the Act, an explanatory memorandum should accompany that request to extend the land. During that debate a request was made for a ruling from the President on whether non-compliance with the statutory requirement to table the explanatory memorandum with the gazetted information would disallow those regulations. It was ruled that that was not the case, but that in future, if such regulations were to be tabled without the accompanying explanatory memorandum, those regulations would not be allowed to be tabled and possible disallowance could occur by not complying and tabling those documents within a certain number of sitting days.

The reason I bring this to the attention of the House is that today an explanatory memorandum on the extension of the East Perth redevelopment area has been tabled. The covering letter from the Minister for Planning states that section 4(3) of the East Perth Redevelopment Act 1991 says -

- (3) When regulations made under subsection (2) that add an area to the redevelopment area are laid before each House of Parliament under section 42 of the *Interpretation Act 1984* they shall be accompanied by an explanatory memorandum showing how and why it is intended to amend the redevelopment scheme in respect of the area that is added.

The regulations were tabled without the parliamentary explanatory memorandum and an undertaking was subsequently made to table the explanatory memorandum after the event. Attached to the covering letter is a copy of that memorandum. It is just over a page in length. It is bizarre that this memorandum was tabled well after the expiry of the time during which the original regulations could have been disallowed. I raised concerns about the issue during the debate on the Bill. I have since bumped into the Acting Chief Executive Officer of the East Perth Redevelopment Authority, Tony Morgan, at a function. I asked him what would happen about the non-compliance with the statute. It seems that what was tabled today is the response from the EPRA and the Government about that non-compliance. It is conjecture whether that non-compliance opens legal avenues for a disgruntled developer to take action at a later date. A developer might be able to use the non-compliance of the EPRA with section 4(3) of the East Perth Redevelopment Act to thwart future development of land near the Northbridge tunnel. It is important that clarification is made. I will seek clarification from the Minister for Planning about whether legal opinions have been sought and whether the tabling of the explanatory memorandum today to retrospectively cover what should have been done a few months ago is a sufficient safeguard against future legal action. I would like to think that it is, so that there is no danger of future actions; however, that would raise the concern that non-compliance with a statute can be corrected long after the initial tabling of regulations. I raised this matter to bring it to the attention of members and of the Government.

I will not be overly long in my comments on the second matter I raise tonight. Page 7 of the Appropriation (Consolidated

Fund) Bill (No. 2) shows the allocation to the State Supply Commission, under the responsibility of the Minister for Services. I have regularly raised in this place the issue of a trial of liquefied petroleum gas-powered vehicles in the Government's light vehicle fleet. In April 1998, the Minister for the Environment and the Minister for Services jointly announced a "new initiative in the battle against photochemical smog"; that is, the introduction of dual-fuel vehicles for a trial to gauge the benefits of cleaner fuel in the government light vehicle fleet, as well as the possible flow-on effect of greater LPG use in this State through the eventual sale of the fleet to the private sector. The media release announcing the trial extolled the virtues and benefits of such a trial, stating -

This Government is leading by example in its efforts to reduce air pollution through introducing 'dual fuel' vehicles into its car fleet . . . In LPG mode, vehicle emission of pollutants is substantially less than in petrol powered mode.

. . . programs such as this will help make a difference in improving our air quality. "Vehicles would come into the trial progressively until the target of 300 is reached,"

The Australian Democrats applauded this initiative by the Government and since that announcement on 5 April 1998 I have regularly monitored the progress of the trial. In November last year, in response to my inquiries, I learnt that after 19 months of this two-year trial only 31 vehicles had been purchased for the trial. This 300-vehicle trial only had 31 vehicles taking part in it.

Hon Ken Travers: Does that include the member's car and my car?

Hon NORM KELLY: I have not been able to get the break down of figures as to which departments they belong to, but I would like to think that the Government is monitoring the fuel use of my car, which is powered by LP gas, as is Hon Ken Travers' car. I do not think there are too many members of Parliament whose cars are using LP gas; I think the member for Collie may be the third. With 91 members of Parliament, it is a pity to see so few members - especially those members from parties which have an environmental bent - taking up the option of LP gas for their vehicles. It is interesting to note that in the federal scheme, federal members of Parliament are able to have LP gas-powered vehicles at no extra cost. Under the state scheme, I am paying just over \$100 a month to run my vehicle on LP gas. It is a pity that the Government does not provide more incentive for members to demand LP gas-fuelled vehicles.

Hon E.R.J. Dermer: That would go a long way to explain why only three out of 91 members use LP gas.

Hon NORM KELLY: That may be part of it - maybe members are tight with their money; maybe certain car dealers in Geraldton do not supply LP gas-powered vehicles. Whatever the reasons, I would like to think that we could significantly increase the number of LP gas-fuelled vehicles among the fleet of members' vehicles. There are many benefits to doing this. In my questioning of the Minister for the Environment I was able to find out that the supply of LP gas that has been arranged by the Government costs as little as 24.9¢ a litre. We are now seeing prices of over \$1 a litre for petrol. The cost of LP gas looks very attractive indeed.

Since last November I have asked further questions. In May I asked about the number of vehicles in the trial and was told that it was 52 vehicles. I was heartened to think that we had gone from 31 vehicles in November last year to 52 at the beginning of May. One of the arguments as to why there were not more vehicles was the additional costs associated with dual-fuel vehicles. I asked the minister what were the additional costs. It is interesting to see that she has not been able to provide a response that can explain the additional costs involved in the trial. I am sure she is referring to installation costs; these would be no different from what was occurring at the commencement of the trial. I would like to know what changes have occurred since that time. On 9 May and again today I asked when I would get a response to my question. I was told that it would be submitted tomorrow, which is probably quite convenient in view of the fact that we will probably be in recess for the next five weeks. Once again, the minister refers to the additional costs involved, without being able to explain those costs. She uses that as an argument for why there has been a lower than anticipated take-up rate for this trial. I also asked how many vehicles are now in the trial. The answer to that was 52 vehicles. I was given that same number when I asked on 3 May. From 3 May to 29 June there has been no increase in numbers. It definitely appears as though the Government's trial has stalled. That is disappointing in view of the fact that there were meant to be 300 vehicles.

It is also interesting that in the response I received from the minister on 3 May, it was stated that the trial was for up to 300 vehicles, and was on a voluntary basis and subject to resources available. Once again, I refer back to the announcement of the trial. It was stated by the Minister for Services at the time, Hon Mike Board, that vehicles would come into the trial progressively until the target of 300 was reached. Without any other information coming out of the minister's office, we must assume that the trial has stalled. My previous calculation was that we would reach the target of 300 vehicles probably by about 2010 or 2020. Based on today's answers, it looks as though that target will never be reached. The trial was meant to be for two years. It is now more than 26 months since the trial started, and the minister has been unable to provide any evidence of progress of the trial or results emanating from it.

In April of this year in the federal Senate, the Australian Democrats moved a motion which urged the Federal Government to convert its vehicle fleets to liquefied petroleum gas or compressed natural gas, which would develop local demand for Australian gas, decrease our reliance on dirty and increasingly expensive fuel imports, reduce airborne particulate pollution and place Australia in a better position to develop alternatives to continued use of dwindling international petroleum supplies. Likewise, the Government's federal colleagues were unable to support that motion. I appreciate that the Australian Labor Party federally was able to support that motion and it was passed. However, the Government was totally unwilling to make a commitment to cleaner alternatives. It is disappointing. I have tried to encourage, and not lambaste, the Government on this issue, because I believe it is a good initiative. I will continue to raise this issue, because it is in the

best interests of our State, and it is also important that the Government shows a visionary and leadership role in these issues. The situation with the purchase of light vehicles is the same as the situation with the purchase of buses; that is, the Government has no commitment to converting to cleaner fuel options.

I wanted to raise those couple of points in my speech tonight because they are important. They are issues that will not go away. They require government action, rather than the inaction I have just outlined. The Democrats will support the Bill.

HON KEN TRAVERS (North Metropolitan) [10.14 pm]: I take the opportunity to raise three issues in tonight's debate. The first one is a sad and sorry tale. It relates to some staff of a company called Staff Parks Management Pty Ltd.

The PRESIDENT: Order! Before the member moves on, I hope he is relating his comments to part of the schedule in the Bill. Debate on the Appropriation (Consolidated Fund) Bill (No. 1) was a general debate, but debate on this Bill is more focused on the capital items set out in the schedule contained in the Appropriation (Consolidated Fund) Bill (No. 2). It seemed that perhaps Hon Ken Travers was going off on a different tangent. If he can relate his comments to one of the capital items in that Bill, we will both be happy.

Hon KEN TRAVERS: It is certainly my intention to do that, and this matter relates to the Department of Productivity and Labour Relations and its lack of resources to do its job properly. I refer to Staff Parks Management Pty Ltd and the fact that it has been underpaying staff for some considerable time. Clearly there is a problem with regard to the department's ability to respond to the complaints. I am not sure at what level that problem arises - whether it is lack of resources, its telephone information service or whatever. For some time it has known that these staff were paid \$3.50 an hour. That practice has ceased, but I want to know why the Government has not taken action to get the back pay for these people after the scandalous situation in which they found themselves for some time. It has been brought to the attention of the Government by people as illustrious as the member for Riverton, Hon Graham Kierath, who tried to get speedy resolution of the problem faced by these people. However, the matter has not been resolved. A letter from the Minister for Labour Relations to Mr Kierath referred to the situation as a scam, but nothing has been done about it. I am not sure what the problem is, or whether the department has the necessary resources, space, or telephone help lines to deal with these complaints. It is scandalous that the Government has been aware for 18 months that these people were paid only \$3.50 an hour and, even though the scam has been closed down, nothing has been done to obtain their back pay. I hope the Government will take some action in that matter.

The second area I raise relates to the Ministry of Fair Trading. It can be seen from the budget papers that a great deal of money has been spent on business names, computer systems under the capital works program, computer replacements and the like. In the budget papers one of the major achievements listed for the Ministry of Fair Trading in Western Australia is its responsibility for enactment of the New Tax System Price Exploitation Code (Western Australia) Act 1999 and the New Tax System Price Exploitation Code (Taxing) Act 1999 in preparation for the introduction of the goods and services tax. I find it totally amazing that in the budget papers no mention is made of an appropriation for capital works to allow the Ministry of Fair Trading to in any way police that action in Western Australia. I understand many of those Acts provide power to the Federal Parliament through the Australian Competition and Consumer Commission.

What worries me even more is that during the Standing Committee on Estimates and Financial Operations I asked about the increases to be made to the Ministry of Fair Trading's fees and charges. The answer may explain why no provision for funding has been made for computers and other necessary facilities. The Ministry of Fair Trading's fees and charges, with the exception of one, will increase by the full 10 per cent goods and services tax; one charge in fact will increase by more than 10 per cent. How are government agencies expected to reduce costs and get cost savings from the GST in their capital works and general budgets when one agency, which should be more aware than any other agency of charging the full GST, is unable to reduce any of its charges or find any savings from the GST but, rather, will pass on the full 10 per cent to its clients?

The fee I found particularly interesting is the one charged for mileage. We are all told that petrol will decrease in price and there will be significant savings in the price of vehicles. I am therefore amazed that the mileage fee charged for an inspector to visit a site to check on something is currently 60¢ for the first 100 kilometres, which will increase to 66¢ a kilometre, the full 10 per cent GST. As I said, a range of fees and charges are charged by the Ministry of Fair Trading, all of which, with the exception of one, will increase by the full 10 per cent. With only two days to go to the implementation of the GST, that gives us a clear idea of the lack of resources being put in by this Government that will ensure that in Western Australia nothing is done.

The final area I want to briefly refer to tonight relates to the many government initiatives in the capital works program. Many of those initiatives result in fairly flash and elaborate public relations exercises by the Government when they are finally launched. I am sure that for many of the capital works projects contained in this budget speech we will be subjected to the usual government public relations exercise. However, I noticed recently that the Government has increasingly used public relations consultants to announce those launches. Does the Government include the cost of those consultants in its capital works programs?

In the past I have attempted to find out how much is spent on public relations consultants by asking questions in this House. I have been told to look at the annual papers tabled - some considerable time later, I add - with respect to the engagement of consultants. When I go through those papers, I cannot find anything in those documents on the cost of public relations consultants used by the Government. If they are used, the promotion of those initiatives should be included as part of the capital cost.

I remember some of the events that I have seen recently and, sure enough, the Government had engaged public relations consultants. I refer to the launch of the Travel Smart program which cost the Government in the order of \$16 059, a significant amount of money; an amount which I believe is being spent regularly throughout government agencies. As part of this budget process the Opposition is unable to monitor that situation. Even when we ask questions in this House to try to monitor the situations outside the budget process, we are told to look at the consultants' reports provided by the Government; yet, those reports do not show those consultancies. I am aware of a number of others, which I check on regularly. The difficulty is one must remember what happened 18 months ago.

Hon E.R.J. Dermer: It is a matter of inadequate reporting.

Hon KEN TRAVERS: Absolutely. The people of Western Australia are not fully aware of where this Government spends money on public relations consultants. When it builds massive projects like the Northbridge tunnel, it engages consultants to assist in the promotion of those projects. People in Western Australia want to know about those consultants, but there is no mechanism to find out. I want to know why these consultants are not included in the annual reports tabled in this place and why the people of Western Australia cannot read these budget papers to get an accurate reflection of the expenditure by this Government on public relations consultants. If one launch costs in the order of \$16 000, I can only imagine the massive increase in the amounts these PR consultants are paid. It is my perception there is a massive increase in those amounts because of the number of times I go to government functions that are run by PR agencies. However, we are not in a position to monitor that.

Hon E.R.J. Dermer: There is a large investment in public relations and a small investment in public consultation.

Hon KEN TRAVERS: Not only do Hon Ed Dermer and I look alike, we obviously think along a similar wavelength as we understand the sorts of issues in which this Government is deficient in its public reporting. For a Government that claims to pride itself on openness and accountability, people are not able to find out this information. I would love to know how much of the \$111m spent by Main Roads WA, the \$7m spent by the Department of Transport and the expenditure in the Ministry of Housing is spent to promote capital works expenditure.

The final point I want to raise follows on from comments made by Hon Norm Kelly on gas-powered vehicles and the use of liquefied petroleum gas. I have no doubt that if the Government bought more gas-powered vehicles it would bring down the cost and provide benefits for everyone who uses them. One of the problems in Western Australia with LPG is the lack of a mature market for the sale of LPG vehicles. I suspect if more government departments and agencies bought gas-powered vehicles they would significantly add to that market when the vehicles are sold back into the community.

Unfortunately I was unable to hear all of the speech made by Hon Norm Kelly. However, he referred to one very important person who 18 months to two years ago indicated to the people of Western Australia she was seeking an LPG dual fuel vehicle for her own use. That was the Minister for the Environment.

Hon E.R.J. Dermer: You would have thought an appropriate example would be set by the Minister for the Environment.

Hon KEN TRAVERS: Yes. The minister tried to make great mileage out of the Government's commitment to alternative fuel. She told people, through a comment in *The West Australian* and elsewhere, that it was her intention to use an LPG dual fuel vehicle. I asked a question in this place not so long ago about that. Previously, the response to that question had been that it was difficult to find a car that fitted the minister's needs. Now, the excuse for the minister not having an LPG-powered vehicle is that it is too expensive. The message that sends out to other government agencies is if the minister is not prepared to use an LPG vehicle, why should they. I am firmly of the view that if more people use LPG it will bring the costs down. Members of Parliament should set an example. We must look at the broader issues and not just the immediate cost to the Government. The broader cost to the community includes the environmental and social impacts of continuing to use petrol. Foreign exchange rates must also be considered. Some of our petrol is still imported, whereas most of our LPG is produced in Australia. One way to get around that additional cost - it is the way I have been able to minimise the impact - is to opt to take an Executive and have the fuel cost added rather than taking the Acclaim. That adds about \$16 a month to the amount that I pay for the vehicle provided to me. Instead of taking the flash Fairlane, if members were to take the Berlina - which is still a very reasonable, comfortable and reliable motor vehicle - we could enjoy the same standard and at the same time set an example to the Government. I appreciate Hon Norm Kelly's leaving that part of the story untold so that I could add my contribution tonight. It highlights the way this Government has operated in the past few years. It has constantly made promises and not kept them.

The people at Harvey are still waiting for their railway station to be refurbished to allow people with a disability to get on trains. That has been promised for a considerable period, but still nothing has happened. As a member for the northern suburbs who has seen this Government's constant broken promises about the extension to the northern suburbs railway line, I do not find it surprising that even minor modifications to the Harvey railway station have not yet taken place.

I refer members to this Government's lack of commitment to rail stations in the northern suburbs. Last year's budget included \$6.4m for the Greenwood railway station. That has now dropped out of the budget. The problem on the northern suburbs railway line is a lack of parking at Whitfords and Warwick stations. That would be solved by building additional parking bays at the two stations rather than building a new station at Greenwood. The construction of the Greenwood station is the wrong policy move. The Government should have provided the additional parking bays at Warwick and Whitfords station two years ago. It could have built a high-rise parking facility utilising the currently available land. We do not have the Greenwood station, but we also do not have the parking. I was there recently when the minister went to launch the new master plan - the delay of the extension. At 8.30 am people were driving around the car park wanting to tell the minister that they wanted action taken to address the parking problem, but they could not find a parking space.

This budget lacks the necessary resources to address the core issues that people want resolved throughout Western Australia. Rather than doing that, this Government spends our money on monuments to itself.

HON E.R.J. DERMER (North Metropolitan) [10.34 pm]: I support the Appropriation (Consolidated Fund) Bill (No. 2). However, I make it clear to the House that I do that out of a belief in constitutional principle rather than an enthusiasm for the budget presented by the Court Government. The determination of the Executive in the Westminster system should be the responsibility of the lower House, which in our case is the Legislative Assembly.

In the same way that the majority in the Legislative Assembly decides who are the Premier and the ministers, they should also have the final authority over supply. For this reason, it is my strong principled position to support the appropriation Bills. However, whether the presentation of the budget by the Court Government deserves support for its budget and appropriation is an entirely different question.

I have been concerned about the *Budget Statements* I have received for each of the few years I have been in this Parliament and I continue to be concerned about the *Budget Statements* presented on 11 May 2000. There are many examples in these *Budget Statements* of estimated expenditure up to tomorrow, 30 June 2000, which have proved to be entirely inaccurate by significant margins.

One example relating directly to capital expenditure in the purview of the Department of Commerce and Trade, is the statewide telecommunications enhancement program. I was suspicious when I examined the *Budget Statements* and saw the expenditure for 1999-2000 combined with the expenditure for 1998-99 came neatly to the exact sum of \$10m. This was a cause of concern in last year's *Budget Statements*, which predicted that by the end of June last year exactly \$5m would be spent on that capital program. When we examined the detail through the estimates hearings we found that only \$500 000 had been spent by the end of June last year.

The budget papers were not simply inaccurate; they were inaccurate by a ratio of about 10:1. Sadly, in too many instances this year, the *Budget Statements* have proved to be seriously inaccurate when examined through the estimates committee proceedings. As I said earlier, the statewide telecommunications enhancement program, an inherently capital works program, was predicted in the *Budget Statements* to have a total expenditure of exactly \$10m over the two financial years leading up to 30 June 2000.

Subsequent questions during the estimates committee hearings and in the Parliament have indicated that projection was wrong and that in excess of \$2m of the \$10m allocation for the STEP program will occur in the financial year 2000-01. It is not good enough for the *Budget Statements* brought to us to consider as the responsible representatives of the people of Western Australia to be so often and so seriously inaccurate.

If I were to decide whether to support an appropriation Bill based on the quality of the *Budget Statements* put before us, I might be tempted to judge it inappropriate to support the Bill. As I said, the only reason I am supporting this appropriation Bill is because it is constitutionally appropriate for the Legislative Council, the House of Review, to do so. If the judgment were based on the quality and accuracy of the *Budget Statements*, I would be tempted to reject the appropriation until the Government presented *Budget Statements* that could be believed.

I am reminded of the Treasurer's first budget in 1993 when he presented a different budget speech from that which was circulated to the Press. One of the budget speeches recorded a deficit and the other recorded a surplus for that financial year. It illustrated how readily the Court Government in Western Australia is prepared to alter assumptions to deliver either a misleading deficit figure or a misleading surplus figure, whatever the Treasurer may think suits his political requirements at the time.

Fortunately my colleague the member for Belmont was able to expose the frailty of this year's budget and show that what was being presented as a surplus could not be sustained in reality throughout the expenditure in the coming financial year.

One grave flaw in the *Budget Statements* that I will draw to the attention of the House can be found in the section for Commerce and Trade. One of the major achievements that is listed for 1999-2000 is that the Department of Commerce and Trade completed the development strategy for the Western Australian information and communications technology industry. Sadly, although the flawed *Budget Statements* that the Court Government provided to us on 11 May listed the completion of that important industry strategy as an achievement for 1999-2000, in reality that strategy has not been presented and is yet another example of the failure of these *Budget Statements* to reflect the reality of the Government's commitment to expenditure. I am concerned that the same is also the case in many areas of the Government's capital commitment that we have not yet examined.

On 21 June, I asked the Leader of the House representing the Minister for Commerce and Trade when the final development strategy for this key industry will be released, and the answer from the Leader of the House was that it is expected that the strategy will be released in early August 2000. On the one hand, the *Budget Statements* in May state that the development strategy has been completed, but in June, when the question was asked, we are told it will not be released until August 2000.

This development strategy was released last year in a draft form, and I had the pleasure of receiving a briefing on this strategy from the very competent and dedicated staff in the Office of Information and Communications in the Department of Commerce and Trade. I have no doubt that the staff of that office have gone to great lengths to develop an appropriate strategy for these important information and communications technology industries and have consulted thoroughly with these industries in order to develop that strategy. However, what is missing from the equation is the will of the Court Government to finalise this strategy and commit the capital to put it in place. Therefore, the tremendous work that is being

done by the Office of Information and Communications is essentially being frustrated by the lack of will and serious commitment of the Court Government to finalise and put in place this important strategy.

The nature of information and communications industries is changing day by day. The nature of commerce and our economy is changing. The medium for commercial exchange is based on the information and communications industries. They are particularly dynamic and innovative industries. Those industries could do with appropriate development support from the Government. Sadly, the commitment by the Government to implement the strategy is not there. We cannot even get a final position on what that strategy will be until some time into the future. We have been told that it will be released in August this year, but on the Government's past record, I have no confidence that it will be delivered in that time. On 11 May, we were told in the *Budget Statements* that the development strategy for those important industries had already been completed. Only when I asked the question in Parliament did we find out that a false claim had been made in the *Budget Statements* and that, in fact, the final strategy would not be released until August.

The information and communications industries in Western Australia will not wait for the Court Government to get around to committing itself and its resources to the good ideas that have been generated from the staff in the Office of Information and Communications. The industry will proceed to develop a pace, to find new innovation and to apply that innovation effectively to the welfare and benefit of Western Australians and the economy of Western Australia. However, the Court Government has been very tardy in failing to commit itself to a final development strategy to date. As I said, this is a sad reflection on the quality of the *Budget Statements* put before us. In May the Government claimed to have completed the strategy, but in June it admitted, under pressure from questions in the House, that the strategy would not be released until August.

I have examined a sample of the claims in the *Budget Statements* and in a number of instances I have found them wanting. I am very concerned that this is indicative of the quality of the preparation of the *Budget Statements*. It is indicative that we cannot with confidence rely on what we are being told in the *Budget Statements*. Despite this very unsatisfactory presentation of the Government's intention towards both capital and recurrent expenditure - obviously this Bill refers to capital expenditure - it remains our duty as a House of Review to support the appropriation Bill as, constitutionally, that is the appropriate course.

During the estimates hearings I had occasion to seek explanations of the apparent inconsistency between the facts and what was claimed in the *Budget Statements*. It was interesting that a number of senior officers and agencies serving the people of Western Australia had a great deal of trouble reaching consensus between their understanding of the expenditure of state revenue proposed in the budget and the presentation of the *Budget Statements* by Treasury. I note that this Bill refers to \$1.845m being expended by Treasury. We are not provided with detail on how that money will be expended. Whether it is a question of resources or will, I am not sure; however, I am very concerned about the quality of the *Budget Statements*. I am very concerned to hear from senior officers and government agencies that they cannot agree on a presentation of the estimated expenditure. If the agencies and Treasury cannot agree on their own financial details as presented in the *Budget Statements*, how can we, as representatives of the people of Western Australia in this Parliament, have confidence in these *Budget Statements*?

I certainly intend to support this appropriation Bill. However, it was important to make clear that the Opposition supports the Bill despite a lack of confidence in the information with which it has been provided and in the veracity of the *Budget Statements*, which I have endeavoured to illustrate this evening through a number of examples.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

BULK HANDLING REPEAL BILL 2000

Second Reading

Resumed from 20 June.

HON KIM CHANCE (Agricultural) [10.50 pm]: The Australian Labor Party supports this Bill and has already signalled its will to facilitate its passage before the winter break. Although it is not strictly necessary, I report that I have a vested interest in the Bill. I am grateful to the Leader of the House for allowing the Bill to come forward so quickly, as the House must deal with a large volume of business before tonight's adjournment. I do not intend to abuse the Leader of the House's goodwill by speaking beyond the time to which we have agreed, but I am a little disappointed that the record will not show the reasons for the Labor Party's support for the Bulk Handling Repeal Bill, beyond what I can express in a few minutes. Since we support the Bill, it is fair to say that we share the sentiments expressed by the Minister for Transport in his second reading speech. The Labor Party's view was also put forward in the member for Eyre's contribution to the debate on this Bill in another place on 14 June 2000. The *Hansard* reference is volume 23, pages 7624 to 7630. The debate in the other place was interesting. I am aware that I may not specifically refer to it; however, I note with some amusement that it became clear that the Minister for Primary Industry thought that the monopoly Co-operative Bulk Handling Ltd has enjoyed on the handling of grain had ended 10 years earlier. The minister was quite incorrect and the member for Eyre was right in his contention. Section 39 of the Bulk Handling Act provides that CBH has the sole right to receive, handle, transport and deliver grain in bulk until 31 December 2000. This provision was last amended in 1989 and is still current. This monopoly power, established by the Act, is addressed by the repeal Bill. Along with the abolition of its monopoly, the Bill will also relieve CBH of the limitations imposed on it, particularly the restrictions on its ability to trade in grain.

The Labor Party's support for this Bill should not be taken as support for the trend towards deregulation of the grain industry. On the contrary, and as was expressed more fully by the member for Eyre, Labor is uncomfortable with this trend. Its support for the Bill is a recognition of the fact that CBH is not, and never has been, anything other than a cooperative company wholly owned by grain growers. It has been a privately owned company since its establishment in 1932.

This Bill provides a legislative facilitation to permit the board to seek its shareholders' permission to make changes to their company. To get that shareholder authority will require a 75 per cent affirmative vote by the shareholders. In the minister's response, I would ask him to advise us of the way in which the company will need to attain the 75 per cent approval. The immediate and intermediate effect of this Bill is not in any sense a driver of the deregulation process that I have spoken about; rather it is a consequence of the changes that are already taking place in the grain marketing and handling industry. Co-operative Bulk Handling Limited needs to address its corporate structure in order to cope with a rapidly changing commercial environment.

In conclusion, I express our appreciation of the work that CBH has done over the past 68 years and will continue to do on behalf of the grain growers. I was a client for 27 years and I have always had great pride in the company, which is, without doubt, the world leader in its field. This House has strong ties with CBH. Our former colleague, H.W. "Mick" Gayfer, was for many years the company's chairman and - I do not think it is too much to say - inspiration. Mick Gayfer's reign at the helm of CBH was a term which saw a huge construction phase involving massive expenditure in country storage and port facilities. Labor wishes CBH well in the difficult period of negotiations that lie before it, and for its broader future. We believe its future will be a very bright one. If I can offer some, albeit, gratuitous advice - as a friend of the company rather than as a legislator - it is that I hope that the company remembers its past as it plans for its future. That past is a very proud one which has been built on service to farmers and country communities. That is what has made CBH a great organisation and I hope it never forgets that. Along with the Minister for Transport, I commend the Bill.

HON CHRISTINE SHARP (South West) [10.57 pm]: I do not have anything major to say, I can assure you.

The PRESIDENT: In that case I will call the Minister for Transport.

Hon CHRISTINE SHARP: In that case I will say something minor.

Apart from anything else, I would like to ask the minister to clarify for me a question that I have already put to another member here tonight about the sequence of the actions that will take place under the deregulation process. I am a little concerned about the haste with which this Bill has come before us. I have had no opportunity for a briefing. Although it was offered to me today, I was not available to receive it. I have real concern about the ideological targeting of the rural sector under the national competition policy, which we have seen for some years now. Given that this is the second agricultural deregulation Bill that we have had before us this week, I would like the minister, if he could, to provide me with an explanation of why we are debating the Bill before the voting has taken place. I understand that it is desirable for CBH to be able to offer to its shareholders details of the proposed alternative package. I do not fully understand why the development of the alternative package is dependent on the Bill having passage first, although I take some comfort from the fact that the repeal is provisional on the 75 per cent majority of the vote. Therefore, it is in the hands of the stakeholders, and I am sure they are thinking about this very carefully. Nevertheless, for my own purposes and my own responsibilities in this place, I would like the minister to explain the necessity for the sequence with which we are confronted in rushing to approve a repeal, when we do not know the alternative. Why could the alternative corporate arrangements not be posited beforehand?

If it is not too late, I have a second question for the minister: Under the new arrangements that are likely to be developed for Co-operative Bulk Handling Ltd, can the minister explain how he will be able to ensure that, under a corporate structure, it will carry out the kind of role that seems to be becoming more important nowadays; that is, the need to separate different grain streams, not only because of the particular nature of the grain - for example, wheat from barley - but also because of the purity of the food and the whole challenge posed by the genetically modified organisms issue? Will a corporative organisation be able to provide an assurance to our overseas markets and to consumers generally that it is fully regulating the process of separating food qualities under its consolidated bulk handling arrangements in the new corporative regime? If the minister can provide some reasonably cogent response to that, I will somewhat reluctantly support the Bill.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [11.02 pm]: First of all, I declare that I am a shareholder of CBH and have been for many a long day. It is a great organisation. I concur with everything Hon Kim Chance said. It is one of the recognised bulk handling agencies in the world. It certainly has a very good reputation.

Hon Kim Chance mentioned that Minister House was incorrect regarding CBH's monopoly. In fact, the minister is correct, as the Bulk Handling Act is overridden by the Wheat Marketing Act from the point of view of the federal legislation. Therefore, CBH does not have a monopoly in grain handling.

To take up the other point, 75 per cent of the shareholders who vote, either by proxy or by attending the meeting, will make the decision and resolve the issue, whether it be a successful outcome or otherwise. Those shareholders can attend the meeting and vote themselves or by proxy. If 75 per cent of shareholders vote, obviously the opportunity is available for the decision to be made and for the process to be put in place.

Hon Kim Chance: So it is one shareholders meeting with proxy voting enabled?

Hon M.J. CRIDDLE: Hon Christine Sharp referred to the need to pass this legislation. CBH must receive Supreme Court approval to send out the meeting materials and also, after a successful vote, to deliver the outcome voted upon by

shareholders. It needs that approval twice. For that reason, CBH could not deliver the outcome voted upon without this Bill being passed, because the process would still be subject to the parliamentary time frames. During that time any number of events could make the outcome undeliverable. That is the reason for the process to be in place.

The member referred to varietal arrangements. Any grower who goes to a CBH delivery point must fill out a declaration form, identifying the grain and stipulating the name of the variety. It is then classed and put into different stacks. Those issues are covered by the fact that the grower must identify the grain and its variety. The grain is then classed by the people at the weighbridge before it goes into the container. The process identifies the silos into which the grain is received. Hon Kim Chance understands that we must all go through that process when we deliver grain.

Hon Kim Chance: The minister might tell Hon Christine Sharp also that if it is an unregistered variety, it could be refused acceptance, and that could well be the case with GMO.

Hon M.J. CRIDDLE: It could well be the case. It is all subject to the sellers of the grain. Certainly the AWB and the Grain Pool put the qualifications on the grain. Wheat has 17 different categories within which the grain is delivered.

Hon Christine Sharp: Is that registration process covered in a separate Act?

Hon M.J. CRIDDLE: I do not know.

Hon Kim Chance: It is the decision of the AWB at this stage.

Hon M.J. CRIDDLE: It is well defined by the grain marketers, who must sell it under special classifications. Those issues raised would be covered.

I thank members for their support of the Bill. I have answered the four questions raised, and I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

ELECTORAL AMENDMENT BILL 2000

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.09 pm]: I move -

That the Bill be now read a second time.

The Government is amending the Electoral Act to put into effect recommendations of the Western Australian Electoral Commissioner to tighten disclosure provisions relating to political finance, and to make a number of other commonsense reforms. This Bill will provide for the formal registration of political parties; it will enable greater efficiency and convenience in the casting and processing of absentee and postal votes, and in candidate nominations; it will remove a number of obsolete provisions from the Electoral Act; and it will carry through several other sensible "housekeeping" changes.

Now that the finances of political parties are subject to regulation under the Electoral Act, it makes good sense that political parties operating in Western Australia be formally registered with the Western Australian Electoral Commission. Currently, under section 113C of the Electoral Act, approval must be given for the printing of names of political parties on ballot papers. This creates an unofficial recognition of the parties, but it is not the same as registration. Formal registration will enable any new parties to know that they can satisfy all requirements in advance of an election, rather than waiting until the writs are issued - when it may be too late to comply.

The Electoral Commissioner has recommended that Western Australia follow the same system of registration of parties as operates in Queensland. Part 9 of this Bill provides for a new part IIIA of the Electoral Act. This will enable the registration of all political parties now represented in the Parliament of Western Australia, and any other political party that provides a list of names and addresses of at least 500 members who are electors.

The Electoral Commissioner will be able to refuse registration of a party name that comprises more than six words, that is obscene or offensive, that includes the words "royal" or "independent", that is already a party or public body name, or that so nearly resembles a party or public body name that it is likely to cause confusion. In this regard the new section 62J will follow the existing rules under section 113C governing the printing of names on ballot papers.

The Electoral Commissioner may cancel registration of political parties when they are not represented in Parliament and when they have fewer than 500 members; when they fail to contest a seat at a general election; and when the returns they are obliged to lodge in part IV of the Act are overdue for more than 12 months. Therefore, political parties that fail to lodge disclosure returns can be deregistered. Decisions of the Electoral Commissioner will be subject to appeal to the Supreme Court under the proposed section 62N of the Act.

Other amendments regarding political finance are contained in part 8 of this Bill. The definition of electoral expenditure

will be broadened to include the production and distribution of mail-outs. Candidates will be given more time to appoint agents, until 6.00 pm on the day prior to polling day rather than at the close of nominations. The Electoral Commissioner had noted in his political finance report tabled in 1998 that less than 27 per cent of candidates at the last election had appointed agents, therefore this extra time will be important. The agents of political parties must now identify and lodge returns for associated entities of their parties. A political party cannot now avoid compliance by dissolving itself.

I shall now deal briefly in turn with the remaining parts of the Bill. Following the preliminary part 1, part 2 amends numerous sections of the Act, together with six other Acts, in order to remove reference to the positions of Clerk and Deputy Clerk of the Writs and simplify the entire process of issuing and returning writs.

Part 3 continues this updating process by removing another obsolete position, that of Registrar. We must remember that the Electoral Act was first drafted when there was no permanent, professional Electoral Commission. A revised section 25 of the Act will give the Electoral Commission greater flexibility in providing copies of the electoral roll to the public. Modern technology now makes it possible for an up-to-date roll for any seat to be printed out on request. Visitors to the Electoral Commission no longer need view outdated printed copies of the roll, but have access to the electoral roll by computer.

The process of nominations is streamlined in part 4 of this Bill. The nominations of candidates of a registered political party can be lodged in bulk with the Electoral Commissioner. Candidates of non-registered parties will need to contact the local returning officer to lodge their nomination. A "place of declaration of nomination" will replace the current "place of nomination" that must be a polling place. This will mean, for example, that if a returning officer is a clerk of courts, he can receive nominations at the courthouse rather than at the school that may be the main polling place.

Changes to postal voting occur in part 5 of the Bill. The processing and checking of postal votes will now commence three days prior to polling day so that the actual votes will be ready to be scrutinised and counted at the close of polling. Not a single actual ballot paper will be inspected or counted before 6.00 pm on election day. This practice has already proved its efficiency in the conduct of local government postal ballots by the Electoral Commission. Carers of sick and infirm people, together with silent electors, will gain the right to become general postal voters.

Under the commonwealth Electoral Act, polling places attracting large numbers of absentee votes can be designated as "super booths" where these voters can lodge ordinary votes rather than time consuming absentee votes. Part 6 of the Bill brings this same flexibility to the Western Australian Electoral Act by enabling voters to cast ordinary votes outside the boundaries of the district for which they are enrolled. One "super booth" will be set up in a central location. In other polling booths with high absentee votes, electors from outside their districts will also be able to cast ordinary votes through the online provision of a computer-based roll. Part 7 of the Bill clears up an anomaly regarding the filling of vacancies in the Legislative Council. Currently, if a member resigns after a general election and prior to the expiration of his or her term, there is doubt as to the meaning of "the most recent election in the region". Does this mean the election at which the member was elected or the election just passed? This doubt is put to rest by reference under 156A to the "original election".

Moving to part 10 of the Bill, the transmission of electoral matter is brought into the new century. Reference to "written or telegraphic returns" will be replaced by "communications", and under section 210 electronic communication is specifically authorised. This will have the effect of enabling the enrolments of absentee voters to be verified by computer linkage.

Finally, part 11 of the Bill provides a number of timely amendments to the Electoral Act. Section 5F is amended to give the Electoral Commissioner the option to conduct elections for public and community organisations as well as for statutory bodies as presently occurs. Spoilt ballot papers will no longer be destroyed on the spot but formally cancelled and retained for reconciliation at the close of polling. There will no longer need to be formal printed authorisation at elections for small promotion items, such as business cards, T-shirts, lapel buttons, pens or balloons.

Some of these amendments may be minor but none are trivial. They have all been recommended by the Electoral Commissioner to enable the smooth running of the Electoral Act and the conduct of elections. They make for an Electoral Act that is more efficient and modern, and that makes disclosure that much more effective. They have been put forward in a bipartisan spirit, and it is my understanding that the Opposition supports the Bill and its passage through the Parliament. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

LEGAL CONTRIBUTION TRUST AMENDMENT BILL 2000

Receipt and First Reading

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

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [11.15 pm]: I move -

That the Bill be now read a second time.

The Legal Contribution Trust Amendment Bill 2000 seeks to amend the Legal Contribution Trust Act 1967 to widen the range of potential beneficiaries of surplus funding from the legal contribution trust to include community legal centres and

their peak organisations. While the amending Bill is quite straightforward, members may not have a full understanding of the operations of the Legal Contribution Trust Act. I will therefore provide some background to this matter before commenting on the Bill.

The Act, among other things, requires legal practitioners to deposit a certain percentage of their general trust account into an interest-bearing trust fund maintained by the legal contribution trust. A general trust account is one which is not maintained for the exclusive benefit of a specific person or persons. The interest generated by these funds is to be used by the trust for public purposes set out in the Act. The Act establishes a legal contribution trust and provides for money resulting to that trust to be applied, firstly, to payment of the expenses of administering the trust and, secondly, towards a solicitors guarantee fund. The solicitors guarantee fund was established to compensate clients who suffer loss by reason of defalcations of legal practitioners or their employees.

Under section 14 of the Act, the ceiling level of funds held in the solicitors guarantee fund is determined from time to time by agreement between the Law Society and the responsible minister. If at any time that ceiling is reached, the funds in the legal contribution trust interest-bearing trust fund are required, in general terms, to be applied to maintaining the SGF in credit to that agreed level. Once the SGF is in credit to that agreed level, 50 per cent of any remaining surplus balance is to be applied to the Legal Aid Commission. The Act then provides that the other 50 per cent of any surplus balance must be paid to -

- (a) the Legal Aid Commission to be applied to the legal aid fund, being in effect a potential "second bite";
- (b) the Law Society, to be applied in furtherance of law reform, legal research, legal education or any of those things; or
- (c) a body, whether corporate or not, for the purposes of which moneys have been appropriated by Parliament and which is charged with the functions of law reform - effectively to the Law Reform Commission.

Under the Act, the amount and the proportions which can be paid to the Legal Aid Commission, to the Law Society or to the Law Reform Commission are to be such as the responsible minister may approve or determine, after consultation with the Law Society. During 1999, the then ceiling of \$10m was reached prior to that ceiling being further lifted to \$12m. Consequently, a surplus balance in the order of \$1m accrued. A payment of close to \$0.5m has been made to the Legal Aid Commission, leaving a further sum of close to \$0.5m yet to be distributed. This "yet to be distributed" surplus provides the opportunity to provide a measure of assistance to community legal centres.

As members are aware, community legal centres, a number of which face funding difficulties, play an important role in providing access to justice for many members of the community. Currently under the Legal Contribution Trust Act, it is not possible to direct any of the undistributed surplus balance to community legal centres, or their peak organisations, to assist in their continued operation for the benefit of the community. The amending Bill therefore seeks to do little more than bring community legal centres, and their peak organisations, within the operation of the Act, thus allowing a distribution to be effected in their favour.

The Bill amends section 14 to authorise the payment of moneys from the trust interest account "to prescribed community legal centres or their peak organisations, to be substantially applied to funding the legal services or community legal education provided by such bodies". Members will note that the Bill requires the payments to be in such amounts or in such proportions as the minister may, after consultation with the Law Society, from time to time, approve or determine. The Bill, in this respect, does no more than carry forward an existing accountability requirement and apply it to any payments to community legal centres or their peak organisations. Both the terms "community legal centre" and "peak organisation" are defined in the proposed section 16(6).

Members may care to note that the Bill takes the approach of prescribing community legal centres and peak organisations, so as to provide maximum flexibility. I understand that one peak organisation and 27 community legal centres have been identified for purposes of being prescribed under the legislation, once enacted. Community legal centres play an important role in the provision of services to many members of the community. Their continued operation is in the community interest. The Legal Contribution Trust Amendment Bill 2000 recognises this, and seeks to support them in a practical way. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE

Special

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

That the House at its rising adjourn until a time and date to be fixed by Mr President.

House adjourned at 11.22 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1466. Hon LJILJANNA RAVLICH to the Attorney General:

For each department or agency under the Attorney General's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
- (2) Which department or agencies do not participate in the Matrix lease scheme?
- (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

Ministry of Justice:

- (1) 539.
- (2) Nil.
- (3) Not applicable.

Commissioner for Equal Opportunity:

- (1) There are two motor vehicles leased through Matrix as at March 1 2000.
- (2)-(3) Not applicable.

Legal Aid Western Australia:

- (1) Nil.
- (2) Legal Aid Western Australia.
- (3) The Legal Aid Commission is recognised by the Australian Tax Office as a public benevolent institution. The small size of the fleet, together with its tax exempt status makes purchase a more cost-effective option for Legal Aid.

Director of Public Prosecutions:

- (1) 14.
- (2)-(3) Not applicable.

Solicitor General's Chambers

- (1) 1.
- (2)-(3) Not known.

Law Reform Commission of Western Australia:

- (1) There are no motor vehicles leased by the Commission.
- (2) The Commission does not participate in the Matrix lease scheme.
- (3) The Commission has no need of a vehicle.

Office of the Information Commissioner:

- (1)-(3) These questions request details of agencies under the direction and control of the Attorney General, which does not include this office as the Information Commissioner reports directly to Parliament. Therefore, we do not come within the scope of these questions for the co-ordinated reply. However, if a member requires this information, we can be contacted direct.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1467. Hon LJILJANNA RAVLICH to the Minister for Justice:

For each department or agency under the Minister's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
- (2) Which department or agencies do not participate in the Matrix lease scheme?
- (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

I refer the member to my answer given to Question on Notice 1466.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1471. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

For each department or agency under the Minister for Energy's control -

- (1) How many motor vehicles are leased through Matrix as as at March 1 2000?

- (2) Which department or agencies do not participate in the Matrix lease scheme?
 (3) On what basis are departments or agencies not participating in the scheme?

Hon N.F. MOORE replied:

Office of Energy

- (1) 31.
 (2) The Office of Energy participates in the Matrix lease scheme.
 (3) Not applicable.

AlintaGas

- (1) AlintaGas as at 1 March 2000 was leasing 7 vehicles through the Matrix lease scheme.
 (2) AlintaGas has only ever leased part of its fleet through the Matrix lease scheme.
 (3) As a tax paying entity AlintaGas found that the Matrix scheme did not offer it a significant financial benefit. Having initially leased 81 vehicles through this facility, AlintaGas has been progressively removing vehicles from lease in readiness for its imminent sale to private enterprise.

Western Power Corporation

- (1) 259.
 (2)-(3) Not applicable.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1476. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

For each department or agency under the Minister for Resources Development's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
 (2) Which department or agencies do not participate in the Matrix lease scheme?
 (3) On what basis are departments or agencies not participating in the scheme?

Hon N.F. MOORE replied:

- (1) As at March 1 2000, the Department of Resources Development leases 21 vehicles through Matrix.
 (2) The Department of Resources Development fully participates in the Matrix Lease Scheme.
 (3) Not applicable.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1494. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Emergency Services:

For each department or agency under the Minister for Emergency Services' control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
 (2) Which department or agencies do not participate in the Matrix lease scheme?
 (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

- (1) 244.
 (2)-(3) Not applicable.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1495. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for the Environment:

For each department or agency under the Minister for the Environment's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
 (2) Which department or agencies do not participate in the Matrix lease scheme?
 (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

Perth Zoo:

- (1) 11.
 (2)-(3) Not applicable.

Department of Environmental Protection:

- (1) 48.

(2)-(3) Not applicable.

Botanic Gardens and Parks Authority:

- (1) 18 vehicles.
- (2)-(3) Not applicable.

Department of Conservation and Land Management:

- (1) 686.
- (2)-(3) Not applicable.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1497. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Forest Products:

For each department or agency under the Minister for Forest Products' control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
- (2) Which department or agencies do not participate in the Matrix lease scheme?
- (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

- (1)-(3) The Forest Products Commission has yet to be established.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1498. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

For each department or agency under the Minister for Health's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
- (2) Which department or agencies do not participate in the Matrix lease scheme?
- (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

Health Department of Western Australia :

- (1) 1436.
- (2) None.
- (3) Not applicable.

Office of Health Review :

- (1) Two (2).
- (2)-(3) Not applicable.

Healthway :

- (1) Nil.
- (2) Healthway.
- (3) In 1991 when Healthway was established, it was funded directly from the Tobacco Control Act 1990 and hence fell outside the government vehicle fleet arrangements. Healthway manages a small operational vehicle fleet in line with the Department of Contract and Management Services guidelines.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1502. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

For each department or agency under the Minister for Police's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
- (2) Which department or agencies do not participate in the Matrix lease scheme?
- (3) On what basis are departments or agencies not participating in the scheme?

Hon PETER FOSS replied:

Police

- (1) As at 1 March, 2000 the WA Police Service was paying rental on 1,316 vehicles through the Matrix arrangement.
- (2)-(3) Not applicable.

WA Drug Abuse Strategy

- (1) 4.
- (2)-(3) Not applicable.

MOTOR VEHICLES, MATRIX LEASE SCHEME

1504. Hon LJILJANNA RAVLICH to the Parliamentary Secretary representing the Minister for Education:

For each department or agency under the Minister for Education's control -

- (1) How many motor vehicles are leased through Matrix as at March 1 2000?
- (2) Which department or agencies do not participate in the Matrix lease scheme?
- (3) On what basis are departments or agencies not participating in the scheme?

Hon BARRY HOUSE replied:

Education Department of Western Australia

- (1) Education Department – 365;
Agricultural Trust – 18.

(2)-(3) Not applicable.

Department of Education Services

- (1) Three.

(2)-(3) Not applicable.

Curriculum Council

- (1) Thirteen.

(2)-(3) Not applicable.

OCEANA CONSULTING, CONTRACTS WITH HEALTH DEPARTMENT

1869. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

I refer to the recent report by the Auditor General and his concerns about the Health Department contracts with Oceana Consulting and ask -

- (1) How many contracts did the Auditor General audit that had been awarded to Oceana Consulting?
- (2) For each contract awarded to Oceana Consulting that was audited by the Auditor General, can the Minister for Health provide the following information -
 - (a) the date the contract was awarded;
 - (b) the date the contract was completed;
 - (c) the services provided by Oceana;
 - (d) the original contract cost;
 - (e) the actual final contract cost;
 - (f) the reasons for any variations in costs;
 - (g) whether the Health Department sought -
 - (i) verbal quotes;
 - (ii) written quotes; or
 - (iii) tenders, and
 - (h) if no to (g), why not?
- (3) Has the Health Department made any changes to its contracting policy in the wake of the Auditor General's report?

Hon PETER FOSS replied:

- (1) Seven

(2)

CONTRACT: ARMADALE HEALTH SERVICE REDEVELOPMENT

- (a) 31 May 1998.
- (b) July 1998.
- (c) To review the Request for Proposal in relation to the Armadale Health Service Redevelopment and to provide advice to the Commissioner of Health and the Operations Division.
- (d) \$20,000.
- (e) \$1,655.
- (f) Oceana Consulting provides a unique high quality service for HDWA. The firm is used within and across the Department, often on multiple, simultaneous contracts. Oceana works on a cost plus basis and often the knowledge and experience of the senior consultant allows for projects to be finalised well within estimated time frames.
- (g) No.
- (h) Under delegated authority General Managers can appoint single consultants without calling quotations for projects up to the value of \$50,000. Oceana Consulting was selected on the basis of its knowledge and experience and ability to deliver the required outcomes within the short and inflexible time frames available.

CONTRACT: NETWORKING THE NATION AND TELEHEALTH PROJECT

- (a) 31 May 1998.

- (b) July 1998.
- (c) To review and provide advice to the Commissioner of Health on all matters related to the Health Department of Western Australia's "Networking the Nation" proposal and Telehealth issues, and serve as the Independent Member of the Telehealth Reference Group in accordance with the State Government's MOU with the Commonwealth.
- (d) \$20,000.
- (e) \$20,000.
- (f) Not applicable.
- (g) No.
- (h) Under delegated authority General Managers can appoint single consultants without calling quotations for projects up to the value of \$50,000. Oceana Consulting was selected on the basis of its knowledge and experience and ability to deliver the required outcomes within the short and inflexible time frames available.

CONTRACT: PROCUREMENT AND PURCHASING

- (a) 31 May 1998.
- (b) July 1998.
- (c) To review proposals relating to the further development of procurement and purchasing expertise within HDWA and to make recommendation on such to the Commissioner of Health.
- (d) \$20,000.
- (e) \$3,136.
- (f) Oceana Consulting provides a unique high quality service for HDWA. The firm is used within and across the Department, often on multiple, simultaneous contracts. Oceana works on a cost plus basis and often the knowledge and experience of the senior consultant allows for projects to be finalised well within estimated time frames.
- (g) No.
- (h) Under delegated authority General Managers can appoint single consultants without calling quotations for projects up to the value of \$50,000. Oceana Consulting was selected on the basis of its knowledge and experience and ability to deliver the required outcomes within the short and inflexible time frames available

CONTRACT: ABORIGINAL COORDINATED CARE TRIAL.

- (a) 31 May 1998.
- (b) July 1998.
- (c) To revisit the review of the proposed Aboriginal Coordinated Care Trial and its recommendations of the earlier report, to access programs in their implementation, to determine the current status of each, to quantify the amount of work still to be done, and to report to the Commissioner of Health on HDWA's preparedness to move to the live stage of the trial.
- (d) \$20,000.
- (e) \$20,000.
- (f) Not applicable.
- (g) No.
- (h) Under delegated authority General Managers can appoint single consultants without calling quotations for projects up to the value of \$50,000. Oceana Consulting was selected on the basis of its knowledge and experience and ability to deliver the required outcomes within the short and inflexible time frames available

CONTRACT: AUSTRALIA CLINIC

- (a) 31 May 1998.
- (b) July 1998.
- (c) To review and provide advice on the Australia Clinic Business Plan.
- (d) \$20,000.
- (e) \$1,655.
- (f) Oceana Consulting provides a unique high quality service for HDWA. The firm is used within and across the Department, often on multiple, simultaneous contracts. Oceana works on a cost plus basis and often the knowledge and experience of the senior consultant allows for projects to be finalised well within estimated time frames.

- (g) No.
- (h) Under delegated authority General Managers can appoint single consultants without calling quotations for projects up to the value of \$50,000. Oceana Consulting was selected on the basis of its knowledge and experience and ability to deliver the required outcomes within the short and inflexible time frames available

CONTRACT: HDWA REALIGNMENT

- (a) 31 May 1998.
- (b) July 1998.
- (c) Participate with Departmental senior management in planning, developing and implementing the realignment of HDWA.
- (d) \$20,000.
- (e) \$20,000.
- (f) Not applicable.
- (g) No.
- (h) Under delegated authority General Managers can appoint single consultants without calling quotations for projects up to the value of \$50,000. Oceana Consulting was selected on the basis of its knowledge and experience and ability to deliver the required outcomes within the short and inflexible time frames available

CONTRACT: GENERAL CONSULTANCY

- (a) 1 August 1998.
 - (b) December 1998.
 - (c) Provide a service in the investigation, provision of advice, and (where appropriate) reporting on such matters affecting the planning and delivery of health services in Western Australia as are specified by the Commissioner of Health, in particular:
 - The proposed Aboriginal Coordinated Care Trial;
 - Development of procurement and purchasing expertise, contract management, and employee buy out proposals;
 - Networking the Nation and Telehealth matters;
 - Realignment of HDWA;
 - Private Sector Licensing Review;
 - Undertake an examination of the Health Communication Network Pty Ltd;
 - Undertake a public consultation of the licensing of Private Hospitals, Psychiatric Hostels, Nursing Posts and Day Surgeries;
 - Assist in the oversight of a review of epidemiology in WA;
 - Assist with review of technical and professional services engaged by metropolitan and rural Health Services;
 - Prepare seminars/workshops for Departmental Executive Committee; and
 - Oversight the preparation of a Cabinet Submission on the new framework for the licensing of aged care facilities and HealthCare facilities in WA.
 - (d) \$100,000.
 - (e) \$330,554.
 - (f) The officer engaging Oceana Consulting on behalf of the Procurement Panel sought to invoke the relevant clause of the 1998 contract in the genuine belief that the contract value of \$100,000 had not been reached. Given the time of issuing letters of engagement the officer was of the opinion that there were sufficient funds available to cover the cost of the additional contracts.
 - (g) No.
 - (h) A request for exemption from Tender/Proposal/Quotation for Oceana Consulting was approved by the Department's Procurement Panel (July 1998) for projects to an estimated value of \$48,000. It was considered there would be little to be gained in seeking quotes as adequate grounds existed to justify the direct appointment of Oceana Consulting, given their unique skills and experience as outlined in the recent Tender/Proposal Quotation exemption.
- (3) The Health Department of Western Australia accepts that the correct processes have not always been done in the past, but as part of its commitment to embracing a sound contract process, a number of initiatives have been undertaken. These include:
- The establishment of a procurement Review Panel to monitor the procurement process for contracts between \$20,000 and \$250,000.
 - The production of a comprehensive manual by the Procurement Review Panel on tender and contract processes.
 - The development of specific training courses. These courses focus on:
 - Deliverables and outcomes;
 - Contract Management and controls;

Contract payments and variations;
Monitoring systems;
Key performance indicators; and
Contract completion review

The OAG's report has acknowledged the actions undertaken by the Department to improve the process and as a consequence, the significant progress made in the quality of quotation and tender performance.

The work produced by the Consultants referred to in the question has been both timely and of high quality.

SCHOOLS, ENROLMENTS

1872. Hon KEN TRAVERS to the Parliamentary Secretary representing the Minister for Education:

What are the projected enrolments for -

- (a) 2001;
- (b) 2002;
- (c) 2003;
- (d) 2004; and
- (e) 2005,

for the following schools -

- (i) Beaumaris Primary School;
- (ii) Beldon Primary School;
- (iii) Beldon Education Support Centre;
- (iv) Connolly Primary School;
- (v) Currambine Primary School;
- (vi) Eddystone Primary School;
- (vii) Edgewater Primary School;
- (viii) Heathridge Primary School;
- (ix) Joondalup Primary School;
- (x) Joondalup Education Support Centre;
- (xi) Mullaloo Beach Primary School;
- (xii) Mullaloo Heights Primary School;
- (xiii) Ocean Reef Primary School;
- (xiv) Poseidon Primary School;
- (xv) Belridge Senior High School;
- (xvi) Belridge Education Support Centre; and
- (xvii) Ocean Reef Senior High School?

Hon BARRY HOUSE replied:

The projected enrolments of the required schools for the years 2000 to 2003 are shown in the following table. The Education Department does not produce projected enrolments beyond three years into the future. The anticipated impact of the opening of the Kinross Middle School on surrounding schools, and the impact of the half cohort of students commencing in 2001, have been taken into account.

School	2001	2002	2003
Beaumaris Primary School	754	809	863
Beldon Primary School	421	410	396
Beldon Education Support Centre	26	26	26
Connolly Primary School	500	507	509
Currambine Primary School	729	771	858
Eddystone Primary School	350	336	340
Edgewater Primary School	565	559	537
Heathridge Primary School	335	320	317
Joondalup Primary School	809	788	783
Joondalup Education Support Centre	30	30	30
Mullaloo Beach Primary School	366	347	341
Mullaloo Heights Primary School	305	278	273
Ocean Reef Primary School	469	471	463
Poseidon Primary School	262	257	251
Belridge Senior High School	984	956	887
Belridge Education Support Centre	50	50	50
Ocean Reef Senior High School	1 398	1 398	1 392

SCHOOLS, ENROLMENTS

1874. Hon KEN TRAVERS to the Parliamentary Secretary representing the Minister for Education:

What are the projected enrolments for -

- (a) 2001;
- (b) 2002;
- (c) 2003;
- (d) 2004; and
- (e) 2005,

for the following schools -

- (i) Clarkson Primary School;
- (ii) East Wanneroo Primary School;
- (iii) Kinross Primary School;
- (iv) Merriwa Primary School;
- (v) Mindarie Primary School;
- (vi) Neerabup Primary School;
- (vii) Quinns Rocks Primary School;
- (viii) Wanneroo Junior Primary School;
- (ix) Wanneroo Primary School;
- (x) Clarkson Community High School;
- (xi) Wanneroo Senior High School; and
- (xii) Yanchep District High School?

Hon BARRY HOUSE replied:

The projected enrolments of the required schools for the years 2000 to 2003 are shown in the following table. The Education Department does not produce projected enrolments beyond three years into the future. The following projected enrolments exclude the impact of the opening of the new primary school in Quinns Rocks in 2001, and the impact of the opening of the proposed Mindarie Senior Campus in 2003. The anticipated impact of the opening of the Kinross Middle School on surrounding schools, and the impact of the half cohort of students commencing in 2001, have been taken into account.

School	2001	2002	2003
Clarkson Primary School	1 053	1 096	1 089
East Wanneroo Primary School	640	672	703
Kinross Primary School	1 025	839	848
Merriwa Primary School ¹	870	917	964
Mindarie Primary School	652	713	755
Neerabup Primary School	241	246	260
Quinns Rock Primary School	721	769	826
Wanneroo Junior Primary School	442	488	525
Wanneroo Primary School	348	364	414
Clarkson Community High School ²	1 232	1 293	1 335
Wanneroo Senior High School	898	927	936
Yanchep District High School	571	597	617

1 Enrolments expected to drop with the opening of the new Quinns Rock Primary School in 2001.

2 Enrolments expected to drop with the opening of Mindarie Senior Campus in 2003.

GOVERNMENT DEPARTMENTS AND AGENCIES, DISABILITY SERVICE PLANS

1930. Hon KEN TRAVERS to the Attorney General:

Can the Attorney General table a copy of all Disability Service plans for agencies in his portfolios?

Hon PETER FOSS replied:

Ministry of Justice
[See paper No 1135.] This Plan is scheduled for a major review in 2000.

Solicitor General
Any aspect of Disability Service plans relevant to the Solicitor General's Chambers would be included in any response to this question by the Ministry of Justice.

Director of Public Prosecutions
The DPP's Disability Service Plan developed in 1996 is tabled, as is a copy of the 1998/99 Disability Service Plan Status Report for the DPP. [See paper No 1135.]

Information Commissioner
The Ministry of Justice Disability Service Plan contains the principles and access policy statements also followed by this office, as corporate services support is provided to the Office of the Information Commissioner by the Ministry of Justice.

Legal Aid WA
Legal Aid WA has not prepared a Disability Service Plan although disability is usually a determining factor in considering the nature and extent of legal assistance to be provided to any individual.

Equal Opportunity Commissioner
The Commissioner for Equal Opportunity administers the Equal Opportunity Act that provides that discrimination on the basis of impairment/disability is unlawful in specified areas of public life. The Commissioner therefore does not have a Disability Service Plan.

Crown Solicitor's Office
The Crown Solicitor's Office is a part of the Ministry of Justice Plan.

Law Reform Commission
[See paper No 1135.]

SALINITY MANAGEMENT STRATEGIES, FUNDING

1957. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Water Resources:

- (1) What salinity management strategies have been included within -
- (a) Water Corporation; and
(b) Water and Rivers Commission's,
operations since 1993?
- (2) What funds have been allocated specifically on those strategies?
- (3) What specific local or statewide salinity program has -
- (a) Water Corporation; and
(b) Water and Rivers Commission's,
implemented or participated in since 1993?

Hon M.J. CRIDDLE replied:

- (1) (a) Managing the salinity of the Wellington Reservoir as part of the water resource management operating strategy for the water allocation licence for the Collie River Irrigation District.
- (b) Prior to 1993, the Public Works Department, followed by the Water Authority of Western Australia, implemented clearing controls, revegetated landscape positions and acquired areas of native vegetation in order to protect public water resources. The Harris River Dam was constructed to supply the Great Southern Water Supply Scheme because salinity in the Wellington Reservoir was unacceptably high.

For the period from 1993 to 1996 the Water Authority of Western Australia continued the revegetation program in the water catchments for the Wellington Reservoir and the Denmark River. Clearing licensing in the controlled areas, native vegetation management and water quality management continued. The strategies of the Water and Rivers Commission's Salinity Management Program are:

Water Resource recovery catchment management for the Helena, Collie, Warren, Kent and Denmark river catchments.

Support for biodiversity and rural towns recovery catchments and focus catchments.

Rural drainage assessment and surface water management advice.

Salinity management technology and solution development.

Hydrogeological information and advice.

Salinity Council executive support.

The Water Corporation is cooperating with the Commission for salinity management in the Collie Recovery Catchment for improvement of water quality in the Wellington Reservoir. An assessment of engineering options is being prepared.

- (2) (a) Not separately funded.
- (b) Between 1993 and 1996 the Water Authority of Western Australia expended \$2.582 million on salinity management.

Since 1996 the Water and Rivers Commission expenditure has been:

1996/97 \$1.85 million
1997/98 \$2.05 million
1998/99 \$3.99 million
1999/00 \$3.56 million (expected)

Expenditure in excess of \$1.0 million per annum is applied in addition to these amounts for continuing agency actions for salinity management.

- (3) (a) The Water Corporation is supporting the work of the Collie Catchment Recovery Team.
- (b) For the period from 1993 to 1996, the Water Authority of Western Australia implemented works and management for protection and enhancement of public water supply.

Since 1996, the Water and Rivers Commission has:

Implemented the Salinity Management Program.
Continued monitoring the quality of the State's water resource.
Participated in development of State and regional partnership arrangements for natural resource management including salinity management.
Initiated the Waterways WA program to guide management of the State's rivers and wetlands.

Developed information for planning and assessing engineering options for salinity control.
Supported the State Salinity Council.

ABORIGINES, HEALING CENTRES FOR THE STOLEN GENERATION

1976. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) What funding has been allocated in the 2000/01 Budget for the establishment of "healing centres" for the victims of the stolen generation of indigenous Western Australians?
- (2) If none, why not?
- (3) Does the Minister support the views of the "Bringing Them Home" report that healing centres are a necessity to assist those affected by stolen generation?

Hon M.J. CRIDDLE replied:

- (1) No, funding has been allocated in the 2000/2001 Budget to the Aboriginal Affairs Department for the establishment of healing centres.
- (2) Regional Centres for Emotional and Social Well Being are being funded by the Commonwealth Government as part of their response to the Bringing them Home Report.
- (3) The Minister for Water Resources supports the provision of appropriate services to support those affected by family separation.

MINISTER FOR PRIMARY INDUSTRY, CHARTER PLANE USE

2028. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

- (1) Did the Minister for Primary Industry use a Government-leased charter plane to attend the following events in his electorate, on the following dates -
 - (a) Official Opening of the Denmark Administrative Centre on Saturday, May 13 2000; and
 - (b) South Coast Progress Association meeting on May 8 2000?
- (2) If yes, in what official capacity did the Minister attend these events?

Hon M.J. CRIDDLE replied:

- (1)-(2) A Government-leased charter plane was used to fly to Albany on both Monday 8 May 2000 and Saturday 13 May 2000. A range of Ministerial business was undertaken on those dates.

HEALTH DEPARTMENT, CONSULTANTS

2032. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

I refer to the Auditor General's report "*Public Sector Performance Report 2000*" and I ask -

- (1) Can the Minister for Health advise the names of the six consultants engaged by the Health Department of WA (HDWA) for which evidence of written quotations could not be located?
- (2) Can the Minister advise the names of the consultants engaged by HDWA for which contracts could not be located for seven consultancies?
- (3) Can the Minister advise the names of the consultants engaged by HDWA for which contracts were not signed for two consultancies until after work was commenced or completed?
- (4) Which consultants engaged by HDWA were not required to either obtain professional indemnity insurance or were indemnified by HDWA against third party claims?
- (5) Which consultant was allowed to own the intellectual property rights arising from the consultancy without negotiation?

Hon PETER FOSS replied:

I am advised that the issues raised in the Office of the Auditor General's (OAG) report relates to a sample process that dates back to August 1997. It is accepted that the correct processes have not always been well done in the past, but as part of Health's commitment to embracing a sound contract process, a number of initiatives have been undertaken. These include:

The establishment of a Procurement Review Panel to monitor the procurement process for contracts between \$20,000 and \$250,000.

The production of a comprehensive manual by the Procurement Review Panel on tender and contract processes.

The development of specific training courses. These courses focus on:

Deliverables and outcomes;

Contract Management and controls;
Contract payments and variations;
Monitoring systems;
Key performance indicators; and
Contract completion review.

The development of a panel of contractors which enables the contractors to be pre-qualified and therefore simplifies the procurement process from that point on. This allows officers to seek quotations from the panel which simplifies the procurement process.

The OAG's report has acknowledged the actions undertaken by the Department to improve the process and as a consequence the significant progress made in the quality of quotation and tender performance.

The work produced by the Consultants referred in the report has been both timely and of a high quality.

I provide the following responses to the questions asked.

- (1) The six consultants engaged without calling quotations:
 - Oceana Consulting
 - Arthur Andersen x 2
 - Ernst & Young
 - Freehills Project Solutions
 - Arbiter Pty Ltd
- (2) The seven consultants engaged where the contracts could not be located were:
 - Oceana Consulting x 2
 - Arthur Andersen x 2
 - Ernst & Young
 - Freehills Project Solutions
 - Arbiter Pty Ltd
- (3) The two consultant contracts that were not signed until after the work had commenced or was completed were:
 - Symonds Facilities and Project Management
 - Arthur Andersen
- (4) Consultants engaged by HDWA that were not required to obtain professional indemnity insurance or were indemnified by HDWA against third party claims were:

Symonds Facilities & Project Management	:	indemnity insurance not obtained
Arthur Andersen	:	indemnity insurance not obtained
Arthur Andersen	:	HDWA indemnified
PricewaterhouseCoopers	:	HDWA indemnified
- (5) The consultant which was allowed to own the intellectual property rights was Arthur Andersen.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2056. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

For each agency under the Minister for Aboriginal Affairs' control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon M.J. CRIDDLE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2066. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Water Resources:

For each agency under the Minister for Water Resources' control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon M.J. CRIDDLE replied:

Office of Water Regulation:

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

Water and Rivers Commission:

- (1)
 - (a) Yes.
 - (b)-(d) No.
- (2) 17 photocopiers.
- (3) Ricoh – Blue-chip.
- (4) June 1997 and renewed 13 September 1999.
- (5) \$168,190.00.
- (6) September 2003 (4 year contract).

Water Corporation:

- (1) No. The Water Corporation does not have volume based contracts for copiers. The contracts with Konica at the Water Corporation are based on 'Machine Leasing' for a prescribed period.
- (2)-(6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2075. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

For each agency under the Minister for Health's control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon PETER FOSS replied:

Office of Health Review :

- (1) The Office of Health Review does not have any operational lease contract regarding photocopier or facsimile machines.

(2)-(6) Not applicable.

Healthway :

- (1) Yes.
- (2) One (1) photocopier.
- (3) Konica Australia.
- (4) June 1997.
- (5) Approx. \$1,031 per month.
- (6) June 2002.

Health Department of Western Australia :

	(1a)	(1b)	(1c)	1(d)	2	3	4	5	6
Metropolitan Health Service	Yes	No	No	No	1	Perth Office Systems Pty Ltd	12.3.97	\$16 700	11.3.02
Northern Goldfields Health Service	No	No	Yes	No	2	Meterplan Australia	31.10.97	\$58 042	31.10.01
Vasse Leeuwin Health Service	Yes	No	Yes	No	4	Ricoh Business Centre Bunbury SOS Business Products Bunbury	21.2.00 1.7.98	\$32 214 \$43 928	15.5.04 25.7.02

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2081. Hon LJILJANNA RAVLICH to the Parliamentary Secretary representing the Minister for Education:

For each agency under the Minister for Education's control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon BARRY HOUSE replied:

Education Department of Western Australia

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

Department of Education Services

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

Country High School Hostels Authority

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

Curriculum Council

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

LIFE EXPECTANCY AND MORTALITY STATISTICS

2127. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) Will the Minister for Health table a list of the life expectancy at birth for West Australian -
 - (a) males; and
 - (b) females in,
 - (i) 1991;
 - (ii) 1995;
 - (iii) 1997;

- (iv) 1998; and
 - (v) 1999?
- (2) Will the Minister table the age standardised all cause mortality rate for -
- (a) WA Aboriginal males;
 - (b) WA Aboriginal females;
 - (c) all WA males; and
 - (d) all WA females for the years,
 - (i) 1991;
 - (ii) 1995;
 - (iii) 1997;
 - (iv) 1998; and
 - (v) 1999?
- (3) Will the Minister table the age standardised mortality rates for diabetes among -
- (a) WA Aboriginal males;
 - (b) WA Aboriginal females;
 - (c) all WA males; and
 - (d) all WA females for the years,
 - (i) 1986 - 1991;
 - (ii) 1992 - 1997;
 - (iii) 1998; and
 - (iv) 1999?

Hon PETER FOSS replied:

- (1) (a) The life expectancy at birth for males in WA in 1991, 1995, 1997 and 1998 was 75.0 years, 75.7 years, 75.7 years and 76.1 years respectively.
- (b) The life expectancy at birth for females in WA in 1991, 1995, 1997 and 1998 was 80.9 years, 81.6 years, 81.6 years and 81.9 years respectively.

Source: Australian Bureau of Statistics.

- (2) (a) The age standardised all-cause mortality rate for Aboriginal males in 1991, 1995, 1997 and 1998 was 21.1, 22.7, 22.3 and 19.3 respectively.
- (b) The age standardised all-cause mortality rate for Aboriginal females in 1991, 1995, 1997 and 1998 was 17.1, 14.4, 13.8 and 10.9 respectively.
- (c) For all WA males, the age standardised all-cause mortality rate in 1991, 1995, 1997 and 1998 was 8.1, 7.8, 7.6 and 7.0 respectively.
- (d) For all WA females, the age standardised all-cause mortality rate in 1991, 1995, 1997 and 1998 was 4.9, 4.8, 4.7 and 4.3 respectively.
- (3) (a) The age standardised mortality rates for diabetes among WA Aboriginal males for 1986-91, 1992-97 and 1998 respectively were 65.0, 136.1 and 85.6.
- (b) The age standardised mortality rates for diabetes among WA Aboriginal females for 1986-91, 1992-97 and 1998 respectively were 114.5, 180.1 and 74.9.
- (c) The age standardised mortality rates for diabetes for all WA males for 1986-91, 1992-97 and 1998 respectively were 13.3, 17.2 and 12.2.
- (d) The age standardised mortality rates for diabetes for all WA females for 1986-91, 1992-97 and 1998 respectively were 11.6, 13.5 and 11.0.

Notes:

1. The number of deaths attributable to diabetes among Aboriginal people annually is low. In 1998 there were 6 male and 7 female deaths attributable to diabetes among Aboriginal people. Usually an age-standardised rate would not be calculated from such low numbers of deaths as the precision of the measure is greatly reduced.
2. Complete data for deaths in Western Australia during 1999 will not be available from the Australian Bureau of Statistics, until release of National mortality statistics towards the end of 2000. Therefore, life expectancy at birth and death rates are presently unavailable for 1999.
3. All-cause mortality rates are per 1,000 person-years, whilst rates for diabetes mortality are per 100,000 person-years.

NORHEALTH, FUNDING

2128. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) What funds were allocated during 1999/00 to implement NorHealth 2020?

(2) What funds have been allocated during 2000/01 to implement NorHealth 2020?

Hon PETER FOSS replied:

(1) The Health Department of WA allocated the following funds in 1999/2000:

Strengthening Primary Health Care Networks: \$400,000 to action strategies for diabetes and renal disease; maternal; foetal and child health; and oral health – all regions. Kimberley and Pilbara Aboriginal Environmental Health Services Enhancement.

Workforce Enhancements: \$600,000 to medical staff increases and Aboriginal Health Worker training support and skills advancement.

Capital Improvements: \$1,680,000.00 to upgrading staff accommodation in each region; and health facilities in Port Hedland, Tom Price and Paraburdoo, Coral Bay and Gascoyne region.

(2) In addition to existing commitments which include capital and mental health investment, \$1.25m is committed for 2000/01 to progressing the Norhealth 2020 Plan.

ABORIGINAL HEALTH TRENDS

2130. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

(1) What are the dates currently available for the most recent indicative statistics for Aboriginal health trends in Western Australia?

(2) Are statistics available for the years -

- (a) 1998; and
- (b) 1999?

(3) If not, why not?

Hon PETER FOSS replied:

(1) The most current published statistics are for 1997 and are available from the Health Department of Western Australia's Annual Report 1998/99.

(2) (a) 1998 death data is now available and will be used to update this year's Annual Report.

(b) 1999 Hospital morbidity data is now available and will be used to update this year's Annual Report

(3) Not applicable.

NUMBALA NUNGA NURSING HOME AND GERMANUS KENT HOSTEL, BED NUMBERS

2141. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) What is the minimum number of beds required to make Numbala Nunga Nursing Home viable before it is put out to tender to a private bidder?

(2) Does the State Government have or know of any plans to increase the number of aged care beds in Broome?

(3) Will the State Government consider the transfer of any high care hostel beds surplus to the minimum requirement at Numbala Nunga Nursing Home to Broome?

(4) What is the number and type of aged care beds currently available in Broome and what is required to make the Germanus Kent Hostel viable?

(5) What is the estimated averaged number of aged care beds for Broome's growing population using the estimate models of Government?

Hon PETER FOSS replied:

(1) A Request for Proposal was advertised on 20 May 2000, seeking submissions from suitably qualified organisations interested in acquiring and redeveloping Numbala Nunga Nursing Home bed approvals in Derby on the basis of the following options:

- Development of a 50-bed replacement high care facility on the existing site.
- Development of a 50-bed replacement high care facility together with, or in addition to, any other innovative approaches for residential aged care services on the existing site.
- Development of a 50-bed replacement high care facility on the existing site and the relocation/transfer of existing hostel/low level care beds from another site to form part of an expanded residential aged care service on the site.
- Any of the above, but on an alternative site in the local Derby area owned or leased and operated by the approved proponent rather than on the existing site.

There are a number of factors that affect the viability of a residential aged care facility including, but not limited to, the resident mix, remoteness, staff mix and the facility design. The Request for Proposal that has been advertised will be used to test what the non-government sector consider to be a viable number of high care places for a viable facility in Derby.

- (2) No. The allocation and subsequent funding for residential aged care services are the responsibility of the Commonwealth Government who solely administer the allocation of aged care places.
- (3) Numbala Nunga Nursing Home currently has 50 high care (nursing home) bed approvals and does not include any hostel bed approvals. However, an offer has been made to Fitzroy Crossing and Halls Creek respectively of the remaining 12 State Government Nursing Home (SGNH) bed approvals from the former Mt Henry Hospital in Perth. In the event the offers to Halls Creek and Fitzroy Crossing of 6 SGNH beds each are not taken up by 31 March 2001 for some or all of the bed approvals or evidence of planning to meet a commissioning date cannot be demonstrated, the bed approvals will be made available through Expression of Interest to aged care providers for development within the Kimberley Region. Therefore, there is the potential of access to additional Commonwealth funded bed approvals for Broome in the event of the current offers not being taken up.
- (4) Germanus Kent Hostel is a Commonwealth funded, privately owned and operated, non-government residential aged care facility. The most recent Commonwealth planning data supplied to the State indicates that there are 17 approved low care places and 7 low care places approved-in-principle currently available in Broome. Of the 24 approved places, 17 approvals are currently in operation and the remaining 7 are not being utilised due to the limited physical capacity of the existing facility. With respect to viability, as Germanus Kent Hostel is a Commonwealth funded, non-government operated, residential aged care facility the State is unable to comment on issues related to viability of the facility.
- (5) Commonwealth planning benchmarks for residential aged care are based on 40 high care places, 50 low care places and 10 community care packages per 1000 population aged 70+ and aboriginal people aged 50-69 years. The Commonwealth planning is undertaken on a regional basis. For the Kimberley Region, which incorporates Fitzroy and the Ord sub-regions, the benchmarks are 74 high care places, 92 low care places and 18 community care packages. The Commonwealth planning benchmarks indicate that Broome, in isolation to the rest of the Kimberley region, require a further 22 high care places and 3 low care places to meet the benchmarks.

TRAWLING, MONITORING OF IMPACT ON MARINE BIODIVERSITY

2147. Hon GIZ WATSON to the Minister for Transport representing the Minister for Fisheries:

With regards to the impact of trawling on marine biodiversity, particularly in marine parks.

- (1) Is there any monitoring currently occurring of the impact of trawling on -
 - (a) benthic communities; and
 - (b) other marine organisms?
- (2) If yes to (1), what is the result of this monitoring?
- (3) If no to (1), can the Minister for Fisheries give a guarantee that marine biodiversity is not being reduced?
- (4) If yes to (3), on what scientific basis is this guarantee given?
- (5) Will Fisheries WA introduce exclusion devices on trawl nets in the prawn and scallop fisheries?
- (6) If yes to (3), when?
- (7) If no to (3), why not?

Hon M.J. CRIDDLE replied:

- (1)
 - (a) No.
 - (b) Yes.
- (2) The monitoring is to determine the effectiveness of the use of bycatch reduction devices and fish exclusion devices in reducing bycatch in the Shark Bay Prawn Trawl Fishery.
- (3)-(4) The work associated with these trials is incomplete and so conclusions cannot be made at this time.
- (5) Yes.
- (6) Provisions to require an exclusion device in one net of the pair of trawl nets used by each vessel in the Shark Bay Prawn Fishery are already in place. Provisions to require the use of exclusion devices in both nets on vessels operating in the Shark Bay Prawn Fishery are planned to be in place for the start of the 2001 season. Vessels operating in the Shark Bay Scallop and Exmouth Gulf Prawn Fisheries are expected to have exclusion devices in both nets by the start of the 2002 season.
- (7) Not applicable.

HEALTH DEPARTMENT, MANAGER, HEALTH ADVANCEMENT EQUITY AND PURCHASING

2173. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

- (1) On December 18-19 1999, who held the position of "Manager - Health Advancement Equity and Purchasing" within the Health Department?
- (2) What is the level of that officer?
- (3) On what dates was the General Manager/Kimberley Health Services in Perth in the period November 1999 - January 2000 on official duties?

Hon PETER FOSS replied:

- (1) Ms Tracey Pratt
- (2) Level 9
- (3) 7 – 13 November 1999
7 – 10 December 1999
7 & 8 January 2000

ABORTION PUBLICATION, DISTRIBUTION

2174. Hon E.R.J. DERMER to the Attorney General representing the Minister for Health:

- (1) How many copies of the Health Department of Western Australia 1998 publication entitled "Medical Risks of Induced Abortion and Carrying a Pregnancy to Term. Information for General Practitioners", have been released?
- (2) To whom were these copies of this publication released?
- (3) When were these copies of this publication released?

Hon PETER FOSS replied:

- (1) Approximately 2450 copies of the publication entitled 'Medical Risk of Induced Abortion and of Carrying a Pregnancy to Term, Information for General Practitioners' have been released.
- (2) The publication was initially released to General Practitioners, Gynaecologists, Members of Parliament, General Managers of Health Services and Women's Health Centres. It has since been released to other Health Professionals upon request.
- (3) The publication was first released in September 1998 and copies have been distributed from that date to present.

ABORTION PUBLICATION, DISTRIBUTION

2175. Hon E.R.J. DERMER to the Attorney General representing the Minister for Health:

- (1) How many copies of the Health Department of Western Australia 1998 publication entitled "Medical Risks of Induced Abortion and Carrying a Pregnancy to Term. Information for Women", have been released?
- (2) To whom were these copies of this publication released?
- (3) When were these copies of this publication released?

Hon PETER FOSS replied:

- (1) Approximately 15400 copies of the publication entitled 'A Summary of Medical Risk of Induced Abortion and of Carrying a Pregnancy to Term. Information for Women' have been released.
- (2) The publication was initially released to General Practitioners, Gynaecologists, Members of Parliament, General Managers of Health Services and Women's Health Centres. It has since been released to other Health Professionals, universities, schools, hospitals, medical clinics and centres upon request. These professionals and organisations will have released the publication to women.
- (3) The publication was first released in September 1998 and copies have been distributed from that date to present.

HEALTH STATISTICS

2177. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

Will the Minister for Health table details of -

- (a) the current incidence rates;
- (b) the incidence rates in 1993; and
- (c) the improvement in these rates between 1993 and the present,

in respect to -

- (i) cardiovascular disease;
- (ii) renal disease;

- (iii) diabetes;
- (iv) injury;
- (v) respiratory morbidity; and
- (vi) mortality,

with reference to each of the following regions -

- (a) Kimberley;
- (b) Pilbara;
- (c) Gascoyne;
- (d) Mid-West; and
- (e) whole of WA,

for -

- (i) Aboriginal people; and
- (ii) non-Aboriginal people?

Hon PETER FOSS replied:

The data collections currently maintained by the Health Department of Western Australia do not record disease incident rates. Mortality rates in 1993 and 1998 (the latest available data) and annual average percentage change in mortality rates between 1993 and 1998 are provided by region and for the whole of Western Australia for aboriginal and non-aboriginal people.

Aboriginal All-cause Mortality Rates by Region

	1998	1993	Difference
Kimberley	10.2	16.9	-7.1 sig
Pilbara	14.5	21.7	-4.1 ns
Gascoyne	26.4	28.1	4.5 ns
Midwest	3.8	9.9	-16.3 ns
State	14.3	18.1	-3.0 sig

Non Aboriginal All-cause Mortality Rates by Region

	1998	1993	Difference
Kimberley	4.4	10.8	-16.0 sig
Pilbara	3.8	8.5	-6.0 ns
Gascoyne	5.0	5.9	-3.4 ns
Midwest	5.2	5.6	-16.3 ns
State	5.5	6.4	-2.6 sig

Notes:

1. The geographical areas represented above are defined as the Kimberley Health Service, Pilbara Health Zone, Gascoyne Health Service and the Midwest Health Service. Some of these areas have relatively small populations and this, combined with the low number of deaths annually, reduces the precision of the age-standardised rates. Rates can fluctuate greatly from year to year causing a large annual average change but not resulting in a significant change from 1993 to 1998.
2. The annual average change is expressed as a percentage with a positive number indicating an increase and a negative number indicating a decrease. The abbreviation 'ns' indicates no statistical significant change in rates from 1993 to 1998, while 'sig' indicates a statistically significant change in rates from 1993 to 1998.

DEPARTMENT OF PUBLIC PROSECUTIONS, ROBERT HUGHES CASE

2190. Hon MARK NEVILL to the Attorney General:

- (1) Why did the Department of Public Prosecutions send a senior prosecutor to Broome for the Robert Hughes case?
- (2) Is it not usual practice to have a local Police prosecutor to deal with dangerous driving and dangerous driving causing death charges?

Hon PETER FOSS replied:

- (1) The Director of Public Prosecutions sent a senior prosecutor to prosecute the case against Mr Hughes in Broome because it was specifically requested to do so by the local police prosecuting sergeant in Broome. The case warranted a senior prosecutor because there were particular difficulties regarding prosecution witnesses, the defence case was anticipated to involve complex legal and factual issues, the defendant was represented by a Queens Counsel and the hearing was expected to attract considerable media coverage.
- (2) Usually the local police prosecuting sergeant would appear at the hearing of charges of dangerous driving causing grievous bodily harm and dangerous driving causing death in the Court of Petty Sessions. However, where the police prosecuting sergeant makes a request for the Director of Public Prosecutions to conduct such a trial, the DPP will consider the request on its merits.

BRENNAN CASE, SERVING OF WARRANTS

2191. Hon MARK NEVILL to the Attorney General:

- (1) What is the experience of the Department of Public Prosecutions prosecutor who has been assigned to the Brennan case in which Neil Hunter has been charged with stealing Brennan's Rolls Royce?
- (2) Have all warrants been issued in the up coming Brennan Rolls Royce case and have all those warrants been served?
- (3) If not, which warrants have not been served?
- (4) Will the failure to serve a warrant on Frost, result in the case being lost or dismissed if it goes to Court?
- (5) How long has this prosecutor been working on this brief and what other major briefs is this prosecutor responsible for, ie. those that will come before the Court in the next month?

Hon PETER FOSS replied:

- (1) Thirty years as a legal practitioner including seven years as a Crown Prosecutor.
- (2) No. The case has been adjourned until 5 July 2000 when a date for the trial will be fixed. Subpoenas will then be issued.
- (3) The case has been adjourned until 5 July 2000 when a date for the trial will be fixed. Subpoenas will then be issued.
- (4) The failure to serve a warrant on Frost may result in the case being lost or dismissed if it goes to Court, but this will depend on the decision of the trial Judge.
- (5) Approximately six weeks. The prosecutor has two major briefs in July.

DEPARTMENT OF PUBLIC PROSECUTIONS, FIVE SENIOR POLICE OFFICERS' CASE

2192. Hon MARK NEVILL to the Attorney General:

- (1) What is the experience of the Department of Public Prosecutions prosecutor that has been assigned to the case involving five senior police officers including Ibbotson, Mann etc?
- (2) How long has this prosecutor been working on this brief and what other major briefs is this prosecutor responsible for, ie. those that will come before the Court in the next month?

Hon PETER FOSS replied:

- (1) The case is managed on a day to day basis within the Petty Sessions Team of the Office of the DPP. This Team is under the supervision of a practitioner of twenty one years experience in criminal law. Counsel who has conducted the preliminary hearing of the charges in the case is not an employee of the Office of the DPP but practices on her own account as a barrister and solicitor. She has been admitted to practice in Western Australia since December 1993 and obtained a Master of Laws in 1999.
- (2) The case has been under the management of the Petty Sessions Team from the time the charges were laid in December 1999. The prosecution brief was provided to Counsel conducting the preliminary hearing on 21 April 2000. As this Counsel is a private practitioner her other commitments are unknown.

HOMESWEST, RENTAL SUBSIDY ELIGIBILITY

2196. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

- (1) Are Homeswest tenants, who are no longer eligible for a rental subsidy, able to remain in Homeswest housing?
- (2) If yes, is it intended to change this policy?
- (3) If yes, what is the new policy?

Hon M.J. CRIDDLE replied:

- (1) Where tenant incomes are above Homeswest's eligibility limits Homeswest will fully consider the client's circumstances. The tenant may be asked to consider purchasing their rental property through the various schemes available from the Ministry of Housing or alternatively they may be requested to consider relinquishing their tenancy.
- (2) No.
- (3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2202. Hon LJILJANNA RAVLICH to the Attorney General:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Attorney General's portfolio have been -
- (a) privatised; and
 - (b) closed?
- (2) Which services under the Attorney General's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon PETER FOSS replied:

Ministry of Justice

- (1) (a)-(b) None.
- (2) Offender Management Division
- (a) Court Security and custodial services in the metropolitan area and at seven regional centres; and
 - (b) Prison services at Acacia Prison.
- Court Services Division,
- (a) Execution of warrants for unpaid fines; and
 - (b) Provision of court security and custodial services.
- Corporate Services Division
- (a) The provision of information technology infrastructure support and operations for the Ministry of Justice was contracted out to the private sector in May 1999.
- The Office of the Public Trustee
- (a) Real estate settlement function;
 - (b) Supervision of property repairs, maintenance and property condition reports;
 - (c) Search for key documents, security and valuables in properties;
 - (d) Genealogy research for interstate estates;
 - (e) Storage function of high security items in estates and trusts; and
 - (f) Internal audit function.

Director of Public Prosecutions

(1)-(2) Not applicable.

Legal Aid WA

- (1) Not applicable.
- (2) The provision of some duty lawyer services have been contracted to private practitioners.

Office of the Information Commissioner

Nil response.

Equal Opportunity Commission

(1)-(2) Not applicable.

Crown Solicitor's Office

(1)-(2) Nil.

Solicitor General

The Solicitor General's Chambers has no knowledge of the subject matter of this question. There have been no changes in the structure of the Solicitor General's Chambers.

Law Reform Commission

- (1)
 - (a) The Law Reform Commission has not been privatised.
 - (b) The Law Reform Commission has not been closed.
- (2) The Law Reform Commission has contracted out legal research, writing and editing to the private sector.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2203. Hon LJILJANNA RAVLICH to the Minister for Justice:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister's portfolio have been -
- (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon PETER FOSS replied:

I refer the member to my answer given to Question on Notice 2202.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2206. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:
Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Employment and Training's portfolio have been -
 - (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon N.F. MOORE replied:

- (1) (a)-(b) None.

(2)
Department of Training and Employment

Administration of Apprenticeships and Traineeships

The Western Australian Department of Training and Employment has contracted out the administrative functions relating to the servicing of Training Agreements between employers and their apprentices and trainees. Since 1997, Training Administration Bodies (TABs) have undertaken functions previously carried out by State Government employees. Presently, there are 11 TABs located in Western Australia servicing the entire State. The role of TABs is to administer, monitor, provide conflict resolution and ensure that all obligations of the apprenticeship or traineeship are being met. The Department still maintains a supervisory role and conducts regular monitoring visits to each TAB. The Department issues Training Certificates for apprentices and Certificates of Proficiency for trainees who have successfully completed all aspects of their training.

Internal Audit Program

Components of the internal audit program are undertaken by outside contractors, pertaining to annual compliance and Information Technology audit work. The Information Technology (IT) component is undertaken by an IT Panel comprising four contractors.

Training Services

The introduction of competition policy in 1994 has resulted in some training formerly undertaken by TAFE colleges being contracted out to private training providers. However, this policy was introduced in an environment of growth funding in which TAFE colleges have maintained or increased their level of delivery. Under the Department's competitive tendering programs, TAFE colleges and private training providers are invited to apply for the delivery of industry specific and priority skills training. Under User Choice arrangements introduced in 1998, apprenticeship training is subject to competition in the metropolitan area and the south-west. Private training providers compete with TAFE colleges for this training whereby the choice of provider rests with apprentices and their employers. The Department minimised the impact of User Choice on TAFE colleges by implementing it gradually and restricting it to areas where the numbers are large enough to support competition. The Department also provided a 'safety net' for TAFE colleges by guaranteeing at least 75% of the funding associated with planned apprenticeship delivery.

Central TAFE

Some executive and specialist staff selection
Classification assessments
Delivery of some staff development programmes
Shelving of library materials
Cleaning
Gardening
Security
Stocking and protective maintenance of photocopiers
Child care.

Central West College of TAFE

Cleaning
Gardening
Child Care Centre.

CY O'Connor College of TAFE

Audit
Cleaning
Gardening
Canteen Services.

Eastern Pilbara College of TAFE

Campus Security
Cleaning
Canteen Management
Financial Management
Marketing Management (from 1 July 2000)
Payroll (from 1 October 2000).

Great Southern College of TAFE
 Cleaning
 Gardening
 Child Care Centre
 College Residential Facility (Valencia Lodge).

Karratha College of TAFE
 Staff and Student Counselling Services.

Kimberley College of TAFE
 None.

Midland College of TAFE
 Cleaning
 Gardening
 Canteen
 Child Care.

South East Metropolitan College of TAFE
 Cleaning Services
 Gardening Services.

South Metropolitan College of TAFE
 Cleaning
 Gardening
 Child Care Centres
 Internal audit
 Maintenance (previous done by Building Management Authority)
 Security (previously provided by Education Department Security).

South West Regional College of TAFE
 Cleaning
 Gardening
 Child Care
 Residential
 Maintenance
 Payroll
 Audit
 Laundry
 Cafeteria
 Financial Statements.

West Coast College of TAFE
 Gardening
 Cleaning
 Childcare Centres at Balga and Carine Campuses.

WestOne
 Since establishment on 27 August 1999, the services of television camera operators and television producer have been outsourced.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2214. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Youth:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Youth's portfolio have been -
 - (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon N.F. MOORE replied:

(1)-(2) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2216. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Citizenship and Multicultural Interests:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Citizenship and Multicultural Interests' portfolio have been -
 - (a) privatised; and
 - (b) closed?

- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon M.J. CRIDDLE replied:

Office of Citizenship and Multicultural Interests

(1)-(2) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2217. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Disability Services:
Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Disability Services' portfolio have been -
- (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon M.J. CRIDDLE replied:

- (1) Not applicable.
- (2) During the last financial year no service performed by Government employees has been contracted out to the private sector.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2219. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Fisheries:
Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Fisheries' portfolio have been -
- (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon M.J. CRIDDLE replied:

- (1) (a)-(b) Nil.
- (2) Nil. However, Fisheries WA contracts services mainly in areas of Community Relations, Information Management/ Computers and Internal Audit. In addition, Fisheries WA also enters into collaborative research projects with the major WA universities, which involve an element of contracting out or outsourcing of research requirements.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2222. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:
Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Primary Industry's portfolio have been -
- (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon M.J. CRIDDLE replied:

- (1) (a) June 1999 Western Australian Meat Marketing Corporation
(b) 1995 Western Australian Meat Commission
- (2) Security, Gardening, Mechanical Workshop services for passenger vehicles, Waste Disposal, and Courier/Delivery services for Agriculture Western Australia at South Perth.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2224. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Services:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Services' portfolio have been -
 - (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon M.J. CRIDDLE replied:

State Supply Commission

- (1) (a)-(b) Nil.
- (2) The following services have been contracted out to the private sector:

Provision for Financial and Accounting Services
Payroll Services

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2229. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for the Arts:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for the Arts' portfolio have been -
 - (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon PETER FOSS replied:

Ministry for Culture & the Arts (including Perth Theatre Trust)

- (1) (a)-(b) None.
- (2) Venue Management for Perth Theatre Trust.

ArtsWA

- (1) (a)-(b) None.
- (2) None.

Library and Information Service of Western Australia

- (1) (a)-(b) None.
- (2) Within Information Systems, PC support services are now performed by private sector staff.

Western Australian Museum

- (1) (a)-(b) None.
- (2) Management of IT support outsourced to AlphaWest. Cleaning Services formerly undertaken by Visitor Services Officers now outsourced to Prestige.

Art Gallery of Western Australia

- (1) (a)-(b) None.
- (2) During 1996 the Art Gallery contracted out attendants, security and cleaning services which had previously been undertaken by employees.

ScreenWest

- (1)-(2) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRIVATISED AND CLOSED

2240. Hon LJILJANNA RAVLICH to the Parliamentary Secretary representing the Minister for Education:

Since the election of the present State Government in 1993 -

- (1) Which Government departments, agencies and/or enterprises under the Minister for Education's portfolio have been -

- (a) privatised; and
 - (b) closed?
- (2) Which services under the Minister's portfolio, formerly performed by Government employees have been contracted out to the private sector?

Hon BARRY HOUSE replied:

Education Department of Western Australia

- (1) Nil
- (2) Vacswim Program
Analysis of test results for the selection of the Gifted and Talented Students
Repairs to musical instruments loaned by the School of Instrumental Music.
Cleaning and Gardening in some Schools
Stationery Supply (whole of government contract)
Fleet Management (whole of government contract)
Contract for the provision of Mainframe/Server/Desktop Capacity & Services (contract covering several government agencies)
Property Management of 151 Royal Street, East Perth
Tea Attendants at 151 Royal Street, East Perth
Job Classification Services
IT Audit Services
Provision of Help-Desk Services for Job Advertisement system

Country High School Hostels Authority

- (1) (a)-(b) Nil.
- (2) Part of the domestic services (meal preparation, cleaning, laundry and gardening) at the Albany Residential College were contracted out to Skill Hire some years ago. Skill Hire employed the staff previously employed by the Country High School Hostels Authority.

Department of Education Services

- (1)-(2) Nil.

Curriculum Council

- (1)-(2) Nil.

ABORIGINAL COMMUNITIES, BLOOD SUGAR LEVEL AND BLOOD PRESSURE TESTS

2241. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

I refer to the answer to question on notice number 49 dated September 7 1999, asked in the Legislative Assembly, in which the Minister for Health stated that blood sugar level tests and blood pressure tests are available in all remote Aboriginal Communities that have a permanent Health Department or Aboriginal community controlled clinic service, or which receive Health Department, RFDS or community controlled health service clinic visits. Nurses and Aboriginal health workers may carry out these tests.

- (1) Can a list be provided of the remote Aboriginal communities which don't have access to any of these facilities?
- (2) Is it possible to train a person in each of these communities, rather than requiring a nurse or Aboriginal health worker, to carry out only these tests and to provide the necessary equipment?
- (3) If yes, what would be the cost of -
 - (a) the training needed; and
 - (b) the necessary equipment?

Hon PETER FOSS replied:

- (1) No. However, all remote Aboriginal communities with a permanent population, with the possible exception of very small outstations, are believed to receive at least a visiting clinical service. Aboriginal communities with a transient population receive visiting clinical services when there is sufficient demand for such a service.
- (2) Yes, but the quality of the testing and the correct reporting and follow-up would be problematic. It would be difficult to train people in every community and even when trained the population is so mobile that training would have to be ongoing. Many individuals manage their own Blood Sugar Level measurements as part of their individual diabetes management.
- (3) It is not possible to determine the actual cost as there is no data on the numbers of communities that would require the necessary training or equipment.

EAST CARNARVON PRIMARY SCHOOL, CLEANING CONTRACT

2244. Hon TOM STEPHENS to the Parliamentary Secretary representing the Minister for Education:

I refer to the contracting out of cleaning at East Carnarvon Primary School and ask -

- (1) Which company has won the tender for the school's cleaning?
- (2) When does the contract come into effect?
- (3) How many cleaners are affected by the contracting out?
- (4) What assurances do cleaners at East Carnarvon Primary School have that they will retain their positions when the school's cleaning is contracted out?
- (5) If none, what other positions within Carnarvon are available to these cleaners?

Hon BARRY HOUSE replied:

- (1) No contractor has been awarded the tender. A tender for contract cleaning of East Carnarvon Primary School will be advertised in September 2000.
- (2) Should the tendering process be completed as scheduled, the contract will come into effect on 29 January 2001.
- (3) There are four cleaning positions at the school.
- (4) Permanent cleaners who are affected by the change to contract cleaning are given the choice of taking a transition payment to work for the contractor, taking a severance payment or remaining with the Education Department to retrain as a gardener, home economics assistant or education assistant. A tender is assessed on the contractor's ability and intention to offer suitable alternative employment to Education Department permanent employees.
- (5) Not applicable.

ABORIGINAL HEALTH, OFFICE OF, ALLOCATION OF FUNDS

2246. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

In reference to the Aboriginal health programs and projects funded through the Office of Aboriginal Health -

- (1) What is the process by which the Office of Aboriginal Health makes decisions about which programs and projects will receive funding?
- (2) Is funding allocated on the basis of calling for applications for funds under programs?
- (3) If not, why not?
- (4) What is the basis upon which funds are allocated to programs and projects?
- (5) What evaluation system does the Office of Aboriginal Health have in place to assess the effectiveness of their funding programs?
- (6) What steps has the Office of Aboriginal Health taken to ensure that the funding programs are allocated, accounted for and evaluated in a transparent way that ensures the maximum benefit for tackling the Aboriginal health needs of Western Australian Aboriginal people?

Hon PETER FOSS replied:

- (1) See parts (2) to (6).
- (2) Funding is allocated in various ways :
 - Through a formal tender process.
 - Obtaining three quotes from different providers.
 - Calling for expressions of interest.
 - Using the 'preferred provider' arrangements, based on previous good performance, cultural identity and uniqueness of service criteria.
- (3) Not applicable.
- (4) Program and project decisions are informed by a number of factors including :
 - Health needs
 - Equity
 - Funds availability
 - Provider capacity
 - State policy and program priorities
 - Agreed national policy or program priorities
- (5) The Office of Aboriginal Health's 'Project Monitoring and Evaluation' system determines the type of evaluation to be used based on a combination of the amount of the grant and a formal risk management process.
- (6) See part 1 through 5 above. The OAH also maintains a Contract Management System that provides for the recording and monitoring of performance and financial reporting. Regular service and financial reports are required from the provider and are monitored to ensure compliance with contractual obligations.

GOVERNMENT DEPARTMENTS AND AGENCIES, SALMAT CONTRACTS

2249. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Services:

- (1) Can the Minister for Services advise the number of contracts that Salmat currently has with Government departments, agencies and/or trading enterprises?
- (2) For each of these contracts can the Minister advise -
 - (a) the name of the agency for which the contract was awarded;
 - (b) the value of the contract;
 - (c) the date on which the contract was awarded;
 - (d) the expiry date, and any possible extensions on the contract?
- (3) How many of the agencies were aware that Salmat was under investigation by the Australian Federal Police when the contracts were awarded?
- (4) Given that two Salmat employees have pleaded guilty to defrauding Australia Post and will give evidence against company directors, will these contracts be cancelled?
- (5) If not, why not?

Hon M.J. CRIDDLE replied:

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

BROOME REGIONAL PRISON, CAPITAL EXPENDITURE

2258. Hon TOM STEPHENS to the Minister for Justice:

- (1) What was the total capital expenditure for Broome Regional Prison during the past nine financial years?
- (2) What specific capital projects were the funds allocated to?

Hon PETER FOSS replied:

(1)-(2)
Reliable records from previous years on capital expenditure are not available.

1993/94	
Kitchen Repairs	\$ 40,000.00
Gatehouse/Administration	\$ 20,000.00
1994/95	
Kitchen Repairs	\$ 24,000.00
Gatehouse/Administration	\$ 29,000.00
1995/96	
Refurbish Kitchen and Upgrade Sewer Line to Kitchen	\$125,000.00
Repairs to Basket Ball Court	\$ 4,600.00
1996/97	
Safe Cell Improvements x 2	\$127,000.00
Repairs to Remand Section and "Bull Pen"	\$ 47,300.00
1997/98	
Cell Block 3 Unit Managers Office	\$ 20,400.00
Various Kitchen Equipment	\$ 31,400.00
Emergency Generator Upgrade	\$ 35,400.00
General Structural Repairs, Storm Water Repairs and Mechanical Services to Admin & Female Section	\$ 49,100.00
Cell Intercom Installation to Prisoner Accommodation	\$189,000.00
1998/99	
Prisoner Reception Modifications	\$ 64,900.00
1999/2000	
Remand Section Security Grillage Improvements	\$131,700.00
Laundry HWS	\$ 1,900.00
Total	\$940,700.00

SCHOOLS, CAPITAL EXPENDITURE

2259. Hon TOM STEPHENS to the Parliamentary Secretary representing the Minister for Education:

- (1) What was the total capital expenditure for each of the following schools during the past nine financial years -
 - (a) Broome Senior High School;
 - (b) Broome Primary School;
 - (c) Roebuck Primary School;
 - (d) Cable Beach Primary School;
 - (e) Derby District High School;
 - (f) Wyndham District High School;
 - (g) Fitzroy Crossing District High School;
 - (h) Kununurra District High School; and
 - (i) Kimberley School of the Air?
- (2) What specific capital projects were the funds allocated to?

Hon BARRY HOUSE replied:

(1)-(2)

(a)	Broome Senior High School 1991/92 Additions and Alterations	\$2 800 000
	1994/95 Library, New Science Block, Business Studies, General Teaching Area Block, Art and Craft, Staffroom	\$3 514 000
	1998/99 Additions: Gymnasium/Food Technology/Fabrics/Media	\$2 840 000
(b)	Broome Primary School 1996/97 Pre Primary Transportable	\$ 182 000
(c)	Roebuck Primary School 1999/00 Hardcourts, Playing Fields, Carpark (estimate)	\$ 742 000
(d)	Cable Beach Primary School 1994/95 6 Classroom Teaching Block	\$1 350 000
	1995/96 Pre Primary Transportable	\$ 171 000
	1998/99 Pre Primary Transportable	\$ 146 000
	1999/00 Pre Primary Transportable (estimate)	\$ 179 000
(e)	Derby District High School 1995/96 Administration Upgrade, Science/Music Block	\$ 946 000
	1998/99 Covered Assembly Area	\$ 337 000
(f)	Wyndham District High School	Nil.
(g)	Fitzroy Crossing District High School 1995/96 Covered Assembly Area	\$ 263 000
(h)	Kununurra District High School 1992/93 Additions and Alterations	\$2 920 000
	1993/94 School/Community Library	\$ 740 000
	1995/96 Pre Primary Transportable	\$ 208 000
	1999/00 Pre Primary Transportable (estimate)	\$ 193 000
(i)	Kimberley School of the Air	Nil

SCHOOLS, CAPITAL EXPENDITURE

2262. Hon TOM STEPHENS to the Parliamentary Secretary representing the Minister for Education:

(1) What was the total capital expenditure for each of the following schools during the past nine financial years -

- (a) Burringurrah Remote Community School;
- (b) Carnarvon Primary School;
- (c) Carnarvon School of the Air;
- (d) Carnarvon Senior High School;
- (e) Cue Primary School;
- (f) East Carnarvon Primary School;
- (g) Exmouth District High School;
- (h) Meekatharra District High School;
- (i) Meekatharra School of the Air;
- (j) Mt Magnet District High School;
- (k) Newman Primary School;
- (l) Newman Senior High School;
- (m) Onslow Primary School;
- (n) Sandstone Primary School;
- (o) Shark Bay Primary School;
- (p) South Newman Primary School;
- (q) Useless Loop Primary School; and
- (r) Yalgoo Primary School?

(2) What specific capital projects were the funds allocated to?

Hon BARRY HOUSE replied:

(1)-(2)

(a)	Burringurrah Remote Community School 1998/99 Environmental Project	\$ 49 000
(b)	Carnarvon Primary School 1994/95 Administration Upgrade, Library Additions, Covered Assembly Area Extension	\$607 000
(c)	Carnarvon School of the Air 1995/96 Administration Upgrade	\$474 518
(d)	Carnarvon Senior High School 1993/94 Administration Upgrade	\$618 000
	1999/00 Students at Risk Upgrade Facilities	\$137 000

(e)	Cue Primary School 1993/94 Toilet Upgrade		\$119 900
(f)	East Carnarvon Primary School 1999/00 Covered Assembly Area	(estimate)	\$295 000
(g)	Exmouth District High School 1993/94 Covered Assembly Area 1995/96 Early Childhood Transportable 1999/00 Roof Replacement Program	(estimate)	\$237 000 \$140 000 \$ 15 000
(h)	Meekatharra District High School 1992/93 Administration Upgrade and Changerooms 1995/96 Early Childhood Transportable 1996/97 Covered Assembly Area 1998/99 Upgrade to Aboriginal Pre School		\$560 000 \$168 000 \$227 200 \$ 41 000
(i)	Meekatharra School of the Air 1993/94 Upgrade and Additions		\$600 000
(j)	Mount Magnet District High School 1996/97 Covered Assembly Area, Administration Block		\$761 000
(k)	Newman Primary School 2000/01 Early Childhood Modification	(estimate)	\$100 000
(l)	Newman Senior High School 1998/99 Administration Building		\$889 000
(m)	Onslow Primary School 1999/00 Toilet Upgrade	(estimate)	\$258 000
(n)	Sandstone Primary School		Nil
(o)	Shark Bay Primary School 1997/98 Early Childhood Transportable		\$174 000
(p)	South Newman Primary School		Nil
(q)	Useless Loop Primary School		Nil
(r)	Yalgoo Primary School		Nil

ROEBUCK PLAINS STATION, CATTLE NUMBERS

2264. Hon MARK NEVILL to the Leader of the House representing the Minister for Lands:

In respect of information held by the Pastoral Board for Roebuck Plains Station -

- (1) What cattle numbers on the property were reported in stock returns to the Pastoral Board since January 1 1997?
- (2) What was the age break-up or profile of the herd when these numbers were provided to the Pastoral Board?
- (3) Does the Pastoral Board differentiate between adult cattle units and younger cattle units?
- (4) If so, what are the relevant definitions?
- (5) Is the Pastoral Board aware of this differentiation being used in the northern pastoral industry?
- (6) What number of cattle and type (ie steers etc) have been reported in stock returns as turned off since January 1 1997?
- (7) What number and type (ie breeders) have been shown in stock returns to have been purchased since January 1 1997?

Hon N.F. MOORE replied:

(1)-(2),(6)-(7)

The information sought in these questions is contained in Pastoral Lands Board records. It is regarded as commercially sensitive and I am not in a position to release it. If the Hon Member wishes to apply under the Freedom of Information Act 1992 he might be successful in gaining access to the information.

(3)-(4) The Pastoral Lands Board uses the following definitions in determining cattle units;

1 bullock/steer	=	1 cattle unit
1 year old steer or heifer	=	0.8 cattle unit
1 cow	=	1.4 cattle units
1 weaner	=	0.6 cattle unit
1 bull	=	1.5 cattle units

(5) I am unsure in which context the Hon Member is asking this question. If he is able to be more specific an answer may be able to be given.

DISABILITY SERVICES, LOCAL AREA COORDINATORS

2265. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Disability Services:

I refer to the role of Local Area Coordinator(s) for the Disability Services Commission and ask -

- (1) Can the Minister for Disability Services provide a copy of the duty statement for LAC positions?
- (2) How many clients are listed with the DSC in the -
 - (a) Ardross area;
 - (b) Willagee area; and
 - (c) Kardinya area?
- (3) What is the ratio of clients per LAC for the -
 - (a) Ardross area;
 - (b) Willagee area; and
 - (c) Kardinya area?
- (4) Is the LAC responsible for Case Management of its clients?
- (5) If not, who is?

Hon M.J. CRIDDLE replied:

- (1) Yes. See appendix A on page 8581.
- (2) Clients registered with LAC at 23/6/2000:
 - (a) 5
 - (b) 38
 - (c) 24
- (3) Ratios of clients per LAC at 31/5/2000:
 - (a) 51 for LAC Ardross, including surrounding suburbs.
 - (b) 51 for LAC Melville, including surrounding suburbs.
 - (c) 61 for LAC Coolbellup and 64 for LAC Hilton, both of whom cover Kardinya.
- (4) No. See list of co-ordination, administration and other duties in (1) above.
- (5) Case management is the responsibility of specialist service providers, where appropriate.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2294. Hon TOM STEPHENS to the Leader of the House representing the Minister for Employment and Training:

What funds have been allocated from any department or agency within the Minister for Employment and Training's portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for 1999/2000?

Hon N.F. MOORE replied:

- (a) Department of Training and Employment
The Department of Training and Employment has provided a total of \$544 860 to the Chamber of Commerce and Industry, including:
 - \$264 349 for the delivery of non core industry training advisory services;
 - \$56 666 under the Science and Technology Innovation Strategy's Innovation Fund;
 - \$45 848 for the delivery of the Industry Specific Program;
 - \$177 997 for the User Choice Program.

Central TAFE

\$70 - Library subscription.

Central West College of TAFE

\$2 200 - Training fees for an apprentice.

Midland College of TAFE

\$10 000 - Project to analyse provided data and develop a training (curriculum) structure for industrial gas in WA.

(b)-(d) Nil.

(e)

Department of Training and Employment
\$25 000 for the development of assessment tools to support front-line management competencies.

Central TAFE
\$300 - Registration Fee.

(f) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2298. Hon TOM STEPHENS to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

What funds have been allocated from any department or agency within the Minister for Parliamentary and Electoral Affairs' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for 1999/2000?

Hon N.F. MOORE replied:

(a)-(f) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2304. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Citizenship and Multicultural Interests:

What funds have been allocated from any department or agency within the Minister for Citizenship and Multicultural Interests' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for 1999/2000?

Hon M.J. CRIDDLE replied:

Office of Citizenship and Multicultural Interests

(a)-(f) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2305. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Disability Services:

What funds have been allocated from any department or agency within the Minister for Disability Services' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and

(f) Association of Minerals and Exploration Companies,
for 1999/2000?

Hon M.J. CRIDDLE replied:

With respect to the Disability Services Commission:

(a)-(f) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2310. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Primary Industry:

What funds have been allocated from any department or agency within the Minister for Primary Industry's portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,
for 1999/2000?

Hon M.J. CRIDDLE replied:

Agriculture Western Australia

- (a) CCI \$3,100 – mainly related to providing training
- (b) PGA \$110 – relating to the provision of a meeting room
- (c) WAFF \$19,000 - mainly related to integrated livestock management technology project currently being developed with the Gascoyne Murchison pastoral industry.
- (d)-(f) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2312. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Services:

What funds have been allocated from any department or agency within the Minister for Services' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,
for 1999/2000?

Hon M.J. CRIDDLE replied:

State Supply Commission

(a)-(f) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2317. Hon TOM STEPHENS to the Attorney General representing the Minister for the Arts:

What funds have been allocated from any department or agency within the Minister for the Arts' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;

- (c) WA Farmers Federation;
 - (d) Unions WA;
 - (e) Chamber of Minerals and Energy; and
 - (f) Association of Minerals and Exploration Companies,
- for 1999/2000?

Hon PETER FOSS replied:

- (a)-(f) Neither the Ministry for Culture & the Arts nor any of its agencies have allocated funds to programs associated with any of the agencies listed for the period 1999/2000.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2334. Hon TOM STEPHENS to the Attorney General:

What funds have been allocated from any department or agency within the Attorney General's portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for the period February 1993 to June 1999?

Hon PETER FOSS replied:

Ministry of Justice

- (a) Yes.
1999/2000.
Community Based Services Pilbara.
Membership to the Karratha and Districts Chamber of Commerce and Industry.
Annual Membership fee \$250.00.
- (b)-(f) Nil.

Director of Public Prosecutions

- (a)-(f) Not applicable.

Legal Aid WA

- (a)-(f) Nil.

Office of the Information Commissioner

- (a)-(f) Nil.

Equal Opportunity Commission

- (a)-(f) Nil.

Crown Solicitor's Office

- (a)-(f) Nil.

Solicitor General's Office

The Solicitor General's Chambers has no knowledge of the subject matter of this question.

Law Reform Commission

For the period of Feb 1993 to June 1999 there were no funds allocated by the Law Reform Commission to any of the listed entities.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2335. Hon TOM STEPHENS to the Minister for Justice:

What funds have been allocated from any department or agency within the Minister's portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;

- (e) Chamber of Minerals and Energy; and
 (f) Association of Minerals and Exploration Companies,
 for the period February 1993 to June 1999?

Hon PETER FOSS replied:

I refer the member to my answer given to Question on Notice 2334.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2338. Hon TOM STEPHENS to the Leader of the House representing the Minister for Employment and Training:

What funds have been allocated from any department or agency within the Minister for Employment and Training's portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
 (b) Pastoralists and Graziers Association;
 (c) WA Farmers Federation;
 (d) Unions WA;
 (e) Chamber of Minerals and Energy; and
 (f) Association of Minerals and Exploration Companies,
 for the period February 1993 to June 1999?

Hon N.F. MOORE replied:

(a)
 Department of Training and Employment
 The Department of Training and Employment has provided a total of \$3 321 465 to the Chamber of Commerce and Industry, including:

\$305 844	for the Industry Specific Program;
\$1 130 442	for the User Choice Program;
\$508 858	for Priority Skills Enhancement;
\$1 200 000	for CCI Skills Centre (total funds provided by Australian National Training Authority)
\$176 321	for non core industry advisory services.

Central TAFE	
\$610	Registration fees
\$250	Purchase of list of companies
\$130	Library subscriptions.

Central West College of TAFE	
\$500	Export access introduction fee.

Midland College of TAFE
 Identifying and securing training opportunities and job vacancies, as well as marketing and promoting Midland College of TAFE's training and education program services:

\$25 000	7.12.95 – 7.12.96
\$26 000	6.12.96 – 6.12.97
\$26 000	23.3.98 – 23.3.99
\$26 000	23.3.99 – 23.3.00.

(b) Nil.

(c)
 Central West College of TAFE
 \$416.25 Tractor Operator Course

(d) Nil.

(e)
 Department of Training and Employment
 \$10 000 New Apprenticeships Information Strategy.

Central TAFE	
\$100	Purchase of videos.

Central West College of TAFE	
\$300	Mine Safety Course.

(f) Nil.

The information provided for the Department of Training and Employment is for payments over \$1 000 and covers the period from 1995 to 1999 (inclusive). In order to provide information prior to 1995 additional notice would be required.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2342. Hon TOM STEPHENS to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

What funds have been allocated from any department or agency within the Minister for Parliamentary and Electoral Affairs' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for the period February 1993 to June 1999?

Hon N.F. MOORE replied:

- (a)-(f) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2348. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Citizenship and Multicultural Interests:

What funds have been allocated from any department or agency within the Minister for Aboriginal Affairs' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for the period February 1993 to June 1999?

Hon M.J. CRIDDLE replied:

Office of Citizenship and Multicultural Interests

- (a)-(f) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2349. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Disability Services:

What funds have been allocated from any department or agency within the Minister for Aboriginal Affairs' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for the period February 1993 to June 1999?

Hon M.J. CRIDDLE replied:

With respect to the Disability Services Commission:

- (a)-(f) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2356. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Services:

What funds have been allocated from any department or agency within the Minister for Services' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for the period February 1993 to June 1999?

Hon M.J. CRIDDLE replied:

- (a)-(f) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROGRAMS FUNDED

2361. Hon TOM STEPHENS to the Attorney General representing the Minister for the Arts:

What funds have been allocated from any department or agency within the Minister for Aboriginal Affairs' portfolios, and for what programs, to each of -

- (a) Chamber of Commerce and Industry;
- (b) Pastoralists and Graziers Association;
- (c) WA Farmers Federation;
- (d) Unions WA;
- (e) Chamber of Minerals and Energy; and
- (f) Association of Minerals and Exploration Companies,

for the period February 1993 to June 1999?

Hon PETER FOSS replied:

- (a)-(f) Neither the Ministry for Culture & the Arts nor any of its agencies have allocated funds to programs associated with any of the agencies listed for the period February 1993 to June 1999.

GRAYLANDS HOSPITAL, DEATHS AND SEXUAL ASSAULTS

2373. Hon NORM KELLY to the Attorney General representing the Minister for Health:

- (1) How many deaths have occurred at Graylands Hospital during each of the past 5 years?
- (2) How many deaths have occurred in other mental health facilities during each of the past 5 years?
- (3) How many reported sexual assaults have occurred against patients of Graylands Hospital over each of the past 5 years?
- (4) How many reported sexual assaults have occurred in other mental health facilities over each of the past 5 years?

Hon PETER FOSS replied:

(1)-(2)

Number of deaths discharges that occurred at selected psychiatric units from 1995 to 1999 *Source: Mental Health Register, Health Department of Western Australia*

	1995	1996	1997	1998	1999
GENERAL					
Graylands Hospital	1	3	3	7	3
Alma Street Centre	1	2	1	2	1
Mills Street Centre	1	0	0	0	0
Child & Adolescent, Bentley	0	0	0	0	1
Royal Perth Hospital	1	1	0	0	0
Sir Charles Gairdner Hospital	0	0	0	1	1
Whitby Falls	0	1	0	0	0
Joondalup Mental Health Unit	-	-	-	0	0
Albany Mental Health Unit	-	-	-	0	0
Bunbury Mental Health Unit	-	-	-	-	-

ELDERLY					
Armadale Lodge	8	7	5	4	3
Bentley Lodge	7	7	11	9	9
Boronia Lodge(Swan)	9	7	6	4	12
Moss Street Lodge	4	2	2	-	-
Osborne Park Lodge	2	6	6	9	7
Selby Lodge/Lemnos Hospital	18	13	21	17	4

Notes :

Moss Street closed in 1997

Excludes deaths when a person was on leave, Aftercare and absent without leave

The Lodges are psychogeriatric facilities where the median age is 77 years old

Graylands includes forensic and long stay patients

(3)-(4)

Number of *reported sexual assaults against patients that occurred at selected psychiatric units from 1995 to 1999

*reported to the WA Police Service by the Health Service

Source: provided by the services and accurate to the best of their knowledge except Graylands figures, which came from the WA Police Service

	1995	1996	1997	1998	1999
GENERAL					
Graylands Hospital	1	3	2	2	2
Alma Street Centre	0	0	0	0	0
Mills Street Centre	0	0	0	0	0
Royal Perth Hospital	0	0	0	0	0
Sir Charles Gairdner Hospital	0	0	0	0	0
Whitby Falls	0	0	0	0	1
Joondalup Mental Health Unit	-	-	-	0	0
Albany Mental Health Unit	-	-	-	0	0
Bunbury Mental Health Unit	-	-	-	-	-
ELDERLY					
Armadale Lodge	0	0	0	0	0
Bentley Lodge	0	0	0	0	0
Boronia Lodge(Swan)	0	0	0	0	0
Moss Street Lodge	0	0	0	-	-
Osborne Park Lodge	0	0	0	0	0
Selby Lodge/Lemnos Hospital	0	0	0	0	0

Note :

(-) denotes data not available due to service not in operation at that time.

DERBY REGIONAL HOSPITAL, REDEVELOPMENT PROGRAM

2376. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) Can the Minister for Health confirm that by May 1994 all preliminary work had been completed for Derby Hospital Stage 4?
- (2) Can the Minister also confirm that a contract was let for the completion of architectural design and project contract documentation for Stage 4 of the Derby Regional Hospital redevelopment program?
- (3) Was the value of that contract \$569 530?
- (4) If not, what was its value?
- (5) Was that contract carried out and documentation completed?
- (6) If yes, what has since become of those plans?
- (7) If not, what became of that contract?
- (8) Why has no further work been carried out since that time?

Hon PETER FOSS replied:

- (1) No. Preliminary work for Derby Hospital Stage 4 was undertaken during the 1993-94 and 1994-95 financial years.
- (2) Yes.
- (3)-(4) \$570 000 was spent on consultant fees and disbursements.
- (5) Yes.
- (6) The documentation has been retained by the Health Department
- (7) Not applicable.
- (8) A Derby Stage 4A project was undertaken in 1995-96, and the under-utilised children's ward was remodelled at a cost of \$750 000 to accommodate medical, surgical and paediatric patients. The old general ward was demolished.

The recently announced Norhealth 2020 Plan addresses the service and infrastructure needs in the North West of the State.

As part of this plan, the essential role for each hospital in relation to their immediate and wider catchment populations must be taken into consideration so that each hospital has facilities and equipment to meet future needs. This process is currently in progress.

DERBY REGIONAL HOSPITAL, REDEVELOPMENT PROGRAM

2379. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) Can the Minister for Health confirm that, when the Member for Riverton was Minister for Health, preliminary work on Derby Hospital Stage 4, including the announcement of its “commencement”, was carried out?
- (2) Will the Minister table the relevant documentation, including any that was released publicly, that was prepared at that time?
- (3) If not, why not?
- (4) What planning and costings have been carried out for a new general ward?
- (5) When is it expected that a new general ward will be completed?

Hon PETER FOSS replied:

- (1) In the Health Department’s Capital Works Program for 1993/94, “Derby Redevelopment Stage 4 – Planning” was listed as a “New Works” project with an allocation of \$400,000. Unexpended funds were carried over as a “Works in Progress” project in 1994/95, with a total expenditure of \$570,000. No construction funds were announced.
- (2)-(3) Floor plans for the original Stage 4 proposal can be provided to the Hon member if required.
- (4) Based on a 1995 concept the cost of Derby Stage 4 would be in the order of \$13M, although these costings would have to be revisited in the event of the project being authorised.
- (5) The recently announced Norhealth 2020 Plan addresses the service and infrastructure needs in the North West of the State. As part of this plan, the essential role for each hospital in relation to their immediate and wider catchment populations must be taken into consideration so that each hospital has facilities and equipment to meet future needs. This process is currently in progress.

DERBY DENTAL CLINIC, REPLACEMENT BUILDINGS

2380. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) Can the Minister for Health confirm that the dental clinic facilities in Derby are currently operating out of 40 year old buildings which were never meant to provide permanent accommodation?
- (2) If yes, what planning and funding is in place to replace these buildings and provide proper modern facilities?
- (3) When is it expected that new facilities will be completed?

Hon PETER FOSS replied:

- (1) The existing dental clinic facilities at Derby are considered to be functional and adequate.
- (2)-(3) The recently announced Norhealth 2020 Plan addresses the service and infrastructure needs in the North West of the State. As part of this plan, the essential role for each hospital/health facility in relation to their immediate and wider catchment populations must be taken into consideration so that each hospital/health facility has facilities and equipment to meet future needs. This process (which includes the provision of appropriate dental facilities for the North West) is currently in progress.

CULTURE AND THE ARTS, EXPENDITURE AND EMPLOYMENT

2385. Hon TOM STEPHENS to the Attorney General representing the Minister for the Arts:

I refer to the release of Vital Statistics 1991 last Friday, and ask -

- (1) Will the minister table a copy of the report and, if not included in the report, a list of the amount spent by Australian Governments per capita for cultural activities for the period covered by the report?
- (2) Will the minister also table a list of these amounts for each year for the period since that covered by the report?
- (3) Does the minister agree with the Arts Editor of *The West Australian* that the data is too old to be relevant and, if not, why not?
- (4) Can the minister provide the employment figures for people employed in a cultural industry in WA since 1996 and, if not, why not?
- (5) Of the 12 576 employed in cultural industry in 1996, can the minister table a breakdown of how many were employed by -

- (i) the State Government;
- (ii) local government;
- (iii) the private sector; and
- (iv) state subsidised arts companies or grantees?

Hon PETER FOSS replied:

- (1) The report Vital Statistics 1999 no 2 was tabled in the lower house on 20 June 2000.. The report was produced by the Australian Bureau of Statistics for the Western Australian Ministry for Culture & the Arts. Data has been taken from a number of ABS sources and compiled by the ABS. The ABS collects a range of cultural data in its work program (eg the household surveys program and the selected industries program). Data on page 42-44 of the report provides information on the total State Government funding for culture in Western Australia. The ABS report "*Cultural Funding in Australia – Three tiers of Government 1997-98*" provides additional information. In 1997-98 the amount was \$140.3m. 1997-98 data is the latest published data available from the ABS. Data relating to 1998–99 has been compiled but is not yet publicly available. [See paper No 1136.]

Table 15.3 on page 44 shows a breakdown of cultural funding per head of population 1997-98 on a State by State basis.

- (2) This information is not available in the report. Officers from the Ministry for Culture & the Arts have contacted the ABS and they have advised that data relating to 1998–99 has been compiled but is not yet publicly available. The data will be made available as soon as the ABS release the data.
- (3) The data is the most up to date ABS data that was available when the ABS compiled the report. The data was drawn from a variety of ABS sources to ensure it was the most current statistics available.
- (4) The data relating to employment figures for people employed in a cultural industry in WA are drawn from the 1996 and 1991 Census of Population and Housing. This is the most recent census data that is available. The next census collection will be in August 2001.
- (5) Employees in cultural industry for 1996 are as follows
- | | | |
|------|--|--------|
| (i) | the State government | 858 |
| (ii) | local government | 1 195 |
| (ii) | the private sector | 10 069 |
| (iv) | State subsidised arts companies or grantees – not known. | |

See Attachment "Australian Bureau of Statistics: 1996 Census of Population and Housing, Persons employed in cultural industries by industry sector Western Australia". [See paper No 1136.]

SCHOOL PSYCHOLOGISTS, ALBANY

2391. Hon BOB THOMAS to the Parliamentary Secretary representing the Minister for Education:

- (1) How many school psychologists were employed within the Albany Education District in each of the following years -
- (a) 1997;
 - (b) 1998;
 - (c) 1999; and
 - (d) 2000?
- (2) For each of those years how many were students from -
- (a) Albany Senior High School;
 - (b) North Albany Senior High School;
 - (c) Albany Primary School;
 - (d) Flinders Park Primary School;
 - (e) Spencer Park Primary School;
 - (f) Mt Lockyer Primary School; and
 - (g) Yakamia Primary School?

Hon BARRY HOUSE replied:

- (1) (a) 1997 - 6 FTE (for 29 schools - including 4 senior high schools)
 (b) 1998 - 5 FTE (district restructured, 27 schools - including 3 senior highs schools)
 (c) 1999 - 5 FTE
 (d) 2000 - 5.2 FTE
- (2) (a) 1997 - 864 students (Albany Senior High School)
 1998 - 932 students
 1999 - 979 students
 2000 - 1004 students
- (b) 1997 - 839 students (North Albany Senior High School)
 1998 - 872 students
 1999 - 877 students
 2000 - 883 students

- (c) 1997 - 395 students (Albany Primary School)
1998 - 415 students
1999 - 409 students
2000 - 400 students
- (d) 1997 - 451 students (Flinders Park Primary School)
1998 - 463 students
1999 - 500 students
2000 - 562 students
- (e) 1997 - 403 students (Spencer Park Primary School)
1998 - 380 students
1999 - 402 students
2000 - 455 students
- (f) 1997 - 458 students (Mount Lockyer Primary School)
1998 - 437 students
1999 - 420 students
2000 - 411 students
- (g) 1997 - 699 students (Yakamia Primary School)
1998 - 726 students
1999 - 649 students
2000 - 711 students

FISHERIES, MR DAVE THOMPSON

2394. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Fisheries:

- (1) Was a crayboat owned by a Mr Dave Thompson of Jurien Bay intercepted by a Fisheries Department boat when fishing in closed waters around May/June 1997?
- (2) Was this incident reported to Mr Peter Rodgers of Jurien Bay on or around June 24 1997?
- (3) If yes, what action has the Department of Fisheries taken on this matter?
- (4) Has Mr Dave Thompson been charged with any breach of fishing laws or regulations?
- (5) If so, which one(s)?

Hon M.J. CRIDDLE replied:

- (1) A lobster fishing boat holding a managed fishery licence in the joint names of DG & MJ Thompson was apprehended for fishing in closed waters in May 1997. The Agency is unaware of who owns the fishing boat involved.
- (2) I assume that you are referring to Mr Peter Rogers, the Executive Director of Fisheries WA, who advises that he is aware of the incident, but cannot recall the specific details concerning the reporting.
- (3)-(4) The master of the lobster boat, Mr PE Clark, was prosecuted in the Perth Court of Petty Sessions on 19 May 2000 for breaches under the *Fish Resources Management Act 1994* and fined a total of \$24,500.
- (5) Not applicable.

WYNDHAM CROCODILE FARM

2397. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

- (1) When did the Wyndham crocodile farm apply for an exemption to use a gill net to take popeye mullet every 3 months if needed, to stock the crocodile ponds to control duck weed infestations?
- (2) When did the Minister for Fisheries respond to this application?
- (3) Where did Wyndham crocodile farm propose to take the mullet from within the Cambridge Gulf?
- (4) Are popeye mullet an endangered species in the Kimberley?
- (5) What restrictions are there on taking popeye mullet by throw net?

Hon M.J. CRIDDLE replied:

- (1) The Wyndham Crocodile Farm (proprietor Mr Don Wieringa) applied for an exemption to use gillnets to catch popeye mullet on 6 October 1999.
- (2) The application was made to the Executive Director of Fisheries WA, not to the Minister for Fisheries. It is the role of the Executive Director, Fisheries WA, to approve certain exemptions under the Fish Resources Management Act 1994. The Executive Director acknowledged the application for exemption on 11 November 1999 and indicated that the application had been referred to several stakeholder groups for comment and consultation. Wyndham Crocodile Farm was advised on 30 May 2000 that the exemption would not be granted.
- (3) Wyndham crocodile farms proposed to take popeye mullet from within King River and at Barnett Point in the Cambridge Gulf.

- (4) No.
- (5) Under Regulation 123 of the Fish Resources Management Regulations 1995, only holders of a Recreational Fishing (Netting) Licence are permitted to use nets, including throw nets, in Western Australian waters for recreational fishing in areas where net fishing is not otherwise prohibited. Notice 197 (Closed Waters Notice) under the Fish Resources Management Act 1994, prohibits both commercial and recreational fishers from using nets, including throw nets, in several north west rivers, including parts of King River. Under the Fish Resources Management Regulations 1995, there is a recreational daily bag limit of 40 for popeye mullet.

QUESTIONS WITHOUT NOTICE

RACING INDUSTRY, REVIEW

1343. Hon N.D. GRIFFITHS to the Minister for Racing and Gaming:

- (1) Will the minister cause a review of the racing industry to be conducted?
- (2) If so, who will conduct the review and what will be its terms of reference?
- (3) Will such a review deal with the pacing and greyhound industries, as well as the thoroughbred racing industry?
- (4) If the minister will not cause a review to be conducted, what are his reasons for not doing so?

Hon N.F. MOORE replied:

- (1)-(4) Since I have been Minister for Racing and Gaming, I have detected a certain degree of concern among some aspects of the racing industry, particularly the thoroughbred aspect. For many years there has been competition between the various codes over the distribution of the Totalisator Agency Board funds, and that dispute continues. The area of particular concern at the moment is the dispute that appears to have arisen in relatively recent times between country racing and the Western Australian Turf Club.

Hon Bob Thomas: It has been ongoing for a long time.

Hon N.F. MOORE: That may be so, but it has a head of steam in recent times because of media coverage. That dispute relates to a number of issues, including governance of the thoroughbred industry and the way the TAB funds are distributed. I have said to all aspects of the racing industry that if they want an independent inquiry or review of the way in which they govern their sport, and the relationships between the various parts of it, I am happy to facilitate that. However, it must be at their request. So far the Country Racing Association and the Provincial Racing Association have indicated they would be interested in the review. I have discussed it with the Turf Club and I am awaiting its response. It is not my intention to impose anything on industry members because they are quite capable of looking after their own affairs; however, I am prepared to be an independent broker to seek to sort out some of the difficulties between them. It is not my intention to go into the issues of the TAB distribution or the question of pacing and greyhounds at this point.

As far as terms of reference are concerned, that depends on what the industry wants us to do. Any action taken will be in consultation with the industry. The person carrying out that review will also be decided upon in consultation with the thoroughbred industry. I would not proceed unless I could find someone to carry out an inquiry or review who would be agreeable to all parties; otherwise it would be a total waste of time. It is very much in the early stages of any action being taken at this point.

WESTRAIL FREIGHT SALE, DOCUMENTS RELEASE

1344. Hon N.D. GRIFFITHS to the Minister for Transport:

I refer to the concerns of the Minister for Resources Development in relation to the proposed sale of Westrail freight, and ask -

- (1) Given these concerns, will the minister guarantee that all contracts, documents and correspondence relating to the privatisation of Westrail freight will be released publicly?
- (2) If yes, when will the documents be released?
- (3) If not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(3) I will not give any guarantees with regard to that. Obviously we are going into a sales process. Expressions of interest are being sought, and as a result of that process decisions will be made about the tender. The decision about which documents may or may not be released will be made over a period of time.

SCHOOL BUSES, SEATBELTS

1345. Hon KIM CHANCE to the Minister for Transport:

Yesterday during question time, when answering a question about injuries caused to students in a crash involving school

buses without seatbelts, the minister said he had been proactive in this area. What exactly has he achieved in relation to seatbelts and school bus safety generally over the past two years, and why does this important safety issue seem to remain in limbo?

Hon M.J. CRIDDLE replied:

I thought I explained yesterday that this is a very complicated issue.

Hon Ken Travers interjected.

The PRESIDENT: Order! If members are to interject, the minister has a number of options. The first is to sit down and let me ask the next member to ask another question. Members must make the decision.

Hon M.J. CRIDDLE: I first announced this in Broome, and spoke to bus operators in that town about the matter. One lady, who was a bus driver, pointed out how difficult the issue is. I was not aware of the complications. Somebody must make sure the students are in their seats and strapped in, and be responsible for them. There is an insurance impact of which due cognisance must be taken, and someone must be responsible for that insurance. The seatbelts must match the number of students or some liability may be incurred. I have had various approaches about different types of seatbelts. Sometimes three students may be sitting across two seats. There may be a block seatbelt for those two seats, but what happens if the children on those seats are of different sizes? All these issues must be taken into consideration. It is not the easiest matter in the world to deal with.

The Government must outline terms of reference or guidelines before the appropriate measures are in place for a pilot study. It is not a matter of simply going ahead with the trial. I had the opportunity in Queensland recently to get into a bus fitted with seatbelts. I became aware that people strapped into those seatbelts for a long period experience discomfort. A range of issues are involved.

I am more than understanding of the requirement for safety in school buses. As I said yesterday, the people who operate school buses in Western Australia have a wonderful track record, and everybody acknowledges that. I was at their annual conference some time ago, and it was clear that they are very proud of that record. The last thing we want is to do anything that impinges on that record.

JETTY, DONGARA-PORT DENISON

1346. Hon GIZ WATSON to the Minister for Transport:

With regard to plans to demolish the wooden jetty at Dongara-Port Denison -

- (1) What techniques of preservation and maintenance does the Department of Transport currently employ for the preservation of wooden jetty structures?
- (2) How do these techniques compare with those proposed by Bridgecore in relation to the Dongara wooden jetty?
- (3) If, at extra public expense, the existing Dongara jetty is demolished and a concrete and steel jetty is built in its place, given that the community is unlikely to be able to afford massive concrete collars to protect the steel from corrosion, what preservation and maintenance regime will the Department of Transport recommend to keep the concrete and steel jetty in good condition over the next 30 to 40 years?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) A wide variety of means are employed, including - but not limited to - initial selection of correct materials with chemical impregnation of timber components; appropriate painting and sealing; periodic oiling; protective wrapping or sleeving of piles; and replacement of damaged, weathered, or worn materials. Applications of these techniques will achieve a normal 25-year life and in some cases will extend the life of the structure for 40 to 50 years.
- (2) The techniques are basically similar. However, as the jetty is already 40 years old, further extensive replacement or repair of structural components can be expected on an ongoing basis. I have been to Dongara many times. I have had a look at the jetty and it is in a deteriorated condition.
- (3) A well detailed and constructed concrete and steel jetty should not require substantial repair for at least 20 years. Use of anodes, wrapping and periodic painting provide greater longevity of use than timber. The life of such a structure could be expected to be at least 40 to 50 years or longer depending on the extent of preventive maintenance undertaken.

NEW LIVING PROGRAM, NORTH BEACH

1347. Hon HELEN HODGSON to the minister representing the Minister for Housing:

- (1) Does Homeswest have any plans to implement its New Living urban renewal program, or a similar program, in its properties in the North Beach area?
- (2) Does Homeswest have any plans to implement its New Living urban renewal program in any other suburbs or towns in Western Australia; if so, where?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Over time, consideration will be given to the suitability of every public housing estate being redeveloped under the New Living program.

POLICE, ANTISOCIAL BEHAVIOUR OF CHILDREN IN SOUTH WEST

1348. Hon MURIEL PATTERSON to the Attorney General representing the Minister for Police:

What methods will police in the south west, in particular in Australind, utilise to stem the increasing antisocial behaviour of children?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

The article appearing in *The West Australian* dated 28 June 2000 at page 9 was instigated as a proactive message by the Australind police to raise community awareness and to seek parental accountability for the whereabouts and actions of their children.

Despite the large youth to population ratio in the Australind-Eaton area - 30.2 per cent of children under 14 in a total population of approximately 22 000 - there is no specific youth antisocial behaviour problem there at present. The police action was taken simply to raise awareness before the fact and to reinforce the district's no-tolerance stance towards antisocial behaviour generally. Recent but isolated cases of inappropriate behaviour by local youth have come to notice.

References to the Child Welfare Act relate to the immediate care provisions in section 132B(1) of this Act. These legislative provisions are utilised throughout the Bunbury district when dealing with unsupervised and unruly youths, as necessary and appropriate under the circumstances.

South west police continue to focus on crime prevention programs targeting at-risk youth. Close relationships have been developed with various government and non-government agencies with a view to achieving effective diversionary programs from the legal system. Some programs include police and citizen's youth activities; a police rangers program; a Blue Light disco program; youth "at risk" forums; school-based police officers; assistance in provision of recreational facilities, including skate parks and baseball facilities; youth advisory council support; GURD anti-drug programs; protective behaviours programs; State Emergency Services cadets; and youth groups.

BIKE PATH, MT LAWLEY

1349. Hon KEN TRAVERS to the Minister for Transport:

I refer to the distress caused to residents in Joel Terrace, Mt Lawley, who have been told by Department of Transport consultant John Clifford that rather than the Swan River bike path going along the river's edge, as previously promised by the Government, the preferred route is now inland directly in front of these residents' homes. Given that the Government has expended more than \$4m for a bike path crossover at Powis Street, Glendalough and has sensitively dealt with environmental and Aboriginal issues for a bike path boardwalk at Lake Monger, why are Mt Lawley residents not being given equal treatment?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The preferred alignment option has been determined in consultation with Aboriginal groups. Informal agreement has been achieved and a formal development application will shortly be lodged with the Aboriginal Cultural Materials Committee for approval under the Aboriginal Heritage Act.

The Department of Transport conducted an environmental assessment through specialist environmental consultants to identify an alignment that has minimal impact on the foreshore ecosystem.

The Maylands reference group, consisting of community and local and state government representatives, has been established to oversee the decision-making process. The group has given an in-principle endorsement to the preferred alignment. Subsequently, development applications have been submitted to the local government and to statutory authorities seeking statutory approval. Considerations to date indicate that a path along the foreshore will not meet Aboriginal heritage and environmental requirements.

There is no bike path boardwalk at Lake Monger. There is a boardwalk jetty at Lake Monger which provides a viewing platform as opposed to a transport route.

WESTRAIL, TIMBER RAILWAY SLEEPERS

1350. Hon J.A. COWDELL to the Minister for Transport:

- (1) Further to question on notice 2386 of 2000, can the minister confirm that -

- (a) Westrail tenders for timber railway sleepers, tender Nos 69/98 and 93/98, both state on the cover that the tenders are for the supply and delivery of first-grade timber railway sleepers; and
 - (b) although Westrail tenders Nos 27/99 and 02/2000 state on the cover only that the tenders are for timber railway sleepers, apart from the occasional substitution of the word "shall" for "must" in tender No 02/2000, the sleeper specifications attached to tenders Nos 27/99 and 02/2000 are identical to the sleeper specifications attached to tenders Nos 69/98 and 93/98?
- (2) Can the minister confirm that although there is no reference to first-grade timber sleepers in Westrail specifications, the timber that Westrail requires for sleepers is in fact first-grade timber?
- (3) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) Since July 1999, Westrail has not been permitted by the Government to enter into contracts for the supply of native timber sleepers other than from third-grade timber, and then only if the State Conservation Commission determines there is no more valuable use for the timber.

WESFARMERS, NATURAL GAS RELEASE

1351. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

In regard to the Wesfarmers natural gas release of 65 tonnes on 26 May 2000 -

- (1) Did Wesfarmers report that -
 - (a) no flammable gases were detected by any of the fixed gas detectors located throughout the plant;
 - (b) 65 tonnes of natural gas was released?
- (2) Were all gas monitors working and what levels of gas can they detect?
- (3) Why did the operator do a normal shutdown, which took approximately 28 minutes, instead of the emergency shutdown, which would have been instantaneous?
- (4) Why did the operator, knowing that he had a faulty shutdown valve - SDV0026 - continue to operate the plant?
- (5) How long did the faulty solenoid switch operate before being closed down the second time?
- (6) Has the National Pollutant Inventory been advised of the release of 65 tonnes of natural gas?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Providing the information in the time required is not possible and I request that the member place the question on notice.

LIQUEFIED NATURAL GAS, 300-VEHICLE TARGET

1352. Hon NORM KELLY to the Attorney General representing the Minister for the Environment:

In reference to question on notice 1923, which was asked on 9 May and which refers to the Government being unable to reach its target of 300 LPG fuelled vehicles -

- (1) When will the minister be able to answer this question on notice?
- (2) Does it remain government policy to progress the trial until the target of 300 vehicles is reached?
- (3) How many vehicles are now on the trial?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The answer will be submitted on 30 June 2000.
- (2) The Government will continue to encourage agencies to participate in the trial, notwithstanding the additional costs now involved. The financial impact on agency budgets has resulted in a slower participation rate than initially planned.
- (3) Fifty-two.

BROOME TAFE COLLEGE, ARTS BUILDING

1353. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Employment and Training:

During the estimates committee hearings in the other place the minister representing the Minister for the Arts stated that

he had visited Broome to open a \$2.2m extension of the technical and further education college and that most of the funding was for arts. Can the minister detail exactly what arts buildings will be built at Broome TAFE and at what cost from the \$2.2m?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The total estimated cost for the Broome stage 2 project is \$1.82m. The building cost for the project is \$1.454m. This provides the following facilities: one multipurpose studio; one screen printing/general purpose room; one darkroom; one storage facility; addition to trade workshop; additional staff accommodation; one general purpose classroom; maritime training facilities; plus a multipurpose courtyard with outdoor ceramics facilities.

Notice would need to be given for the minister to provide the entire breakdown of the training facilities.

HOME AND COMMUNITY CARE, TRANSPORT SERVICES

1354. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Health:

I refer to recent legislative changes relating to driving licences and the way in which those changes will impact or potentially impact on home and community care services, and in particular the transport services provided by those services to clients, and ask -

- (1) Have any discussions taken place within government about the HACC transport services being carried out by taxi services rather than volunteer HACC drivers?
- (2) Does the Government intend to enter into a contract with one or more taxi services for such services to provide transport for HACC clients?
- (3) Given that the volunteer HACC drivers will be required to obtain the new "F" class licence, is it expected that taxi services will take over that work given the likely fall off in volunteer drivers being able or willing to comply with the new licensing arrangements?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes, discussions have taken place within the Health Department about the HACC transport services being carried out by taxi services. However, these discussions relate to the use of taxis as a supplementary service rather than instead of transport provided by volunteer HACC drivers. These discussions have been in the context of the development of a framework for a demonstration project for an integrated, cooperative and combined HACC transport project. The demonstration project framework, which is based on achieving greater economies of scale, enhanced program efficiencies, increased flexibility and responsiveness of existing transport services, is being developed on the following principal outcomes -
 - (a) providing HACC transport services to a greater number of eligible clients, meeting a greater range of needs;
 - (b) providing more services in the evenings and on weekends; and
 - (c) using transport options which are appropriate to particular needs and circumstances for HACC clients.

The demonstration project is based on the north metropolitan HACC region and is the recommended strategy following a review of transport services in the region during 1996-97.

- (2) No, the Health Department does not intend to enter into a contract with one or more taxi services for providing HACC transport services. However, the possibility exists for the HACC-funded transport demonstration project to enter into a contract with a taxi service to provide some transport services.
- (3) With the requirement for HACC drivers to obtain F class licences for any transport services associated with transportation of HACC clients who pay a fee or a monetary contribution toward the service, there is potential for some reduction in the number of volunteers. However, it is not expected that taxis will replace transport services provided by volunteer and paid HACC drivers, but provide an alternative.

FISHERIES, LICENCES

1355. Hon SIMON O'BRIEN to the minister representing the Minister for Fisheries:

Some notice of this question has been given. With the recent substantial fine imposed on a fisherman for engaging in commercial fishing without a licence, what process does Fisheries WA utilise to ensure that all commercial fishermen have valid licences and are conforming to licence requirements?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

Commercial licences are held on a public database and renewed annually. The agency forwards licence renewals as

standard practice. As part of their routine field patrol activity, fisheries officers conduct licence inspections of commercial fishing operations.

The recent matter to which the member no doubt refers was an offender's licence being cancelled. It was not a case of the fisherman simply forgetting to renew his licence. If a fisherman fails to renew his commercial fishing licence, it is usually dealt with by an infringement notice.

The level of penalties provided in the Fish Resources Management Act indicates that Parliament recognised the need for significant deterrents to illegal fishing activity, given the potentially high return from illegal operations in the State's high value fisheries, and the threat that such activity poses to the sustainability of the fish resources. It is the agency's view that the recent \$133 000 penalty imposed by the court provides a significant deterrent.

EQUAL OPPORTUNITY TRIBUNAL PROCEEDINGS, USE OF EMPLOYEE'S PERSONAL FILE

1356. **Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Public Sector Management:**

Some notice of this question has been given.

- (1) Can the minister confirm that the Health Department, via its counsel Mr Neil Douglas, used an employee's personal file in Equal Opportunity Tribunal proceedings?
- (2) Can the minister confirm that -
 - (i) the use of this file was for a purpose outside the normal scope of proceedings; and, if yes, what was that purpose;
 - (ii) the Crown Solicitor's Office advised the Public Sector Management Office that public sector agencies are entitled to use personal information in this manner;
 - (iii) the Public Sector 1998-99 annual compliance report criticises the use of that file, to the effect that it was a breach of the public sector code of ethics and therefore the Public Sector Management Act?
- (3) In light of the Crown Solicitor's advice, are public sector employees at risk of having their personal files used for similar purposes?
- (4) What will the minister do to ensure that the code of ethics is enforced so that this does not happen again?

Hon PETER FOSS replied:

- (1) The Health Department of Western Australia has advised that an employee's personal file was not entered into evidence in Equal Opportunity Tribunal proceedings. However, information from an employee's personal file was sought in relation to a witness before those proceedings.
- (2)
 - (i) The Health Department of Western Australia has advised that the normal scope of proceedings was an issue for determination by the tribunal. In the course of the proceedings the issue was challenged and the question relating to the witness was allowed by the tribunal.
 - (ii) The Crown Solicitor's Office has not provided advice on this issue to the public sector management division of the Ministry of the Premier and Cabinet.
 - (iii) Yes. However, the Health Department disputes those findings.
- (3) Not applicable.
- (4) The obligation on all public sector bodies and employees to comply with the provisions of the code of ethics is clearly detailed in the Public Sector Management Act.

LANDCORP, OFFICERS' TRAVEL

1357. **Hon TOM HELM to the Leader of the House representing the Minister for Lands:**

Some notice of this question has been given.

- (1) Have any officers of LandCorp accepted travel to attend conferences in either Singapore or in the eastern States at the expense of the private sector since 1996?
- (2) If yes -
 - (i) which officers;
 - (ii) for what purpose;
 - (iii) over what dates; and
 - (iv) by which private sector companies or individuals?
- (3) Is there a policy on private funding of travel taken by government employees; and, if yes, will the minister table it?

Hon N.F. MOORE replied:

The member has made a decision before the answer has been provided.

Hon Ljiljanna Ravlich: I know your track record.

Hon N.F. MOORE: Where did we get her from?

Several members interjected.

Hon N.F. MOORE: That is right - the last election. The next one might solve the problem.

Hon Ljiljanna Ravlich: You are lucky to have me.

Hon N.F. MOORE: Oh sure!

Hon Tom Helm interjected.

Hon N.F. MOORE: We would like the member on this side too. His colleagues do not appear to want him.

I thank the member for some notice of this question.

- (1) No LandCorp officers have accepted travel to attend conferences in either Singapore or the eastern States at the expense of the private sector. However, officers have on occasions attended national Oracle User Group meetings. The company eliminates the penalty of distance by providing attendees with air fares. LandCorp pays all other costs to attend these meetings.
- (2) (i)-(iv) Not applicable. However, if details of attendance at Oracle User Groups are required, these can be provided.
- (3) LandCorp has a general policy which prevents officers individually receiving any gifts, donations or contributions of any significant monetary value. Notwithstanding any contribution by an external party towards travel costs, the underlying travel proposal is subject to LandCorp's normal travel approval processes.

WORKSAFE, PROSECUTIONS

1358. Hon G.T. GIFFARD to the Attorney General representing the Minister for Labour Relations:

Some notice of this question has been given. Since the establishment of the new prosecution policy for WorkSafe from the start of 1998 -

- (1) How many prosecutions for breaches of the Act or the regulations have been suggested by WorkSafe inspectors?
- (2) How many prosecutions have been initiated by WorkSafe?
- (3) How many suggested or recommended prosecutions have not proceeded because they were ruled out by the public interest test within the prosecution policy?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The first application of the prosecution policy within WorkSafe Western Australia occurred on 27 February 1998. Since that time, in relation to prosecution recommendations from inspectors, the policy has been applied 36 times between 27 February 1998 to 30 June 1998; 75 times during 1998-99; and 71 times from 1999 to 28 June 2000.
- (2) Since 27 February 1998, the following numbers of prosecutions have been initiated -
 - 28 (38) times during 27 February 1998 to 30 June 1998;
 - 65 (73) times during 1998-99; and
 - 52 (60) times during 1999 to 28 June 2000.

The number in brackets indicates the number of breaches.
- (3) During the period in question, the application of the prosecution policy has resulted in the following prosecutions not proceeding: eight during 27 February 1998 to 30 June 1998; 10 during 1998-99; and 19 during 1999 to 28 June 2000. Some of the 19 prosecutions referred to may still proceed subject to legal device that has been requested.

REGIONAL PORTS, PRICING SCHEDULES

1359. Hon BOB THOMAS to the Minister for Transport:

With regard to regional ports in Western Australia -

- (1) Which regional ports will have new port pricing schedules during this calendar year?

- (2) Have the new pricing schedules been decided in consultation with port users?
- (3) Have the new price schedules generally increased or decreased regional port charges?
- (4) If charges have increased, what factors have caused these increases?
- (5) Are government demands for increased contributions from port authorities a cause of increased charges?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) As at this date, no regional port has increased prices during this calendar year. However, most port pricing schedules will change from 1 July 2000 mainly to reflect the goods and services tax.
 - (2) Port users have been consulted with regard to the prices that will apply after 1 July 2000.
 - (3) Prices will generally increase from 1 July to reflect GST. However, excluding GST, real prices generally continue to decline.
 - (4)-(5) Charges are generally decreasing, except for GST charges. In a few cases, some charges may rise to cover navigation aid maintenance, provision of infrastructure, local rate equivalents and taxes arising from the national competition policy agreement, and the rebalancing of fees between users on a more equitable basis to more accurately reflect user pays principles.
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APPENDIX A

Duty No	Details	Freq	%
1	COORDINATION		70
1.1	Coordinates effective individual and family services in a local area.	D	
1.2	Identifies, in collaboration with the individual and family, immediate and future needs.	D	
1.3	Generates a range of responses to identified individual, family or community needs.	D	
1.4	Liaises with relevant other agencies to improve access for people with disabilities to their services.	W	
1.5	Promotes the development of new services in local communities.	W	
1.6	Advocates for and on behalf of individuals and promotes self advocacy	D	
1.7	Arranges and monitors individualised funding for eligible persons in consultation with the Supervisor.	D	
1.8	Prepares individual and family funding plans in consultation with the Supervisor.	R	
1.9	Monitors and evaluates services/supports in the local area and responds as necessary.	D	
2.0	ADMINISTRATION		20
2.1	Organises and maintains administrative records in the local area.	D	
2.2	Ensures proper records are maintained for all eligible persons in a local area.	D	
2.3	Ensures proper documentation is developed and maintained for all persons in receipt of tied funding.	R	
2.4	Develops and monitors the budget for the local area in consultation with the supervisor.	R	
2.5	Administers the commission's services in the local area in consultation with the supervisor.	W	
3.0	OTHER		10
3.1	Assists the commission in its non-government funding activities.	R	
3.2	Initiates community education and community mobilisation strategies.	R	
3.3	Performs other duties as required by the supervisor.	O	

Frequency: D - daily; W - weekly; F - fortnightly; R - regularly; O - occasionally; A - annually