

Legislative Council

Thursday, 28 May 1992

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

ADDRESS-IN-REPLY

Presentation to Governor - Acknowledgment

THE PRESIDENT: I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply -

Mr President and Honourable Members of the Legislative Council.

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to my Speech to Parliament on the occasion of the opening of the Fourth Session of the Thirty-Third Parliament.

SELECT COMMITTEE ON DIEBACK

Report Tabling - Extension of Time

HON W.N. STRETCH (South West) [2.35 pm]: I am directed to report that the Select Committee on Dieback requests that the date fixed for the presentation of the committee's final report be extended from 4 June 1992 to 17 September 1992. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 156.]

SELECT COMMITTEE INTO ACHIEVEMENTS OF INDIGENOUS PEOPLES OF AUSTRALIA

Report Tabling - Extension of Time

HON MURIEL PATTERSON (South West) [2.37 pm]: I am directed to report that the Select Committee into Achievements of Indigenous Peoples of Australia has resolved that the time in which it has to report be extended from 28 May 1992 to 4 June 1992. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 157.]

MOTION - ABORIGINAL LEGAL SERVICE

Documents Deposited with Clerk

Debate resumed from 27 May.

HON TOM HELM (Mining and Pastoral) [2.40 pm]: Yesterday, I advised the House that it should treat this motion for what it is worth; that is, nothing. It may be a reflection of Hon Eric Charlton's view of the Aboriginal Legal Service; it may be a firing shot which is part of a salvo that we may hear later in relation to a committee of inquiry; or it may be just a fishing expedition as was suggested yesterday by way of interjection. I will explain to the House the reasons this motion should not be supported. In the preamble to the motion, Hon Eric Charlton seeks to ascertain whether "grounds exist to proceed to an inquiry". That seems to be a strange path for him to take when he proposed an inquiry into Aboriginal affairs by way of a motion in this House, which was agreed. That inquiry was conducted by a Select Committee on which he, I, Hon Tom Stephens and Hon Sandy Lewis served and it related to the State funding of Aboriginal programs. He also says in the motion that there are 78 other organisations that should be investigated or about which information should be obtained. Therefore, we can expect motions relating to those organisations to come before this

Chamber on a regular basis. I suggest if we allow that to happen and we set up this inquiry, we will have no time to do anything else in this House. Even if we read the documents that he has suggested be given to the Clerk, our time will be limited.

We have to ask ourselves what is the reason for this motion? Why does he need the House to agree to these documents being deposited with the Clerk when, in most cases, they are on the public record? Almost all of them with one exception -

Hon Derrick Tomlinson: Why are you objecting?

Hon TOM HELM: I do not object, really. Hon Eric Charlton said in his contribution that the Aboriginal Legal Service does not represent the people that it is supposed to represent; in other words, it is short of funds and short of people and it has problems servicing the Aboriginal people that it was set up to service. Now, despite the fact that it has difficulty providing the resources to do the job it was set up to do, if this motion is passed, it will have to do something which most members of this place would have little or no difficulty in doing for themselves because, as I said, with one exception, the annual reports, minutes of meetings and complaints to the Equal Opportunity Commission are available to anyone. What will happen is that the ALS will provide the fish for the bait that is being dangled by Hon Eric Charlton. The purpose is to see whether the fish that are caught provide information for the setting up of a Select Committee.

One has to wonder about Hon Eric Charlton's motivation. As I said, if he wants to set up an inquiry, there is a simple way of doing it. He is not a stranger to this Chamber; he knows how to do it. He also knows what the results will be because it is not the first time that he has gone on a fishing expedition. However, it is the first time that he has used the facilities of an organisation that is struggling to provide a service to its clientele.

Now that we have determined the real reason behind the motion, we should also look for other angles. In his speech he referred to problems he had had with a lawyer who works in the Aboriginal Legal Service in Geraldton - I think his name was Terry Malone.

Hon E.J. Charlton: I have never had problems with him.

Hon TOM HELM: A major part of the member's speech in the Address-in-Reply debate and a significant part of the member's speech yesterday in support of the motion related to this person. Hon Eric Charlton gave me the impression that the difficulties with this person had been resolved by way of a letter that was included in *Hansard*.

Hon E.J. Charlton: What did you all do when I first brought it in here? You criticised me for bringing it in.

Hon TOM HELM: I am sorry that I criticised the member! He was criticised! We will be bringing politics into this Chamber next! The first motive for this motion is to try to use the ALS to give him ammunition for an inquiry which he can have anyway.

Another motive is to use this motion with the 21 requests that Hon Eric Charlton has included in it, to attack a Geraldton lawyer. As I understand it, that matter has also been resolved. Therefore, we have to look at further reasons for Hon Eric Charlton wanting to proceed with this motion. We should not forget that he said that he is not opposed to funds being allocated for particular Aboriginal purposes. If that were the case and there were grounds for an inquiry, Hon Eric Charlton and the National Party would move to put the ALS into the Legal Aid Commission as he said yesterday.

Hon E.J. Charlton: That's right.

Hon TOM HELM: It is difficult for me to support that because, unless things are different around the Tammin area from which Hon Eric Charlton comes -

Hon Sam Piantadosi: It is very different.

The PRESIDENT: Order! The level of audible conversation in the Chamber is too high. Members will desist or go somewhere where I cannot hear them.

Hon TOM HELM: Members should be aware of the difficulties that the Legal Aid Commission is having in also servicing its clients.

Hon E.J. Charlton: Why don't we give it more money?

Hon TOM HELM: Exactly. If Hon Eric Charlton moved a sensible motion in this place to

give the Legal Aid Commission more money, I would second it. If he stopped sniping with allegations that funds are being used inappropriately and said something more positive about assisting Aboriginal people, I would second that also.

Hon E.J. Charlton: I said yesterday that some of the money that should be going to the Legal Aid Commission is going to the Aboriginal Legal Service.

Hon TOM HELM: I will tell the member what else he said. He also told us that if a car is broken, it should be fixed. He is suggesting that, if the Legal Aid Commission is broken, we should put it with another broken part, the ALS.

Hon E.J. Charlton: No, you have it the wrong way.

Hon TOM HELM: I apologise! He is suggesting that we should put a broken ALS into a broken Legal Aid Commission. I hope that, during this debate, Hon Eric Charlton will be able to show me a motion that we have debated in this House which deals with these problems positively. The last time he headed an inquiry, the Select Committee on the State Funding of Aboriginal Programs, in December 1988, the conclusions revealed no specific accusations of any of the services being duplicated to Aboriginal people.

The committee made only one recommendation that would help to deal with the problems brought to our attention by Hon Eric Charlton.

Hon E.J. Charlton: That is because you did not agree.

Hon TOM HELM: Hon Eric Charlton was chairman of the committee, which made 11 recommendations. The only recommendation which would have addressed this problem was the following -

In addition to dealing with the problems confronting the Aboriginal community, the State Government should take steps to increase the public profile of successful members of the Aboriginal community so as to combat the public image that results from a constant attention being given to negative images.

Hence the Select Committee into Achievements of Indigenous Peoples of Australia was established, under the chairmanship of Hon Muriel Patterson.

Hon E.J. Charlton: If you had done what we recommended, that Select Committee would not have been necessary.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I ask Hon Eric Charlton and Hon Tom Helm to stop their private debate. Hon Tom Helm should address his comments to the Chair.

Hon TOM HELM: I hope you, Mr Deputy President, will understand that, although I may turn towards Hon Eric Charlton, I am addressing you at all times. During my contribution this afternoon, I intend to keep looking at Hon Eric Charlton because I think he will become so embarrassed that he will indicate that he wishes to withdraw his motion. This is the most senseless, directionless and ill-conceived motion with which the House has had the misfortune to deal. Bearing in mind the amount of paper involved and the difficulties of researching these items, we can all recognise how the establishment of this committee would compound the initial problem. Hon Eric Charlton said that it is not a witch-hunt, and that it has nothing to do with attacking the Aboriginal Legal Service, either collectively or individual members. On Wednesday, 18 March 1982 Hon Eric Charlton, in his contribution to the Address-in-Reply debate, stated -

If there was no Aboriginal Legal Service, successful Aboriginal people could teach Aborigines how to look after themselves, how to keep themselves and their children clean and how to get their kids to go to school every day because the law says that they should go to school every day.

Hon E.J. Charlton: That is exactly what Julian Grill said on television last night.

Hon TOM HELM: I am trying to point out that although Hon Eric Charlton said there was no witch-hunt and that he had nothing against the ALS, whether he is repeating the words of Julian Grill or Julius Caesar, he has made two contradictory statements. The first statement is made in the motion and the second statement was made on 18 March 1992 when he said that the Aboriginal Legal Service should be disbanded.

Hon E.J. Charlton: I also said yesterday that the ALS should be disbanded, so it is not necessary for you to go back to 18 March.

Hon TOM HELM: I did not pick up that comment yesterday. How can this House support a motion when the person promoting it says two different things? On the one hand he said it is not a witch-hunt and, on the other hand, he said the ALS should be disbanded. If he made further comment on this matter yesterday, he has perhaps said three different things. My understanding was that he thought the ALS should be amalgamated with the Legal Aid Commission. The House is asked to support the motion by Hon Eric Charlton, even though he has made three diametrically opposed statements. Hon Eric Charlton also said in this House on 18 March -

The Aboriginal Legal Service should be disbanded. I would like another member to take up this matter with me and see whether we can get some answers to questions.

He then proceeded to attack the Aboriginal Legal Service operating in Geraldton. I suggest that the motivation for this motion in the first place was Hon Eric Charlton's personal disagreement with matters arising in the Geraldton branch of the ALS. He acknowledged yesterday that those problems have now been resolved. The motion was a tool with which Hon Eric Charlton could attack that section of the department. However, he has now decided to use it for other purposes.

I ask Hon Eric Charlton if he knows which group successfully moved for the demolition of the old Swan Brewery building? Does he know which legal group has led the charge? I understand that Hon Eric Charlton is in favour of knocking down that building.

Hon E.J. Charlton: Yes, I am.

Hon TOM HELM: I am sure Hon Eric Charlton understands that the Aboriginal Legal Service provided advice to the group that successfully prevented further development of the building, and was also able to gather a great deal of public support for that action. I am sure Hon Eric Charlton supports the work done by that group.

Hon E.J. Charlton: I suggest you ask Robert Bropho about that.

Hon TOM HELM: I am sure that if he were here, he would nod his head in agreement.

Hon E.J. Charlton: I have spoken to him about this and he told me quite the opposite. He said they got funds from the Federal Government to help them.

Hon TOM HELM: Solicitors from the ALS supported the action taken to prevent further development, and that action is supported by Hon Eric Charlton.

Hon E.J. Charlton: That is right, but you got the other part wrong.

Hon TOM HELM: It is difficult to have a conversation with a person who does not understand what is being said.

Hon E.J. Charlton: I am not allowed to speak.

Hon TOM HELM: If Hon Eric Charlton and others think that the ALS did not play a role in preventing further development from taking place, and a role in getting public support for the demolition of the building, they should read the newspapers and watch television a little more carefully.

Hon E.J. Charlton: Let us be honest and admit that if the ALS were incorporated with the Legal Aid Commission, we would have a better and more efficient service through that body.

Hon TOM HELM: I heard the word "honest" in that interjection. Let us be honest. If the ALS is not doing its job for some reasons other than lack of funding, and if there is something going on about which people should be aware, let us be honest and hold an inquiry. However, we should not use the scarce resources of the commission to go on a paper chase for documentation which any member could obtain, with the exception of the documents referred to in paragraph (g). Hon Eric Charlton wants the House to support an inquiry to obtain documentation which will disclose the salaries of all executive committee members, management and staff for 1990, 1991 and 1992.

Paragraph (g) states also -

These salaries to specify each particular staff and management position including any

funding allocated by the Aboriginal Legal Service to any person for any other purpose and specific details of senior executive and any associated costs.

Hon Eric Charlton, who believes that political donations should be kept secret and that we should not let the public know who supports which political party for an election, is now saying that the salaries not of the high flyers or of the fat cats, as he would describe them, but of their staff - the tea lady, the person who drives the car, and whoever - should be disclosed. This man, who is asking the House to support this motion, has rejected a Bill that will require political donations to be disclosed. Let us not talk about political donations because they are secret, but let us talk about the salaries of the staff of executive officers. What hypocrisy!

Hon P.G. Pendal: We will move a motion so that you disclose those as well.

Hon TOM HELM: That I do? Mine?

Hon P.G. Pendal: No; the Labor Party.

Hon TOM HELM: We will do that. We brought that Bill into the House.

The PRESIDENT: Order! The member can talk about that Bill at a different stage of today's proceedings. I suggest that for the moment he speak about this motion.

Hon TOM HELM: Mr President, I will take your advice. I was trying to demonstrate Hon Eric Charlton's strange honesty.

Paragraph (n) of the motion asks for details of written complaints of Aboriginal Legal Service operations and staff performance including complaints to the Equal Opportunity Commission.

Hon R.G. Pike: You commenced by saying that that information is available already, so why are you going on about it?

Hon TOM HELM: It is just that we cannot understand the reason for the motion. Hon Eric Charlton asks also, in paragraph (a), for a copy of executive committee meeting minutes for the years 1990, 1991 and 1992. This motion does not ask specifically for information which is Western Australian orientated. In other words, Hon Eric Charlton is not asking for the executive committee meeting minutes of the Western Australian branch of the Aboriginal Legal Service, so one can be forgiven for thinking that the executive of the Aboriginal Legal Service is probably based in Canberra. I do not really know, but wherever it is based -

Hon E.J. Charlton: Is there a Federal ALS?

Hon TOM HELM: I imagine there would be. It is federally funded.

Hon E.J. Charlton: You just said that there was.

Hon TOM HELM: Hon Eric Charlton does not even know whether there is a Federal ALS.

Hon E.J. Charlton: That is what you said.

Hon TOM HELM: Let us not nitpick. I am sure that the ALS is competent enough to read the small mind which Hon Eric Charlton has so far demonstrated that he has. We will assume that Hon Eric Charlton is referring to Western Australia.

I say for the benefit of Hon Bob Pike, who asked which information would be readily available, that the financial statements of the Aboriginal Legal Service would certainly not be a secret, and I am sure that the funding provided to the ALS would not be a secret either, because it is federally funded.

Hon E.J. Charlton interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I ask Hon Eric Charlton to cease interjecting and I ask Hon Tom Helm to direct his comments to me. I promise that I will not interject on him.

Hon TOM HELM: The funding arrangements would certainly be available because the ALS is funded by the Federal Government. If Hon Eric Charlton does not know that, he has not learnt very much in the long time that he has been in this Parliament. However, it would be difficult to get details of the salaries of members of the executive.

Paragraph (n) asks for details of written complaints about the operations of the ALS. How could we determine to whom those complaints were made? Were they made to the local

member of Parliament, to the police, or to Federal members of Parliament? One would have to put an advertisement in the newspapers to ask whether people have made complaints about the ALS; and, if they have, whether they will tell us about them. It would perhaps be possible to find out the details of complaints that were made to the Equal Opportunity Commission. There would be nothing wrong with Hon Eric Charlton's saying to this House, "I have tried to get this information so that I can put it before the House, but I have failed. Therefore, I ask the House to help me to get the information." However, Hon Eric Charlton does not do that. The reason he does not do that is that ever since he has been in this place he has had the negative attitude that people who are connected with Aboriginal affairs or with the trade union movement are suspect and that he must try to bring them down to the ground.

Hon E.J. Charlton: And Poms!

Hon TOM HELM: Yes; probably Poms too! That is the reason that, at the very least, this motion should be withdrawn and should not be supported.

The Report of the Legislative Council Select Committee on State Funding of Aboriginal Programs, of which Hon Eric Charlton was chairman, suggested that the Aboriginal Legal Service be taken over by the Legal Aid Commission. Surely every member of this place would know that our ability to get Federal funding is pretty limited, and despite the fact that the National Party takes the vanguard in respect of States' rights and states that we must retain the status quo, not even someone with a mind as small as Hon Eric Charlton's mind could suggest seriously that we should take that step.

The Select Committee stated on page 12 of its report that the Commonwealth Government should restrict its involvement in Aboriginal programs to funding and that the delivery of services should be the responsibility of the State Government, acting through local government authorities where appropriate.

Hon E.J. Charlton: Absolutely.

Hon TOM HELM: How do we match that with the proposal that the Aboriginal Legal Service be taken over by the Legal Aid Commission?

Hon E.J. Charlton: Because the Legal Aid Commission is State-based. The Aboriginal Legal Service is not.

Hon TOM HELM: The member is saying the Legal Aid Commission is successful and is able to fulfil its charter completely and utterly, whether it is State or federally funded.

It has been suggested to the House that we should get this information, no matter how long it may take or how much it may cost, and regardless of whether it is relevant -

Hon E.J. Charlton: It will cost us nothing.

Hon TOM HELM: So one can have a free lunch after all! Hon Eric Charlton has told the House that this motion which he asks us to support will cost nothing. The fairies will be able to provide the information.

Hon E.J. Charlton: It is all down there.

Hon TOM HELM: Where? Will it just appear? The House will ask for the documents to be presented to the Clerk on 25 August, and because the information is there the documents will just appear! The documents will magically transport themselves from where they are, including the details of the written complaints about how the Aboriginal Legal Service operates. That is a good one! Hon Eric Charlton tells us it will not cost a cent. The documents will just appear. The Clerk will wake up one morning and there they will be.

Do we need any more encouragement than that, to put this motion exactly where it should be - in the rubbish bin?

Debate adjourned, on motion by Hon Margaret McAleer.

MOTION - FARINA, ADELE

Environmental Protection Authority Appeals System - Appointment Discussions

HON P.G. PENDAL (South Metropolitan) [3.11 pm]: I move -

That the Minister for Education be required to provide to the House no later than 28 May 1992 a statement as to -

- (a) whether the Minister for the Environment, the Government or Cabinet has had under discussion or consideration any proposal to appoint Ms Adele Farina to head a new Environmental Protection Authority appeals system;
- (b) whether she was present at any meeting at which such discussion has taken place; and
- (c) if so, the nature of such meeting, its place and date.

The House has spent some time in recent weeks dealing with the Government's failure to properly and adequately answer questions posed by the Opposition. Members will be aware, for example, that Hon Peter Foss has created some debate in the Chamber, and this has been at the suggestion of Opposition members who believe that, while the Government does not have to answer questions, if the Minister chooses to answer a question the Minister must do so fully and truthfully.

The motion is designed to flush out from the Government ranks the real position concerning any intention of the Government to appoint Ms Adele Farina to the position of president of an appeals mechanism with the Environmental Protection Authority. In that sense, the motion is born out of a sense of frustration that when one asks a question - be that on notice or without notice or be that in this House or the other House - one simply does not get an answer. It may well be that the Government would have been better off not to give an answer, or to have said that it had no intention of saying anything about the matter. However, some weeks ago I received some information from a reliable and reputable source suggesting that Ms Farina was about to be appointed by way of a Cabinet resolution the following Monday to head the appeals mechanism that was to be created out of the Environmental Protection Authority.

Members on both sides of this House know that we deal in information every day, some of which stacks up and some of which does not. When a member asks a question, it is not necessarily with that old fashioned notion in mind that one should never ask a question unless one first knows what will be the answer. I have never gone along with that. On many occasions one asks questions not knowing what will be the answer, and one accepts that that carries with it the risk that one will get egg on one's face. However, if one were concerned about that one would never ask a question. Political life is full of risk.

When I requested a colleague, the member for Riverton, to ask a series of questions in the other House on 5 May it was to do no more nor less than to test the information. However, in this case, because of the strength of the information and because of the integrity of the person who supplied it to me, I believed, firstly, that the question should have been asked and, secondly, that I was later on strong grounds that I had been given an answer that was less than frank. Again, a member asking a question can have the wrong information. However, often the only way to test information is to be up-front and to ask a Minister in this House or in the other House. The question that I had asked by the member for Riverton on 5 May, which appears at page 1777 of *Hansard*, was carefully phrased. Mr Kierath asked the Minister for the Environment -

Has he, the Government or Cabinet had under discussion or consideration any proposal to appoint Adele Farina to head a new Environmental Protection Authority appeals system?

The answer from the Minister was unequivocal. I was in the Gallery in that House when Mr Kierath asked the question. As far as I was concerned, that was the end of the matter. The Minister had said no, meaning no, he had not, the Government had not and the Cabinet had not had under discussion or consideration a proposal to appoint Ms Farina to head that new role at the EPA.

Hon Tom Stephens: You must have put it in his head; that might have been a good idea.

Hon P.G. PENDAL: Is the member suggesting that the Government is now considering that?

Hon Tom Stephens: I am not suggesting that. You have suggested it, and you are probably right. She is probably a good contender for the spot. I do not know.

Hon P.G. PENDAL: The answer I received satisfied me, for the moment, because Mr Pearce said, "No; we are not considering it; we have not considered it; it has not been under discussion." At the time, when I sat in the Gallery of the Legislative Assembly, I accepted the veracity of the answer, notwithstanding that my information came from a reputable source, because sometimes the best sources can misunderstand information.

Hon T.G. Butler: Is your reputable source a member of the Liberal Party?

Hon P.G. PENDAL: I do not think that is relevant.

Madam Deputy President, a couple of minutes later, that unequivocal stance changed. A couple of minutes later, Mr Pearce rose in the Assembly, and I refer to page 1778 of *Hansard*.

Hon Tom Stephens: Don't read an extract. Read the whole bit.

Hon P.G. PENDAL: For Hon Tom Stephens I will not only read the whole bit, I will read it very slowly. Two or three minutes later Mr Pearce replied -

In answering no to question 127, the simple fact is that neither the Government nor I has given consideration to who might be appointed to that position.

If the Minister had stopped at that point he would have done no more nor less than to confirm in unequivocal style what he said before; that is, the Government or Cabinet had not considered who might be appointed. However, the Minister went on to answer something that I had not even asked. When one goes from a stance of being unequivocal to one of equivocation it starts to present the possibility that one's original information was not accurate. The Minister went on to say in his second sentence, which I will quote in full for Hon Tom Stephens' benefit -

I certainly was not suggesting or implying that the person alluded might not be an applicant for such a position if one were to be advertised, -

Hon Tom Stephens: He was not ruling her out if she chose to apply.

Hon J.M. Berinson: How is the sentence inconsistent with the first sentence?

Hon P.G. PENDAL: When someone starts to volunteer information that was never asked for, one starts to wonder whether the person has some sort of guilty conscience about the first part of the answer. Mr Pearce continued -

- and she certainly has not been ruled out, but we simply have not considered that matter. When the question was asked I had the same feeling as you Mr Speaker, -

Mr Pearce's answer continues and deals with other unrelated matters about whether it was fair to ask such a question.

Hon Kay Hallahan: My uncorrected *Hansard* proof does not say that.

Hon P.G. PENDAL: That is recorded on page 1778 of *Hansard*. Is the Minister telling me that the uncorrected proof is different from the weekly *Hansard*? I would appreciate it if one of the attendants would bring me a blue copy of *Hansard*. Just as the Minister for Education was so helpful to the Opposition's cause last night, once again the Minister is being very helpful to the Opposition because if there is a difference in the answers we might be doing more than moving a motion. I have only the Minister's word to take for that, but lest she misunderstood the words I paraphrased I will read again what Mr Pearce said -

I certainly was not suggesting or implying that the person alluded might not be an applicant for such a position if one were to be advertised, and she certainly has not been ruled out, but we simply have not considered that matter.

Mr Pearce then continued -

When the question was asked I had the same feeling as you Mr Speaker, that the question could be most misleading in the way it was asked and perhaps even answered.

Hon Kay Hallahan: That is what I have, but Mr Pendal was not saying that a moment ago. Mr Pendal said something quite different and we will see in *Hansard* what Mr Pendal said two minutes ago. It was different from what he is saying now.

The PRESIDENT: Order! The President will keep control of the debate.

Hon P.G. PENDAL: The paraphrased remark of mine a few minutes ago was that Mr Pearce went on to refer to matters that were unrelated to the substance of the question, because he was then talking about whether he agreed with the Speaker that it was unfair to ask the question.

Hon Kay Hallahan: It does not say that.

Hon P.G. PENDAL: It does because Mr Pearce is referring to the Speaker's remarks on the previous page 1777.

Hon J.M. Berinson: Could you repeat the page number, Mr Pendal?

Hon P.G. PENDAL: I do not know how many times I have to say this, but I will repeat Mr Pearce's answer very slowly. The original question was asked on 5 May at page 1777 and flowed over to page 1778 because Mr Pearce desired to be less equivocal; it was then that Mr Pearce started to provide answers to questions that I had not even asked. On the suggestion of a colleague who was not satisfied with the answer - as we rarely are - the following day I put on notice in this House the same question that had been asked in the Legislative Assembly. On 6 May I asked question on notice 293 of the Minister for Education representing the Minister for the Environment -

Has the Minister, the Government or Cabinet had under discussion or consideration any proposal to appoint Ms Adele Farina to head a new Environmental Protection Authority appeals system?

Mrs Hallahan replied -

The Minister for the Environment has provided the following response -

The Minister has advised that the member would be well aware that any position established under Public Service guidelines would have to be filled in accordance with those guidelines.

Of course, that had nothing to do with what I had asked. I was asking, and the meaning of my question was quite plain, whether the Minister, Government or Cabinet had these matters under discussion. I was aware from information that had come to me that this appointment was going to Cabinet on the following Monday. I did not want the Minister to come back and tell me that I would be well aware that any Public Service position had to be advertised. I did not ask him that. I asked whether the Minister, the Government or the Cabinet had the matter under consideration and whether it had either gone to the Cabinet or was going to go to Cabinet.

Hon J.M. Berinson: I do not think I am asking you to repeat yourself, but what was the question number?

Hon P.G. PENDAL: This was question on notice 293, and I do not know when it was answered, but I think the answer was reasonably prompt. The answer came back from the Minister representing the Minister for the Environment that the member would be well aware that any position established under Public Service guidelines would have to be filled in accordance with those guidelines. That is not what I had asked. My question had nothing to do with whether it would be a Public Service job. I was trying to discover whether it was not going to be a Public Service job, whether it was going to be - to use one of Mr Pike's favourite words - another parachute job. My information was that Ms Farina had been lined up by the Government or the Cabinet to get that job, and that the documents were about to go to Cabinet.

Hon Tom Stephens: Your information was wrong.

Hon P.G. PENDAL: I did not want to hear that if it was a Public Service position it would be advertised, because I knew it was not a Public Service position. Why did I know that? I knew that because the position did not exist. We were trying to determine whether the Government at the Cabinet or ministerial level had decided to appoint by ministerial decision a person to head a new appeal system for the Environmental Protection Authority. That brings me to the reason I moved the motion.

Hon J.M. Berinson: Are you suggesting there was a decision to appoint somebody to head

an organisation that does not exist, and that is was made in advance of a decision to establish such a body?

Hon George Cash: It is possible that one was lined up for her.

Hon P.G. PENDAL: I am suggesting, as my informant suggested to me, that on the Friday I was contacted the matter was going to be discussed at the following Monday's Cabinet meeting. I deliberately did not ask questions the next Tuesday because if it were true it would have been too simple for the Government to withdraw the papers after discovering that someone was on to it and that, therefore, it should not proceed. Therefore, I left it another week and asked a simple question. That has been complicated by the changing stances of the Ministers in the two Houses and lead me to proposing this motion now before the House.

[Debate adjourned, pursuant to Standing Order No 195.]

SUPPLY BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.31 pm]: I move -

That the Bill be now read a second time.

This measure seeks appropriation for issue and application as supply to Her Majesty of \$3 100 million for the services of the year ending 30 June 1993 pending the passage of Appropriation Bills during the Budget session of the next financial year. The Bill seeks an issue of \$2 900 million from the Consolidated Revenue Fund and \$200 million from the General Loan and Capital Works Fund. The purpose of this Bill is no different from the Supply Acts of previous years. It is an integral element of the Westminster system of Government and successive State Governments and Parliaments in Western Australia have accepted and understood that the intent of supply is to give authority for expenditure from the commencement of a new financial year pending the passing of the Consolidated Revenue Fund and General Loan and Capital Works Fund Appropriation Bills.

This Bill can be regarded as providing votes on account. It appropriates the Consolidated Revenue Fund and the General Loan and Capital Works Fund in aggregate pending the subsequent detailed appropriations. In particular, clause 4 limits to two categories the purposes for which these moneys may be issued and applied. These are to the works, services and purposes -

for which the Consolidated Revenue Fund and General Loan and Capital Works Fund were appropriated by the Parliament for the financial year ending 30 June 1992; or

in respect of which payments of an extraordinary or unforeseen nature were charged against either the Consolidated Revenue Fund or the General Loan and Capital Works Fund for the financial year ending 30 June 1992 under the Treasurer's Advance Authorization Act and the Financial Administration and Audit Act.

The Bill prescribes a general monetary limit on the drawings against both the Consolidated Revenue Fund and the General Loan and Capital Works Fund. By so doing, it overcomes the problems which otherwise could arise by prescribing monetary limits in respect of the individual appropriation items which were detailed in the 1991-92 Estimates of Expenditure. The rates of expenditure on individual projects and programs will vary between financial years. For example, new projects or programs introduced in the previous Budget, or programs of an extraordinary or unforeseen nature met under the legislative arrangements relating to the Treasurer's Advance arrangements, may have only started to gain momentum during the latter part of the current financial year and require increased expenditure thereafter, including the six months or so of the next year which has traditionally been covered by Supply, pending the passing of the Appropriation Acts.

This covers the purpose of the Bill, and I conclude by commenting briefly on the current year's budgetary position and the financial outlook for 1992-93. As members would be

aware, the 1991-92 Consolidated Revenue Fund Budget presented to Parliament last year provided for expenditure and revenue estimated at \$5 225 million. Given the magnitude of the total figures involved, variations to the estimates of revenue and expenditure are inevitable. In particular, the continued depressed economic environment has impacted more severely on the revenue estimates than was expected when the Budget was passed.

The most recent review by Treasury indicates that taxation collections are expected to be below estimate by about \$33 million, generally reflecting the prevailing adverse economic conditions and the Government's decision to review and provide relief from land tax assessments for business properties. Due to an accounting change, railway receipts will also be down \$85.3 million against the estimate as a result of the Government Railways Amendment Act, which enables Westrail to operate its accounts as a statutory authority from 1 March 1992. However, this will not have any additional impact on the Budget as the revenues retained by Westrail from 1 March will be used to meet railway operating expenses. As a result, there will be a reduction in the amount appropriated under item 151 of the Consolidated Revenue Fund Estimates of Expenditure.

The impact of this accounting change has been taken into account in assessing the amount required under Supply during 1992-93. On the expenditure side of the Budget, members would no doubt recall that projected outlays were temporarily lifted by a special estimated provision of \$50 million for payments relating to a voluntary severance scheme. The scheme will result in long term savings to future Budgets and, as announced in the Budget speech, the scheme is to be funded by way of borrowings appropriated through the General Loan and Capital Works Fund. Based on current approvals under the voluntary severance scheme the estimated cost of direct salaries and wages is \$48 million. Additional estimated outlays of \$54 million will be needed to meet accrued leave entitlements and lump sum superannuation payments. Irrespective of the borrowings that are ultimately required, the introduction of special debt repayment arrangements will be considered in framing next year's Budget to accelerate the retirement of the loan liability as early as possible.

Leaving aside redundancy related outlays, overall expenditure transactions are being held close to or within existing Budget allocations. In cases where agencies have been unable to contain expenditure to the allocation for a particular item or program, every effort is being made to achieve offsetting savings elsewhere within the Budget. Nonetheless, the achievement of a balanced Consolidated Revenue Fund result - even after allowing for special funding arrangements for the voluntary severance scheme - will not be easy, given the revenue shortfall mentioned earlier, the tight hold that was maintained on expenditure allocations when the Budget was framed and a number of unavoidable and unbudgeted expenditures that have arisen since then.

Turning to the 1992-93 fiscal period, the Government again faces a challenging task in framing its recurrent and capital works programs to address the servicing and infrastructure needs of the fastest growing State in Australia responsibly. As indicated last year in relation to the 1991 Supply Bill, estimating revenues at any time is fraught with difficulty given the uncertainty as to when the economy will turn and how strongly it will improve. The outlook for a number of our major revenues at this stage remains subdued and the Commonwealth is again likely to take a firm line at the Premiers' Conference and Loan Council meetings in respect of both recurrent and capital allocations to the States.

To assist in the more efficient allocation of scarce funds to effectively meet community needs a number of budgeting reforms are currently being considered and implemented. The central focus is a whole of Government strategic approach to the management of Government business including -

- a policy-program framework for better articulating Government policy objectives and linking them to the activities of agencies;

- a more strategic approach to resource planning and allocation through the introduction of a medium term financial planning process and forward estimates;

- a revised, purpose driven annual budgeting process based on a system of rolling forward estimates and specified medium term financial targets, together with associated financial management reforms; and

- mechanisms for the systematic evaluation of Government and agency programs.

A key principle underlying the whole of Government strategic approach is the development of a framework within which Government policy objectives can be articulated, and the role of individual agencies in addressing these objectives can be defined, supported and evaluated. The framework when finally bedded down should enable programs that are no longer necessary or consistent with Government policy objectives or priorities to be wound down or eliminated. Conversely, higher priority programs of Government will be allocated additional resources when inadequate funding levels are identified.

While looking at measures to reduce the overall cost of delivering Government services and programs at the least practical cost, I should stress that essential services to the public will not be cut. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

RATES AND CHARGES (REBATES AND DEFERMENTS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.39 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to implement a revised concessions scheme for pensioners and seniors for local Government rates and water, sewerage and drainage service charges. Isolated administrative problems and anomalies have emerged from time to time with the pensioners' scheme and these have been addressed by amendments made to the legislation in 1976, 1979, 1984 and 1987. However, as numerous inequitable situations continued to arise it was apparent that a comprehensive review of the scheme's operation was necessary. Several quite fundamental changes to the current legislative provisions have been identified by the review as being necessary to overcome inequities. A number of features that appear in other States' schemes have also been incorporated. In addition, one piece of legislation relating to rates concessions was considered appropriate as a means of ensuring consistent treatment, as far as possible, for pensioners and seniors. Adoption of this course has also allowed some perceived minor drafting deficiencies in the seniors' rebates legislation to be rectified.

Pensioners and seniors registered with the relevant administrative authorities under the current legislation will maintain the full benefits they currently enjoy. The benefits of retaining the rights of existing registrants outweigh any perceived advantages in treating all persons the same. While the latter course might have certain administrative advantages, it would necessitate registration of all existing pensioners and seniors, and would immediately affect the entitlement of a large number of pensioners currently receiving concessions. The seniors' scheme is currently based on the level or extent of a senior's ownership in residential property. I am pleased to advise that this has been extended to cover part owning pensioners who register with administrative authorities from 1 July 1992. This will enable many pensioners to benefit from the scheme for the first time. In addition, joint occupation with a person who is neither a pensioner nor a dependent will cease to have an effect on a person's entitlement to receive concessions. The provisions preventing pensioners from obtaining a rebate if rates were paid prior to obtaining "entitled pensioner" status have, over the years, caused much confusion and misunderstanding, and have been applied inconsistently by administrative authorities.

Many of the problems have been caused because the current scheme does not relate qualification to a particular date. Commencing in 1992-93, persons who own and occupy property at the commencement of the rating year and who have registered with the administrative authority by the due date of the rates account will qualify for rates concessions for that rating year. In this way qualification will be clear and certain, and will be simplified by the provision of a date as a parameter for access to a rates concession for the year. It also means that property changes during the year will not affect or confuse qualification, thereby ensuring that benefits are provided in a uniform manner by all administrative authorities.

The capacity for the legislation to be applied in a uniform manner will be enhanced by the provision of a procedural manual to all administrative authorities. Basically, these and other minor changes will do the following: Make the eligibility criteria easy to understand; eliminate a number of inequities, particularly in relation to part owning pensioners; promote a consistent treatment of pensioner and seniors' rates concessions; promote a uniform treatment by administrative authorities; and reduce the time spent administering the scheme. I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

PAY-ROLL TAX AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.42 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to implement measures announced as part of the WA Advantage package. It is complementary to the proposed changes contained in the Pay-roll Tax Assessment Amendment Bill. The effect of both sets of amendments will be to reduce the payroll tax liability for around one half of taxpayers as a consequence of a lift in the payroll thresholds at which the various rates apply. These changes will result in a 9.4 per cent increase in these thresholds. This increase compares with an estimated 1.4 per cent increase in the consumer price index over the period since payroll tax thresholds were last increased in January 1991.

This Bill proposes that the highest annual payroll level at which the 3.95 per cent tax rate will apply will increase from \$1.28 million to \$1.4 million. The level at which the 4.95 per cent tax rate will apply will increase from \$2 133 333 to \$2 333 333. The annual payroll level at which the maximum rate of six per cent comes into effect will also increase from its current level of \$2 666 667 to \$2 916 667. Almost 50 per cent of employers liable for payroll tax will benefit from the Government's initiative. Dependent upon payroll size, this benefit will range up to \$10 500 for an individual employer and will result in an estimated cost to revenue of \$5.1 million in 1992-93. These measures are intended to operate from 1 June 1992. I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.33 pm]: I move -

That the Bill be now read a second time.

Together with the complementary proposals in the Pay-roll Tax Amendment Bill, the purpose of this Bill is to give effect to the payroll tax initiatives announced as part of the WA Advantage package.

The Bill provides that the annual payroll tax exemption level is to increase by \$30 000 from its current level of \$320 000 to \$350 000. It is estimated that 200 employers who would otherwise have had a payroll tax liability will now be exempted as a result of this increase. The weekly wage level at which point an employer is liable to register will also increase

from \$6 154 to \$6 731. As a result of this increase in the exemption level, subsequent payroll thresholds at which the different tax scales apply will also increase. These measures are to apply from 1 June 1992. I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

TREASURER'S ADVANCE AUTHORIZATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.35 pm]: I move -

That the Bill be now read a second time.

The Treasurer's Advance Authorization Bill authorises the Treasurer to make withdrawals from the public bank account to provide advances for authorised purposes chargeable to the Treasurer's Advance Account within the monetary limit available for the financial year commencing 1 July 1992. The monetary limit specified in clause 4 of the Bill represents an authorisation for the Treasurer to withdraw up to \$200 million for the financing of advances in the 1992-93 financial year. This is identical to the limit which applies to the current financial year.

The purposes for which advances may be made are set out in clause 5 of the Bill and remain unchanged from those authorised in previous years. Where payments are made for a new item or for supplementation of an existing item of expenditure in the Consolidated Revenue Fund or General Loan and Capital Works Fund, those payments will be chargeable against the appropriate fund pending parliamentary appropriation in the next financial year.

Members would be aware that a number of activities, such as the Building Management Authority's capital projects and works and sales accounts, and suspense stores for printing and supply services, are initially financed by way of a Treasurer's Advance which is subsequently recouped from the department or statutory authority on whose behalf the work or service was performed. Advances provided for other purposes are repayable by the recipient. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

TOWN PLANNING (OLD BREWERY) BILL 1991

Committee

Resumed from 27 May. The Deputy Chairman of Committees (Hon B.L. Jones) in the Chair, Hon Reg Davies in charge of the Bill.

New clause 6 -

Progress was reported after the new clause had been partly considered.

Hon PETER FOSS: I have been asked by Hon Tom Stephens what the clause means. I would have thought it meant what it said. However, if it needs amplification, the concept of the clause is to give any person the standing to bring an action to enforce the Act -

Hon Tom Stephens: Like gelignite!

Hon PETER FOSS: No. This clause overcomes the requirement to obtain the fiat of the Attorney General to bring later action.

Hon Tom Stephens: Otherwise people can just come in and blow it up.

New clause put and passed.

Title -

Hon REG DAVIES: Questions were asked yesterday which I was unable to answer because I did not have the documentation with me. Hon Phil Pandal asked who owned the site, and I suggested that it was owned by the Western Australian Development Corporation. However,

it is owned by Her Majesty the Queen; it is, therefore, Crown land and is managed by the Building Management Authority. At one stage, it was managed by the Western Australian Development Corporation. It is Crown land. I have the certificate of title with me if members wish to look at it.

I was also asked what I meant by "site", "lot number" and so on. The brewery is on lot number 986, which excludes the car park, and it is part of reserve 39880. I offer that information so there is no confusion about what is the site or what old brewery we have been talking about. That describes the location adequately. I also have photographs if Hon Tom Stephens is still unclear about my description of where the old Swan Brewery is.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

HON REG DAVIES (North Metropolitan) [4.41 pm]: I move -

That the Bill be now read a third time.

Division

Question put and a division taken with the following result -

Ayes (14)		
Hon J.N. Caldwell	Hon Peter Foss	Hon R.G. Pike
Hon George Cash	Hon Barry House	Hon W.N. Stretch
Hon E.J. Charlton	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon Reg Davies	Hon Muriel Patterson	Hon Margaret McAleer
Hon Max Evans	Hon P.G. Pandal	(Teller)
Noes (13)		
Hon J.M. Berinson	Hon Kay Hallahan	Hon Tom Stephens
Hon T.G. Butler	Hon B.L. Jones	Hon Bob Thomas
Hon Kim Chance	Hon Garry Kelly	Hon Fred McKenzie
Hon Graham Edwards	Hon Mark Nevill	(Teller)
Hon John Halden	Hon Sam Piantadosi	

Pairs

Hon D.J. Wordsworth	Hon Cheryl Davenport
Hon N.F. Moore	Hon Tom Helm
Hon Murray Montgomery	Hon Doug Wenn

Question thus passed.

Bill read a third time and transmitted to the Assembly.

WILDLIFE CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 30 April.

HON MARK NEVILL (Mining and Pastoral - Parliamentary Secretary) [4.46 pm]: This Bill provides for the eradication and control of environmental weeds. It addresses an important problem and the Government believes it is desirable as a matter of principle. The Government intends introducing a Bill in the spring session -

Hon George Cash: You are always going to introduce a Bill when we introduce one.

Hon MARK NEVILL: If Hon George Cash listened, he would learn something. The proposed Bill will seek to amend the Wildlife Conservation Act and will address the introduction, keeping and sale of potentially injurious organisms, including weeds. Its aim will be to protect the State's flora and fauna. That Bill will not focus on the problem of

environmental weeds so that, for Hon George Cash's benefit, there is no real conflict. Hon Phillip Pandal's Bill addresses the control of weeds on private land. As I said, it is not the Government's intention that the proposed Bill should deal with that. The infrastructure is not in place to really implement and oversee the eradication of weeds on private land or on land that is not managed by the Department of Conservation and Land Management which will be covered by this Bill. Therefore, it will require the allocation of considerable new resources to undertake the proposal included in the Bill.

The Bill proposes to insert a new section 23G, under the title "Environmental Weeds", which will give the executive director the power to ensure that landowners take action to eradicate or control environmental weeds. However, a problem arises because the Bill does not provide for power of entry, which would be required to enforce the provision. I also query the meaning of "environmental weeds". How are such weeds different from ordinary weeds? I have heard of marine and terrestrial weeds, but I am not sure why Hon Phillip Pandal has chosen the term "environmental weeds" in this Bill.

The Government's approach to this problem, because of the resources involved, would be to examine it carefully and to consider including in the Wildlife Conservation Act these powers to control weeds on public and private land. The Government would look also at the option of administrative arrangements with the Agriculture Protection Board. That would avoid two separate groups being involved in the eradication of weeds. Many weeds in Western Australia are not declared under the relevant APB legislation, yet although they are not a threat to agriculture, they are a threat to native flora and fauna. The latest annual report of the Agricultural Protection Board indicates that it is involved in the eradication of declared weeds in several areas. It is involved in eradicating prickly pear, which is a declared species, from an island in the Dampier Peninsula, and African thistle from some CALM reserves. Those plants, although declared, may not be a threat to agriculture. Some consideration must be given to the administrative arrangements and an amendment must be made to include the power of entry. Proposed section 23G(1) states -

Where the Minister is of the opinion that any plant, including any wild-flower, palm, shrub, tree, fern, creeper or vine,

Surely, they are all plants and, therefore, it is tautology to refer to them specifically in the clause.

Hon Phillip Pandal referred in his second reading speech to the watsonia plant, which resembles a gladioli. Caltrop is another which is not a declared weed under APB legislation, although I continue to be amazed that it is not. In the north of our State, and in the Northern Territory, the mimosa plant is taking over the river valleys, and there is a strong possibility that it could be a major problem in the Kimberley. In his second reading speech Hon Phillip Pandal mentioned the bridle creeper, which is a problem in some areas, particularly national parks. He also specifically mentioned pampas grass, which is a problem in the south west. I understand that much of that plant is sterile and it can be propagated only by cuttings. However, it is possible that some species are now spreading by seed. The other species mentioned was the South African lovegrass, which is common along road verges. However, cultivation and grazing seem to stop it spreading beyond the road verges.

I said in my opening remarks that the Bill has some merit. The worthwhile suggestions in this Bill can be incorporated in the Bill to amend the Wildlife Conservation Act which the Government proposes to introduce in the spring session of Parliament. That Bill has a wide scope to prevent the introduction, keeping, and sale of injurious organisms, which will include weeds. On that basis, the Government opposes this Bill.

HON J.N. CALDWELL (Agricultural) [4.56 pm]: The National Party is concerned about some aspects of this Bill, although it appreciates the intentions of Hon Phillip Pandal. Nobody understands more than people living in rural areas the problems caused by weeds that are uncontrollable or are very hard to control. It is true that some people in this State are very complacent about some of the plants referred to by Hon Phillip Pandal. They cannot look beyond the beauty of some of these plants in their flowering season. Often they are the only plants that flower in our harsh summer weather and people find them attractive because they add to the beauty of our sunburnt land. For example, dandelions flower for only a short period and nothing is prettier than a field of dandelions. However, they are not much good as sheep feed because they do not contain any nutrients.

Proposed section 23G refers to the owner or occupier of any land, whether Crown land or private land. The National Party has some concerns about the inclusion of private land. Would Hon Phillip Pental consider deleting those words? I am sure he is listening intently to my comments.

Hon P.G. Pental: I always do; you know that.

Hon J.N. CALDWELL: He is certainly always in the Chamber when he is in charge of a Bill.

Hon P.G. Pental: Surely everyone is!

Hon J.N. CALDWELL: Sometimes mishaps occur. The National Party is concerned that a private landholder may not have the resources to cope with a sudden burst of environmentally damaging weeds. Many weeds have a tumbling effect because they grow profusely in the spring and have many seeds in their seed pods, and when summer arrives they dislodge from their root system and start to tumble. They go up against fences and invariably get blown over the fences into neighbouring properties and become quite a problem. It is interesting that Hon Phil Pental did not mention in the Bill weeds such as the one I am thinking of, which is a real pest and is called mustard. Another weed that I can think of which has this tumbling effect is called wild turnip.

The Department of Agriculture and the Agriculture Protection Board should be more vigilant about the importation of special plants and should pay more attention to them before they are introduced. They should be tested for a number of years to see how they grow and how their seeds are produced. Wild oats, which some farmers call a weed, has seeds which can lie dormant for up to seven years. That is not classed as a noxious weed, but a farmer who had it in his wheat crop would certainly call it a noxious weed. More research should be carried out before plants such as this are released into the environment. I have noticed that most of the weeds that are mentioned in the second reading speech are not prevalent on private land. That is the reason that I suggest that private landholders should be deleted from this Bill. Hon Phil Pental referred to watsonia and bridle creeper. Those weeds are not widespread on private landholdings. He also mentioned pampas grass. We have pampas grass in our backyard. Our home was built almost in a salt creek, and that is about the only thing that will grow fairly profusely, and it does have some effect on reducing the salt content of the soil. I note that pampas grass is not classed as an outlawed plant, but pampas grass could become a major problem on Crown land, particularly if that land were fertile. Many people have been in contact with Hon Phil Pental about the problems that these plants and weeds are causing, particularly because we call this State "The Wildflower State".

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I remind Hon John Halden of Standing Order No 79.

Hon J.N. CALDWELL: That is where he was last time!

This Bill will go some way towards eradicating weeds on Crown land, for which no one has really had responsibility. The State should be responsible for eradicating weeds on Crown land and in national parks, because they spread quickly. The National Party supports the Bill, with some reservations about the words "private land".

HON PETER FOSS (East Metropolitan) [5.05 pm]: I support the Wildlife Conservation Amendment Bill, and although I appreciate the points raised by Hon John Caldwell we will probably have our task cut out for us in dealing with Crown land before we even attempt to deal with private land. We could probably go for a decade or two working just on Crown land.

I have a personal interest in this Bill because at present my wife is working, under a Greening Australia grant, on eradicating weeds from an area of remnant bushland in, of all places, Coolbinia, Mt Lawley. One might not think there was any remnant bushland in Mt Lawley -

Hon Max Evans: In your backyard!

Hon PETER FOSS: No. It is actually at the school. Coolbinia Primary School has a substantial tract of remnant bushland.

Hon P.G. Pental: I would not tell the Government. It might sell it!

Hon PETER FOSS: Yes. It is important to preserve that bushland because it is rare to have land such as this preserved in the metropolitan area. Unfortunately, one of the big problems is the introduction of weed species, which are not a nuisance just because they were not there originally and therefore are not a proper example of remnant bushland, but also because they drive out other species. The job of removing those weeds, even with the resources in child and parent power that are available to schools, is substantial, and we should not underestimate the amount of effort that will have to go into that task.

I turn now to examine the nature of the problem, and refer members to a learned article entitled "The Impact of Exotic Plants on Natural Ecosystems and How to Limit their Spread During Exploration", written by Mr Greg Keighery from the Department of Conservation and Land Management. Mr Keighery graduated from the University of Western Australia with a double major in botany and zoology and honours in botany. He joined Kings Park Botanic Gardens as a biosystematist in 1974 to work on the genetics and biology of native plants. In 1984, he joined the Department of Conservation and Land Management as the botanist for biological survey. Currently, he is a senior research scientist and heads the biogeography program. He has written a number of learned papers which are referred to in the bibliography to this article. He points out, under the heading "Abstract", that -

Western Australia, a continent-sized state has 845 species of naturalised exotics; of these, 456 have been recorded from natural bushland and about 50 of this subset are considered serious environmental weeds (that is, they affect the structure and/or functioning of natural plant ecosystems).

Weeds (which include any unwanted plants) enter natural ecosystems via a disturbance; this may be fire, clearing, roads, artificial water points, drilling platforms, etc. Clean machinery limits dispersal of weed propagules, and single disturbance events in large areas of natural bushland generally provide weed habitats for only a limited time.

Examples are given of the impact of weeds, how they spread and how they can be limited.

The article continues, under the heading "Introduction" -

There are about 9,000 species of vascular plant in Western Australia, of which about 900 (about 10%) have been introduced since European settlement, become naturalized and now constitute our weed flora.

Weeds are unwanted plants in gardens, crops and bushland. The weed species that adversely affect the survival and regeneration of indigenous species in natural or partly natural vegetation communities are known as environmental weeds. These species are considered in this paper.

Currently, 458 species of naturalized plants have been recorded from conservation lands in Western Australia (Keighery, 1991). Many of these species are minor weeds, but about 40 can have widespread and major impacts on native plant communities.

Mr Keighery goes on to point out that the introduction of weeds can have a serious effect on plant communities in five ways -

1. They can compete directly with, and can replace native species. For example, Buffel Grass . . . is apparently replacing Spinifex grasslands . . . on the North-West Cape.

Up there we have the Cape Range National Park. The article continues -

This species is also invading bunch-grasslands along creeklines in Rudall River National Park -

And that must strike some people as a feat, considering the remoteness of that national park. The article continues -

and competing with the rich annual flora of these sites. In the Southwest, Freesias . . . have replaced several tuberous orchid species in Kings Park.

Therefore they replace native species. The article continues -

2. They can alter and/or increase fuel loads in natural communities, leading to altered fire regimes to their benefit and the detriment of local native species.

Members may be aware of the damage created by fire. Obviously this is a serious factor. The document continues -

Examples are perennial Veldt Grass . . . in the Banksia woodlands of the Swan Coastal Plain, and Tambookie Grass . . . on road verges; both plants greatly increase fuel loads and fire frequencies.

That is evident in Kings Park. Quite a lot of work has been done in Kings Park to try to remove the veldt grass. Farmers would be concerned because, often, fires spread from roadsides to properties, and the presence of weeds in public lands must constitute a considerable risk to farmers' crops. The article continues -

3. They can change the structure of native plant communities. This affects both the regeneration of native species of plants, and the composition of the bird and reptile fauna which are greatly affected by the structure of the vegetation.

Members may not recognise that changing the flora can also have an effect on the fauna. He gives the examples of spotted gums - *Eucalyptus maculata* - invading a banksia low woodland in Kings Park and converting the area to a tall, open eucalypt woodland. The article continues -

4. They may cause changes in vegetation communities that are harmful to endangered or local flora and/or fauna. An example is the replacement of evergreen *Nitraria Billardieri* shrublands by summer deciduous Boxthorn . . . on the Beagle Islands. *Nitraria* bushes are used as shelter by female sealions for their pups, whereas the deciduous Boxthorn removes this shelter. Another example is the invasion of natural clearings in coastal Banksia woodland by *Pelargonium capitatum*. These sandy patches are normally used for basking by several skinks . . . and are rendered unavailable by this weed.
5. Weeds may hybridize with native species or local geno-types. This is a relatively recently recognised problem, and has the potential to greatly increase in magnitude as native re-vegetation programs and planting of natives in gardens accelerate.

Of course, that is extremely difficult because it is not a matter of singling out a species and getting rid of it, and thereby allowing the native species to return, because we then end up with hybridised weeds, which are hard to eradicate. The article continues -

Examples include the rare *Grevillea glabella* and other *Grevillea* species in remnant bushland in Melbourne . . . native and planted variants of Geraldton Wax . . . at Bold Park . . . and hybridization between native . . . and introduced . . . sedges at Denmark.

They are the five impacts. Some of them relate to conservation and others are economic. It is interesting that the impacts are not confined to small parts of Western Australia. As mentioned earlier, Western Australia is a continent size State which ranges from the tropics to the cool temperate zones. Unfortunately, the weed flora is diverse and regionally variable. No major region of the State is completely weed free. However, in general, the more remote areas have fewer weeds than in the more accessible areas. The article continues -

Surveys undertaken by CALM in the Kimberley and desert regions have located few weeds in these remote regions, except along grazed creeklines. Although remote, the Nullarbor region, being heavily grazed and structurally simple, has more weeds . . .

The area of greatest mineral exploration activity, the Eastern Goldfields, has also been extensively surveyed for weed infestation.

This article was published in a bulletin titled *Mineral Exploration in an Environmentally Conscious Society*, and is directed more towards the impact mining has on weed species. Members will notice that particular slant. The article continues -

Few weeds have been recorded away from towns and farming settlements, in this area of predominantly natural and semi-natural vegetation.

It is interesting, because it has been suggested that mining spreads weeds considerably. The article continues -

The greatest number of weeds are found within the area where disturbance to the natural vegetation by land alienation for farming and urban development has ranged from 70 to 98% of the original plant cover. Whereas we recorded 16-20 species of weed in a typical goldfields survey ... surveys of the Banksia woodlands of the Swan Coastal Plain listed 120 species of weed ... and bushland around Perth contains 269 species of weed ...

The way in which weeds are spread is by some form of disturbance. The article continues under the heading "How weeds spread into bushland" and makes the following generalisation about weed invasion into bushland -

- (i) there is no invasion of native communities without disturbance;
- (ii) disturbance may be novel (e.g. clearing) or an alteration to natural disturbance (e.g. fire regimes);
- (iii) the outcome of disturbance is creation of spare resources (e.g. holes in canopy, bare ground, extra nutrients after a fire);
- (iv) there is greater invasion with prolonged, repeated or intense disturbance;
- (v) species-rich communities ... are less susceptible to invasion than "depauperate" communities (e.g. beach, Tuart forest) ...

That is an interesting message because it has been suggested that biodiversity is important for our existence on this planet, and that biodiversity is to be encouraged. I raised this point earlier when talking to the duck hunting Bill. I am concerned that our conservation of flora Act has to a large extent had its impact reduced because invertebrates are almost excluded from its protection. The article continues -

- (vi) however, all communities can be invaded; and
- (vii) some communities (e.g. beaches) are more likely to be disturbed, and hence more likely to be invaded.

In a study based on a single Canberra car wash over two years ... obtained 224 species and 15 645 seedlings from the outwash sludge. There was a wide range of both native and exotic species, from grasses to trees.

Hon Max Evans: A person could start up a nursery.

Hon PETER FOSS: One could; one would not necessarily want a nursery full of weeds. It is an interesting concept. It would be a cheap nursery. The publication continues -

Weed seeds can also be transported into bushland via clothing or bedding.

Long & Long ... found that Buffel Grass had been introduced to Airlie Island via helicopter skids at the navigation beacon. During construction of the oil storage tanks, Western Mining Corporation laid down stringent quarantine regulations ... and no further weeds have been recorded, despite 3 to 5% of the island being cleared ...

Some clearing (exploration lines, drill sites, camping areas) generally occurs in the exploration phase of mining. These highly disturbed sites are the invasion sites for weeds. In the Southwest, some weeds will self introduce. W.G. Martinick & Associates ... studied regrowth on cut lines and drill sites near Mount Lesueur. At these sites, they located up to 10 species of annual weed, all of which were wind dispersed and probably self introduced. They were overwhelmed by native regeneration, after several years, illustrating ... that a single disturbance event is least damaging.

The important point about mining is that immediately after disturbance by mining exploration it is noticed that there has been an introduction of weed species along areas where mining has taken place, but if it is just a single cut - even though it is a serious disturbance - the native flora is able to overwhelm the weeds and repopulate. The problem is caused by the serious and repeated invasions. A welcome piece of information concerning the mining industry is that its activities are not necessarily as disturbing as some people make

out. Mr Keighery makes a number of remarks on this, particularly about the effect of exploration. He brings out the factors that are responsible for the invasion of weeds; more importantly, he refers to the impact of weed species on our environment. He very clearly sets out the five ways in which weeds can impact on our environment. This is a very useful study paper and I am pleased to see that CALM is making use of the study. I am sure CALM will support the efforts of Hon Phillip Pendal in introducing this Bill so that we can see some effort in starting to prevent the spread of weeds. Unless we start, we will never finish. It is clear the impact of weeds is very serious and we should make some attempt to prevent their spread.

HON MAX EVANS (North Metropolitan) [5.22 pm]: It is a pity that Hon Phillip Pendal was not around in the last century when Georgiana Molloy was introducing these weeds. I believe she introduced the watsonia plant. Just as rabbits and foxes have adverse effects on native fauna, many plants such as prickly pear and lantana have adverse effects on our environment. When I was in Nepal last year I was amazed to see lantana growing in the gardens. Hon John Caldwell referred to pampas grass. A few years ago I had a property in the hills and we had to eliminate all the pampas grass which grew along the creek beds. The seeds were being taken in the water down to Piesse Brook and then being pumped into Mundaring Weir. That clogs the filters, which must be pumped out. It was not affecting native flora and fauna, but it was a major problem to the water supply.

Hon Mark Nevill: How did they make you do it?

Hon MAX EVANS: Officers from the Agriculture Protection Board were coming around every Sunday taking swabs and testing the water purity.

Hon Mark Nevill: You must have eliminated the pampas grass voluntarily.

Hon MAX EVANS: It was commonsense, and it made a good fire. They asked if we would destroy it and explained the problem. I had the problem in my Perth home previously so there was no discussion about it. Another problem is the blackberry bushes. I do not claim that Georgiana Molloy introduced those, but they are widespread in many areas.

Hon Mark Nevill: That is declared under the Agriculture Protection Board.

Hon MAX EVANS: I see this as a real problem.

HON BARRY HOUSE (South West) [5.24 pm]: As Hon Max Evans has mentioned Georgiana Molloy, and although I support the Bill, I would like to refer to arum lilies and say that every cloud has a silver lining. We all know what a pest arum lilies have become in the south west, particularly in the wetlands, and vast areas of farmland as well as Crown land. They have white blooms which are very valuable in some parts of the world. At one time they were selling for £1 a bloom in London. My predecessor, Hon Vic Ferry, assisted a constituent some years ago to obtain approval from the Department of Conservation and Land Management to pick arum lily blooms from certain areas of national park. The aim of the constituent then was to establish a business and market these blooms in London. Because of various problems, mainly transport arrangements, he did not get his idea off the ground. A month ago he came to me as he felt there was an opportunity to scale down his ambitions a little and to aim at the Sydney and Melbourne markets.

Hon Mark Nevill: Arum lilies are not a problem under this Act as they are a declared species and can be wiped out.

Hon BARRY HOUSE: I am speaking generally. Arum lilies may have a niche in the Sydney market, so he came to seek assistance to get CALM's approval to pick the arum lily blooms. I was pleased to assist him with a letter of support for his idea and I was equally pleased that approval was gained from CALM. I wish him well in his endeavour because it is a useful end to a flower which has otherwise proved to be a pest in various parts of the State.

HON P.G. PENDAL (South Metropolitan) [5.26 pm]: I thank members who have taken part in the debate. I am saddened that, as with so many of the Bills I have introduced over the last three or four years, the Government has taken an unduly negative view. I can recall in the last four or five years introducing private member's Bills as an Opposition member on the Western Australian Museum, the Official Corruption Commission, a family commission - which incidentally was berated by the Minister in this House and two years

later the Government implemented it - game birds, and the shredding of Government documents. When I introduced my heritage enhancement Bill the Government said, "No, we can't accept that; we have a Bill we will be introducing on heritage. We don't need yours."

Hon Tom Stephens: Can you remember how many of our Bills you accepted when you were in Government?

Hon P.G. PENDAL: I have introduced Bills on Government advertising, the Shark Bay heritage listing, colonial heritage, the Leda reserve in Kwinana and the preservation of and access to records. I have introduced 11 Bills. The Government has its own record of supporting none of them.

Hon Mark Nevill: Of which we are very proud.

Hon P.G. PENDAL: The Government adopts the role of the knocker and I regret it has been negative.

Hon Mark Nevill: I thought I had been charitable today.

Hon P.G. PENDAL: Notwithstanding the Government's official attitude, I thank Hon Mark Nevill for the otherwise positive remarks he has made. I have some sympathy for the matter he raised about private land; he said that the Government does not have the resources to tackle the problem of environmental weeds on private land. Hon Peter Foss made the valid point during his contribution to the debate that we probably have enough environmental weeds on Crown land to keep an eradication program going for the next decade or two. Hon John Caldwell led the debate for the National Party and gave qualified support for the Bill. He also took up the point that he was concerned that the legislation would extend to private land. Mr Caldwell specifically asked whether we would consider some amendment to accommodate him and others on that point. An amendment will be circulated which does accommodate Hon John Caldwell's point, so that if the Bill is passed priority will be placed on environmental weeds that are found on Crown land.

The Bill is intended to give balance to the provisions of the Agriculture Protection Board Act. That Act gives the authorities the power to gazette or decree that certain plants are injurious to agriculture. The Bill is intended to be the environmental equivalent of that and it will allow the Minister to decree that weeds are injurious not to agriculture but to the general environment. The Bill deals with a quite separate but parallel problem that has been more than adequately outlined by a number of speakers, including Hon Mark Nevill, Hon John Caldwell, Hon Peter Foss and Hon Max Evans, all of whom I thank for taking part in the debate.

Members will have noted that in my second reading speech most of my remarks were directed at Crown land. For example, I talked about the adverse effects of certain exotic environmental weeds that were reducing forest growth and smothering natural plant communities. I went on to refer to the invasion of those weeds on walking tracks, roadsides and streamside reserves. All those areas would be located on Crown land. Further in my second reading speech I stated that other locations infected with certain environmental weeds included places like the Lake Jandabup wetlands, Badgerup Lake and Lake Joondalup at Wanneroo. All those areas are on Crown land; therefore, most of the problems I described in my second reading speech apply to Crown land. That is why I am happy to give way to the point made by Hon John Caldwell, backed up by Hon Peter Foss and, in fairness, pointed out originally by Hon Mark Nevill. I am happy to give way on the private land component, given that the House has a huge job ahead of it in tackling the public land component. Perhaps when the Government's Bill is introduced the House will be able to give some priority to not only the private land component but also the resources that will be required to do the job. This matter reminds me of the actions of this Parliament and successive Governments in creating national parks. We have now learnt that it is one thing to create national parks but it is quite another to find the resources to manage those parks.

Hon Peter Foss: Rudall River National Park has weeds.

Hon P.G. PENDAL: Yes. I thank members for their support of the Bill. I particularly thank the Wildflower Society of Western Australia Inc, which first brought this matter to my attention and asked that the Opposition proceed with the legislation on the ground that the Government was dragging its feet on this matter. I thank members of the naturalist clubs in the State who joined in the protest in a positive way. I also thank other members of

environmental groups and individuals who have contacted me since I originally introduced the Bill. All those people asked that the Opposition proceed with the Bill because of the serious nature of the problem; a problem which has been reinforced as a result of the remarks made by Hon Peter Foss. Therefore, I ask members, particularly Government members, to support the amendment which will exclude private land to accommodate the remarks of Hon Mark Nevill. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Garry Kelly) in the Chair; Hon P.G. Pental in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Principal Act -

Hon P.G. PENDAL: The amendment accommodates the wishes of the National Party and other members. I move -

Page 2, lines 19 to 23 - Delete the lines and substitute -

- (2) The owner or occupier of any land, other than land owned or held by a private person, on which an environmental weed is growing shall take the necessary steps to eradicate or control the spread of that environmental weed.

Hon MARK NEVILL: Hon Phillip Pental accidentally said that he was moving this amendment to accommodate me. I think he meant Hon John Caldwell.

Hon P.G. Pental: I meant both of you because you mentioned it. You said that the Government did not have the wherewithal to police it on private land.

Hon MARK NEVILL: While I concede that the Government has its hands full looking after Crown land, I oppose the amendment because there are some situations in which private landholders will refuse to eradicate or control particular species of weeds on their land. One or two plants is enough to create a large infestation in certain areas. Power would have to be given to force those people to eradicate those species, but would be a power which would be used infrequently. I oppose the amendment for that reason.

Hon J.N. CALDWELL: I thank Hon Phillip Pental for moving this amendment. The National Party will support it. In today's economic climate private landholders experience enormous problems. Noxious weeds are difficult to control and the Crown will have difficulty in forcing private landholders to do anything about them. That is what Hon Mark Nevill was trying to explain. I am sure that most private landholders are conscious of the problems created by these weeds. However, if contractors were attempting to control these weeds and shrubs on Crown land, they could alert private landholders who occupy land adjacent to Crown land of the problem. It would only be right to suggest to private landholders that they attempt to do something about the weeds on their land. I am sure that if the right approach was made they would comply with those requests.

Hon P.G. Pental: Not in a statutory sense.

Hon J.N. CALDWELL: As a matter of courtesy. People will not want their own land affected by weeds. That could be the way to start. If we begin with Crown land, it is only natural that the problem will improve in time. Perhaps down the track we may be able to legislate to control certain weeds. Something may happen in the future where one weed may be a serious problem to Crown land and private land. That will be the time to act to control the weed. We have not come across a situation as bad as that and when we do legislation could be introduced at that time to ensure that steps are taken to eradicate or control the spread of such weed.

I thank Hon Phil Pental for bringing this matter to the attention of members. We cannot force private landholders to take this action in the current economic climate.

Hon P.G. PENDAL: I concede that in the current economic climate private landholders in country Western Australia have more than enough to contend with, and that point was well made by Hon John Caldwell.

Again I am disappointed that the Government should take such a negative view of something which is as important as this. Notwithstanding the Government's reluctance to support my amendment, I ask other members to support it.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon P.G. Pendal, and transmitted to the Assembly.

VALUATION OF LAND AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon John Halden (Parliamentary Secretary), read a first time.

Second Reading

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [5.44 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to do three things: Amend the definition of "unimproved value" for lands outside a townsite where these values are the basis for the raising of rates and taxes; acknowledge changes in other legislation concerning land leased from the Crown; and acknowledge changes in farming practice and the difficulty in some localities of determining a proper unimproved value for farmland so that the liability for rates is equitably distributed in accordance with legislative intent. This will be achieved by this amendment in a manner more easily understood by landowners and valuers.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss, and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan) [5.46 pm]: I move -

That the Bill be now read a second time.

The meaning and purpose of planning: Town planning is a very important part of the proper government of this State. Planning is the taking of decisions today for implementation in the future. Its purpose is to -

- (a) provide for orderly development of the State;
- (b) allow the citizens of the State to order their affairs in the knowledge of the consequences of the implementation of the plan;
- (c) allow citizens to participate in that planning process; and
- (d) thereby reduce conflict.

To give effect to this planning process we have planning controls; that is, rules which compel citizens to obey the plan that has been made. In this State this is usually done by a combination of a planning Act, a scheme text setting out what may be done in various areas described and a scheme map which describes by various coloured areas what the land use will be.

I make this statement as to the elementary nature of planning because the real nature seems to have been totally forgotten in this State. What people now call "planning" is merely playing with the colouring of areas on a map. This is not planning, but rather the manner in which the planning controls are exercised. It is unfortunate that we can play with these planning controls without actually having done any planning. The result of the way in which planning controls have been exercised in this State in the last decade has been to have the reverse effect to that which planning would have.

What has substituted for planning in this State: During that period we have seen policy statements put out under ministerial authority. These have been followed by what has been called a period of public comment - those involved in this process call it "consult and ignore" - and then final policy statements have been issued without any step being taken in the statutory process. Developers have been actively encouraged to treat these policy documents as if they represented properly constituted planning decisions. Relying on them, they have gone into areas marked for development and sought out suitable lands for development and have incurred expenses in the belief that they can rely upon the policy document in the same way as they can rely on a statutory scheme. Local inhabitants, on the other hand, have found that the informal consultations are unsatisfactory and are aware that because the statutory processes have not been followed they can look to take action to prevent them from taking place.

A proper planning process: A proper regional planning process should start with strategic planning at a State Government level. This takes into account the long term needs of the State and helps overcome the NIMBY effect - "not in my back yard". It should take place well ahead of the proposed implementation of the changes so that people can order their affairs accordingly.

People who want to acquire residential land can do so ahead of the rise in prices caused by imminent changes. Those who want to live in a rural setting can quit their land in a proposed residential area at a reasonable price and move to an area where they can be fairly certain that they can live out a significant part of their lives in rural peace. All this can happen within a time frame that is sufficiently large to prevent the distress that comes from the shock of short term change. Arguments in the course of such amendment are more easily directed to long term rather than purely local considerations because of the lack of imminent threat. Conflict cannot be entirely avoided, but it can be reduced.

The next step is that, theoretically within five years, the local government authority implements the detail of the plan. I say "theoretically within five years" because that is the period at which a local government authority is meant to review its scheme and when it amends it it is obliged to bring itself in line with the metropolitan region scheme. It is notorious that local government authorities have never observed this time limit. This, and the failure of successive Ministers in successive Governments to enforce that requirement, is in part what has led to the problems with the region scheme.

With the town planning scheme, the focus of the planning comes down to a more local level. With proper consultation as provided for in the statutory process this can also be effected without too much dispute, and there are good examples of this. Finally, developers use the regional plan and the local plan to arrive at a specific proposal which they put up for approval.

The current development process: The current method of dealing with this turns the whole process on its head. It starts with developers looking for suitable land usually, but not always, where indicated by a policy document. After they have found a suitable spot, they spend money developing plans and then they go to the local government authority with those plans. After some time they gain the support of the local authority, which agrees to amend its town plan when it is able. Of course, it cannot amend its town plan because it is inconsistent with the metropolitan region plan. The developers then present their plan to the State planning authorities, which, if it seems to be generally in accord with their policy statements or otherwise seems a good idea, give an assurance to the developers that they will implement the necessary statutory changes. At this stage, with everyone committed, and usually a large amount of money spent and land sitting there waiting to be used, the statutory process starts. It is usually at this stage that the local inhabitants, blissfully unaware of what has been happening, at last learn of the plans. By avoiding the statutory process, the

Government has left the public out of decision making. Not unnaturally, they feel threatened by this sudden change in their surroundings. Their distress is usually directed at the local government authority, whereas it should be directed at the State authority. It is usually directed firstly at the local authority for a number of reasons -

- (a) it manifests itself as a local, small project and, therefore, is not at first seen as part of an overall State plan;
- (b) people feel better able to put pressure on their local council; and
- (c) it is usually implemented as a minor amendment under section 33A of the Metropolitan Region Town Planning Scheme Act.

A number of councils have become sick of being blamed for what is essentially a State planning matter, and have brought to the attention of their constituents that the use of non-statutory processes and the minor amendment procedure of section 33A is to blame.

The mischief of the Act: This brings me to the reason for this Bill. I believe that the statutory process under the principal Act is good - if it is observed. Unfortunately, it has not been observed. I have pointed out to the Department of Planning and Urban Development that it has not been planning properly ahead, and has not used the procedures provided under section 33 adequately or in time, and that its reliance on section 33A is leading to conflict and bad planning. The department freely admits that this is the case but says it has little alternative at this stage while it tries to catch up on these inadequacies. It is true that one cannot overnight catch up on the inadequacies of a decade. Even if we were able to agree on major amendments for the whole metropolitan area today, it would take some years before they would lead to a proper rearrangement of personal and business affairs that would reduce the conflict in our society. Furthermore, the time of the officers of DPUD is being excessively engaged by the need to "fire fight" all these conflicts. Their reaction has been to try to catch up by continually using section 33A, which is intended to deal with minor amendments, to overcome the deficiencies in long term planning. The situation is aggravated by the fact that the body that is behind in planning is also the body charged with deciding whether amendments are major or minor. The temptation to classify an amendment, even a patchwork of amendments, as minor must be very great in a department which is way behind in its planning. I believe this is an abuse of the statutory procedures, which is bringing planning into disrepute in this State. "Planning", instead of being a good word, has become a dirty word in the minds of many people. It is time that we restored integrity to the process of planning in this State, if it is not to lose all credibility with our citizens.

Helena Valley Association: I have spoken on this topic many times in this House and first raised the matter before the Helena Valley cases became an issue. However, those cases, which affect an area within my electorate, have brought to a head the serious problems involved in this Government's approach. The first Helena Valley case succeeded in setting aside the section 33A amendment because it brought out technical problems in the way in which the decision had been made. A delegation had been made which had been authorised, and no record was kept of the basis of the decision to declare the amendments suitable for amendment under that section. This had ramifications and Parliament was asked to pass retrospective rectifying legislation. This excluded Helena Valley. I was tempted at that time to incorporate into amendments to the Act at the same time as we passed the validating legislation some of the obiter dicta of Justice Ipp in a very learned judgment on the case. I was dissuaded from doing so because I did not think it a good idea to try legislatively to put all these matters down since it would always be hard to anticipate the features that would distinguish a substantial amendment from a non-substantial amendment; that is, major from minor.

The second Helena Valley case brought out the difficulties even more markedly. Contrary to the comments of the Minister for Planning, that case did not find that the amendment was a minor one at all. It said that Parliament had left the decision making on the matter to the State Planning Commission, and it was for that body to make the decision, and in the absence of mala fides it would not interfere. No mala fides was found. I have serious problems with the bona fides of the cluster amendments that have been made, for instance around Mindarie, and the excessive use of minor amendments in recent years. This outlines a number of problems: Firstly, the process is by way of cumbersome prerogative writ. This is a highly

technical and expensive method of proceeding. Secondly, no administrative challenge can be made to the merits of the decision - only to the process. Thirdly, it gives the planning authority the obligation to make the plan, but also the right to decide if it is being done the right way. If a decision is to be made on how it should proceed, either this should be made by a truly independent body or should be subject to challenge before such a body. I do not regard the appeal committee as independent. Fourthly, Parliament has been left entirely out of the process which, in view of the effect of the change as law, seems to be improper and unusual. I have sought to address each of these matters in the Bill.

The provisions: New subsection (1a) sets a test to determine what is major and what is minor. It is a very broad test, and one that should probably always have been applied. A substantial amendment in a planning sense must obviously be an amendment that is substantial in affecting the plan. As I have said before, the plan is not a coloured map; the plan is the ideas that have been manifested in that map. To determine whether an amendment is substantial, it is necessary to know the intended effect of the plan. It is necessary to go behind the coloured areas to find the intent and theory that drove those colourings. It may be that a very small change from rural to urban deferred in an area that is designated as a corridor to be reserved from urban development will be significant because it attacks that principle of keeping rural areas between the urban corridors. On the other hand, it may be that the zoning of two large areas could be swapped because, say, for environmental reasons it seems better that the swap take place. Doing so may not assault the principle. Also, a road may be shifted to avoid wetlands without offending the principle. On the other hand, the shift of a road may violate the planning principle that guided the original decision. I am purposely not trying to define the principle and the detail of a plan. That will be far easier to recognise when concrete examples are available than to describe now. Concepts such as the definition of a substantial amendment to the metropolitan region scheme are rather like elephants - they are very hard to describe, but can easily be recognised when seen.

Amendment to subsection (8): One of the problems has been with the effect of an amendment to a town planning scheme relying on a void amendment to the metropolitan region scheme. Under subsection (8) there was an almost immediate effect to these amendments. If, between purporting to amend the MRS and an amendment being struck down, an amendment were made to the town planning scheme, then arguably the amendment was valid and overrode the MRS. I will not go into the legal arguments to support this. However, I have tried to offset the effect by delaying the time before which the amendment will come into effect. There are two provisions - the period for disallowance and another 120 days when an appeal has been made. I have not allowed it to go on indefinitely because I believe this would lead to delay by appellants. I have also not provided that the tribunal should deal with an appeal as a matter of urgency, but I would have thought the presence of this would encourage the tribunal to give it priority so as to dispose of the matter within that time.

New subsection (10): This confers a right of appeal to the Town Planning Appeal Tribunal. It is an administrative appeal. I note the commitment by the Government and the Liberal Party to the principle of administrative appeals. There is a limit to the persons who may appeal. It is not a general third party appeal. The general area interest is represented by local authority, which can appeal. So, too, can anyone appeal whose land is directly affected and to whom notice under subsection (2)(a) has or should have been given. I do not support a general appeal and I am sure that this will strike an appropriate balance between the various interests. The grounds of appeal are wide. The appellant can be dissatisfied either by the process followed - that is, section 33A - or by the content of the scheme. For this reason, I have suggested the tribunal as the appropriate judicial authority. It already decides similar issues on town planning matters and is best qualified to make determinations in this case.

New subsection (11): The tribunal's powers are wide. It is in the same position as the commission or appeal committee when making its decision. It can amend the scheme on the basis of the evidence that it has heard. Obviously, this is not a carte blanche to take over the planning process but to decide the matter within the context of the minor amendment - which it must be, for otherwise the tribunal must declare the amendment invalid - and the appeal. It can start the process again at an earlier stage if it thinks fit after making an amendment, and obviously would do so if the justice of the matter so required.

New subsection (12): The commission may withdraw the amendment if in the course of an appeal it becomes clear that it should either abandon it altogether or should start on a major amendment.

New subsection (13): This allows the Parliament to disallow the amendment as if it were a regulation. It provides the proper parliamentary oversight of a delegated legislation process.

Transitional: Any amendment presently proceeding under section 33A will transfer to this procedure.

In summary, therefore, the intent of this Bill is to end the longstanding abuses by the State Labor Government of metropolitan region planning processes. I believe it will finally confront and put an end to the State Government's "monkeying" with planning, by which major changes have been made to the scheme using the minor amendment process. The Government has failed to carry out proper planning for a decade and is now trying to make up for that by abusing the minor amendment procedure of the Act and using it in a way that was never intended. I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.57 pm]: I move -
That the House do now adjourn.

Adjournment Debate - Sittings of the House - Extended Sitting, Wednesday 3 June

HON J.M. BERINSON: I indicate by way of a preliminary possibility that members should preferably attempt to keep next Wednesday morning free for an extended sitting of the House. I do not mean Wednesday morning from 12.01 am, but rather Wednesday from 10.30 am. A decision on that will be made, subject to discussion between me, the Leader of the Opposition and the Leader of the National Party in this House, on Tuesday. It would perhaps be helpful to members to know that such action is being contemplated.

Adjournment Debate - Constitutional Affairs and Statutes Revision Committee - Western Women Witnesses Examination Meeting, Wednesday 3 June

HON R.G. PIKE (North Metropolitan) [5.58 pm]: I take the opportunity to inform the House, and particularly the Leader of the House, that next Wednesday morning a meeting of the Constitutional Affairs and Statutes Revision Committee has been scheduled to examine witnesses in relation to the Western Women group. I am certain that the Leader of the House would not want to frustrate that meeting.

Question put and passed.

House adjourned at 5.59 pm

QUESTIONS ON NOTICE

MINISTERS OF THE CROWN - PASSPORTS FOR OVERSEAS TRAVEL

241. Hon D.J. WORDSWORTH to the Leader of the House representing the Premier:

- (1) When a State Government Minister applies for a passport to travel overseas on official duties, is it usual that an official Australian passport is issued?
- (2) Does the Premier's Department have to certify that the person applying is indeed an office holder who holds that rank which warrants an official passport?
- (3) Can more than one application for an official passport be made?
- (4) On what occasions are more than one official passport issued?
- (5) Is it necessary to return the normal Australian passport, such as the one issued to most Australians, when an official passport is issued to a Minister?
- (6) Is the Premier's Department aware that a previous Deputy Premier is reported to have stated to the Royal Commission that he owned nine passports?
- (7) Does the Premier's Department ensure that all official passports are returned when the persons to whom they were issued no longer hold office?
- (8) Which members of the current ministry have multiple passports?
- (9) Where multiple passports are issued, how many do each of the current Ministers hold?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

In answering the member's question, I should point out that an "Official Australian Passport" can be a diplomatic passport or official passport. The diplomatic passport is only issued to Ministers and certain other holders of high office in the Commonwealth and States, whereas the official passport is issued to all others travelling on official Government business. Having regard to the context, I have taken the member's question to refer to a diplomatic passport.

(1)-(2)

Yes.

- (3) Yes, when the previous passport has been returned, destroyed, lost or stolen.
- (4) While it is possible for a Minister to hold an official passport at the same time as holding a diplomatic passport, the Department of the Premier is unaware of any instance.
- (5) No.
- (6) Yes, the department is aware of reporting of evidence given about this matter in the Royal Commission.
- (7) The Department of the Premier assists the Department of Trade and Foreign Affairs in the return of diplomatic passports at the appropriate time.

(8)-(9)

The department does not have access to this information. If the member has a specific question, he should put it to me in writing and I will undertake to raise the matter with the Commonwealth Government.

AUSTRALIAN LABOR PARTY - MEMBERS OF PARLIAMENT

Retirements or Resignations Since 1984 - Government Employment

261. Hon N.F. MOORE to the Leader of the House representing the Premier:

- (1) Which Australian Labor Party members of Parliament have retired or resigned from Parliament since 1 January 1984?
- (2) Have any of these former members been engaged by the State Government in any capacity, and if so, what are the details of the engagement?
- (3) Have any of these former members been engaged by the Federal Government in any capacity, and if so, what are the details of the engagement?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) This information is on the public record.
- (2)-(3)

I am not prepared to instruct departmental officers to devote the considerable time and resources necessary to respond to the member's question. However, if he has any specific concerns and raises them with me, I will have them investigated.

BUNBURY TOWER - LEASE

Infrastructure and Government Assets, Department of, Control - Tenants List; Rentals Paid; Seventh Floor Revenue

335. Hon BARRY HOUSE to the Attorney General representing the Treasurer:

- (1) Is the leasing of the Bunbury Tower under the control of the Department of Infrastructure and Government Assets?
- (2) Would the Minister provide a full list of tenants of the Bunbury Tower, and the rentals being paid?
- (3) How much revenue will be raised as a result of the recently reported leasing of the seventh floor of the Bunbury Tower for a promotional display?
- (4) Who will be paying this lease?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) Yes.
- (2) The Government currently pays \$1 881 538.60 per annum rental for the whole building and recoups \$100 783.80 by subleasing portion of the space to non-State Government tenants. The following is a list of tenants -

State Government

- (1) Youth Employment Scheme
- (2) Building Management Authority
- (3) Department of Planning and Urban Development
- (4) Health Department
- (5) Department of State Development
- (6) Minister for Lands; Planning; Justice; Local Government;
South West
- (7) Ministry of Sport and Recreation
- (8) Department for Community Services
- (9) Department of Land Administration
- (10) Department of Employment, Vocational Education and
Training
- (11) Department of Occupational Health, Safety and Welfare
- (12) Department of State Services (Mail West)
- (13) Valuer General's Office

- (14) Small Business Development Corporation
- (15) South West Development Authority
- (16) Water Authority of Western Australia
- (17) Ministry of Education
- (18) Western Australian Tourism Commission
- (19) Department of Transport
- (20) Legal Aid Commission

Non-State Government

- (21) Westralian Sands Ltd
- (22) Lurgi Australia
- (23) Commonwealth Electoral Commission

(3)-(4)

The Minister for South-West has received a proposal from a number of south west services clubs to temporarily use a portion of the seventh floor for a south west expo. The matter is receiving consideration.

QUARANTINE CHECKPOINTS - KUNUNURRA

Western Australian and Northern Territory Personnel Special Operation - Vehicles Stopped and Inspected

405. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) During a special operation involving both the Western Australian and Northern Territory personnel at the quarantine checkpoint near Kununurra, how many vehicles were stopped?
- (2) How many of these vehicles had prohibited agricultural products on board?
- (3) What period of the day did the operation take place?
- (4) For how long did the operation last?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1) 131 westbound vehicles were stopped and inspected by Quarantine and Agriculture Protection Board personnel.
- (2) 45 per cent of vehicles stopped.
- (3) From 6.00 am Saturday 23 May to 6.00 am on Monday 25 May 1992.
- (4) 48 hours.

QUESTIONS WITHOUT NOTICE

COMMUNITY SERVICES, DEPARTMENT FOR - CHILD ABUSE BY PARENTS

Grounds for Removal of Child by Officers from Parents' Custody

252. Hon GEORGE CASH to the Minister for Education representing the Minister for Community Services:

Some notice has been given of this question. On what grounds can a social worker or other officer of the Department for Community Services remove a child from the custody of its parents when the department believes the child is being abused by one of the parents?

Hon KAY HALLAHAN replied:

I thank the honourable member for some notice of his question. The Minister for Community Services has provided the following information: Any officer of the Department for Community Services authorised by the Minister for Community Services, and any police officer, may, without warrant, apprehend any child appearing or suspected of being in need of care and protection. That comes under the Child Welfare Act, section 29(1). Once apprehended, a

child may be, but does not have to be, removed from the care of one or both parents.

Following apprehension, an application for a care and protection order is placed with the nearest Children's Court. A child in need of care and protection is defined in section 4 of the Child Welfare Act. The definition includes a child who has an unfit guardian, is deserted, is ill treated or suffers injuries apparently resulting from ill treatment, or is living under such conditions as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

KWINANA INTEGRATED EMERGENCY MANAGEMENT SYSTEM - REPORT

Pendal, Hon Phillip - Copy Offer, Correct Version

253. Hon P.G. PENDAL to the Minister for Police:

- (1) Does the Minister recall saying on 29 April in this House that he would be prepared to give me a copy of the KIEMS report only on the basis that I treat it confidentially?
- (2) Does he recall saying yesterday that he did not place any conditions on the offer of the report to me?
- (3) Which version is correct?

Hon GRAHAM EDWARDS replied:

(1)-(3)

The version that is correct is simply the one that would see Mr Pendal acting responsibly.

PRISONS - CASUARINA

Burnt Prisoner Hospitalisation - Charges

254. Hon P.G. PENDAL to the Minister for Corrective Services:

I refer to a question I asked in this House either yesterday or Tuesday about whether the Attorney has had time to inquire into the fate of a prisoner who was recently set alight at the Casuarina Prison. Does the Minister for Corrective Services now have an answer to that question?

Hon J.M. BERINSON replied:

I indicated yesterday that I expected I had received a report on the matter, and on checking my records I found that was the case. The incident has been reported to the police and further action will be a matter for their procedures.

EDUCATION, MINISTRY OF - MESOTHELIOMA CASE

Crown Law Officer's Actions

255. Hon N.F. MOORE to the Minister for Education:

Yesterday I asked the Minister a question related to a Crown Law officer. Is she now in a position to clarify the matter?

Hon KAY HALLAHAN replied:

I received a memo on this matter today clarifying the matters raised by the honourable member yesterday. I will go through the matter in point form. The Crown Law Department was advised by the State Government Insurance Office to represent the Minister for Education - DEVET - in a claim by Mr R.M. Wright. The Crown Law Department spoke with witnesses in preparation of the case; that is, other employees and ex-employees. Mr Ward was contacted in that context.

The Crown Law Department rang Mr Ward on Friday, 22 May, and informed him that it was acting on behalf of the Ministry of Education. It was seeking information relating to the case between Mr Wright and Hardies-MOE to ascertain exactly what had happened and to obtain evidence for the trial. The officer who rang Mr Ward identified herself as being from the Crown Law Department and acting on behalf of the Ministry of Education.

Mr Ward indicated during the conversation that he was happy to give details but was reluctant to give evidence in court. The officer said to him that she would note his concern and raise it with her superior. He was worried about the accuracy of his statement and was assured on Friday that the statement would be drafted by the Crown Law Department and sent to him for checking. When the superior officer was told on Friday that Mr Ward was reluctant to give evidence she stated that he would not be asked to do so.

On Monday, 25 May, the Ministry of Education was contacted by Mr Ward seeking an apology from the ministry as he was unsure who rang him on Friday afternoon and how the information he provided to the Crown Law Department would be used. The Ministry of Education contacted the Crown Law Department to determine the authenticity of the call and the department informed the Ministry of Education that it would apologise for any inconvenience caused to Mr Ward. The Crown Law Department did ring Mr Ward on Monday morning at 11.00am when he was assured that he would not be required to give evidence.

This was followed by a call from the Assistant Executive Director, DEVET, at 2.45pm on Monday to ascertain whether Mr Ward was satisfied with the outcome. By all indications Mr Ward was quite satisfied by the response from the Crown Law Department and DEVET. The officers from Crown Law Department advised today that the story reported in today's *The West Australian* was not true.

COMPANIES - MEMBERS OF PARLIAMENT RIGHT TO SEARCH WITHOUT CHARGE

Present Situation - Cairns Agreement

256. Hon PETER FOSS to the Attorney General:

- (1) Can the Attorney tell the House the present state of proceedings relating to restoring to members the right to search companies without charge?
- (2) Can the Minister say when the Cairns agreement was reached?

Hon J.M. BERINSON replied:

I thank the honourable member for some notice of his question. I am able to advise members as follows -

- (1) All members of Parliament can make a basic ASCOT search without charge when the terminal located in the State Business Office is used. A search of DOCIMAGE, microfiche, or hard copy records, for example, to obtain a copy of an annual return, is available to all members of Parliament, but at cost.
- (2) The Cairns agreement was negotiated at the Ministerial Council for Co-operative Corporations meeting in Cairns on 11 July 1991. The agreement provides that State members of Parliament are to have the same access to ASCOT and documents held on DOCIMAGE, microfiche or hard copy records relating to companies in their State, on a no less preferential basis than that applicable to Commonwealth members of Parliament.

COMPANIES - MEMBERS OF PARLIAMENT RIGHT TO SEARCH WITHOUT CHARGE

No Less Preferential Basis

257. Hon PETER FOSS to the Attorney General:

Supplementary to my previous question, will the Attorney General seek on behalf of members of Parliament to see whether the basis upon which State members of Parliament are able to make a search is no less preferential than it used to be before the national laws were changed?

Hon J.M. BERINSON replied:

I will make further inquiries but my memory of the position is that an attempt was made, certainly by this State and I believe by all States, to achieve that when the original negotiations were under way. Again relying on my memory, I believe the Commonwealth was not prepared to accommodate us and I am not aware of anything that has happened in the meantime to change that position. If by any chance I am confusing this question with others that were discussed at that time I will provide a corrected response, but on my memory of the situation that is where we are.

EDUCATION, MINISTRY OF - SCHOOLS TESTING

Scab Labour Employment - State School Teachers' Union of W.A. (Inc) Claim

258. Hon T.G. BUTLER to the Minister for Education:

Will the Minister confirm a report on ABC Radio by the Western Australian State School Teachers Union last night that the Ministry of Education is to employ scab labour to introduce a new test in schools?

Hon KAY HALLAHAN replied:

I too was concerned by the report that I heard on the radio last evening and I can only think that it took place in the context of Mr Harken from the Western Australian State School Teachers Union having a very important conference this coming weekend. I am sure all members here will be relieved, or at least interested, to know that the claim by the union that scab labour will be employed by the Ministry of Education is quite untrue.

Hon Derrick Tomlinson: Did they use that term?

Hon KAY HALLAHAN: That is what was said on ABC Radio.

Hon George Cash: What is scab labour?

The PRESIDENT: Order! The Minister should just answer the question.

Hon KAY HALLAHAN: I hope members recall that there will be testing in English and mathematics for years 3, 7 and 10, and I hope they will be interested in and will endorse that, as it is part of the commitment by all parties represented in this place. It may not be the Liberal Party's detail of years 3, 7 and 10 but testing has been in their policy for some years. I pointed out previously that the benefits of the tests were that they were diagnostic of the skills that make up numeracy and literacy. Nobody disagrees with the quality of the tests. Everybody agrees that they are of a very high standard, and because they have been so useful many schools that were not part of pilot schemes actually asked for the material and have been administering the tests, so there is very wide acceptance of that material. The circumstance which led to the news item last night is a validation exercise which is to be conducted between 9 and 16 June which will ensure the quality of the tests.

Hon Derrick Tomlinson: How many schools are involved?

Hon KAY HALLAHAN: I think about 16, but I will check that for the member.

Hon Derrick Tomlinson: So it is a relatively small number.

Hon KAY HALLAHAN: A very important union conference is being held this weekend and an issue is being made of something which really does not deserve to be an issue. However, if the union did carry through the threat that was made in the news item on ABC Radio last night to ban the exercise I suppose we would have to resolve that situation in the normal way through the Industrial Relations Commission.

STATE THEATRE COMPANY - "ORPHEUS DESCENDING" PRODUCTION
Funding Difficulties Resolution

259. Hon P.G. PENDAL to the Minister for The Arts:

I presume the Minister would know that some weeks ago the actors involved in the read through for *Orpheus Descending* at the State Theatre Company

were sent home because the Department for the Arts funding had not yet arrived. Will the Minister give assurances that all funding difficulties associated with the State Theatre Company's production of *Orpheus Descending* have now been fully resolved and that the production will open on schedule?

Hon KAY HALLAHAN replied:

I have refrained from saying anything before now, but I could not help noting that Hon Phillip Pental is no longer the shadow spokesperson on the arts, and since he lost that glorious position he seems to have been misled and to be attaching himself to inaccurate information, because the State Government made a sizeable allocation to the State Theatre Company in last year's Budget.

The recent difficulty with regard to funding related to the State Theatre Company's application to the Australia Council, a Federal body which runs on what is called arm's length funding and makes decisions regardless of any of the views that anybody else in the world might have. In this case it decided that it would fund approximately \$39 500 of an application from the State Theatre Company that I think came to about \$200 000. This has led, understandably, to a very serious predicament for the company, which approached the State Government saying, "We are in a very serious position. We are having to tell our actors who are arriving for rehearsals that they must go home, and we are having to restructure our finances." The company asked the State Government, representing the community of Western Australia, to continue to place its confidence in the company by making an extra allocation to it so that it can complete its first season, which is most important and which has had a very high subscription rate.

The matter had to be given very full and thorough consideration, as members will appreciate, and ultimately the State Government came to the rescue of the State Theatre Company with an additional allocation of \$157 000 to see it through its first season. I hope the Australia Council will look more favourably on future seasons of work that company puts forward, and that the company might be mindful of the performances that may attract Australia Council funding so that we can have a true partnership in funding of the State Theatre Company by the Federal and State Governments, which was originally envisaged.

Hon P.G. Pental: So you disagree with its choice of *Orpheus Descending*?

Hon KAY HALLAHAN: I will not answer the interjection, which again is a grasping at straws drawn out of goodness knows where - where straws do not even exist. There has been very significant support by the Government for the State Theatre Company.

TREE PLANTING - HERDSMAN'S LAKE
Reply to Letter Date - Question 600 Answer

260. Hon MAX EVANS to the Minister for Education representing the Minister for the Environment:

Some notice of this question has been given.

- (1) When will the Minister provide his response, in writing, as referred to in his answer to question 600 of 11 June 1991?
- (2) When will the Minister reply to my letter of 28 January 1992 regarding the many commemorative trees planted by members of Parliament at Herdsman's Lake and their subsequent replacement?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply.

- (1) He replied in writing yesterday.

- (2) The Minister's records do not indicate that the member's letter of 28 January 1992 was ever received.

**ROADS - NORTH OF BRAND HIGHWAY TURN-OFF, GREAT NORTHERN
HIGHWAY, MUCHEA**

Hardstaff, Dawn - Improvements Letter

261. Hon E.J. CHARLTON to the Minister for Police:

I have received a letter from Mrs Dawn Hardstaff of Northampton asking for something to be done about a section of road on which her son was killed on 3 March of this year. The stretch of road is a 11.5 km north of the Brand Highway turn-off on the Great Northern Highway at Muchea.

- (1) Is the Minister aware of this stretch of road in which Mrs Hardstaff has indicated that four other people have been killed in recent times?
(2) Has anything been done to improve that stretch of road?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I am aware of the stretch of road, and my recollection is that it is the same stretch of road about which I had some discussions with the police earlier this year. Nevertheless, I must check to ensure that we are talking about the same stretch of road.

As a matter of interest, I am driving to Toodyay tomorrow and if time permits I might nip up and have a look at the road. The road is well identified in the letter and I will see whether the matters raised by this lady have been addressed. Also, these matters come within the portfolio of the Minister for Transport, but in my capacity as having some responsibility for road safety, I undertake to have a closer look at the situation and to respond to the member on those concerns. It is as a result of this human suffering caused by road trauma that the Government has taken a strong interest in the matter. I will respond further to the member.

EDUCATION, MINISTRY OF - MESOTHELIOMA CASE
Crown Law Officer's Actions - Inaccurate Report Comments

262. Hon N.F. MOORE to the Minister for Education:

In her answer to one of my previous question, she indicated that a story reported in today's *The West Australian* was not true: Can she indicate what is not true in that publication?

Hon KAY HALLAHAN replied:

Mr President -

Hon George Cash: It is a reflection on *The West Australian* to say that sort of thing.

Hon KAY HALLAHAN: Is the Leader of the Opposition afraid to reflect on reports when they are not accurate?

Hon George Cash: Tell us what is not accurate, then.

Hon KAY HALLAHAN: I believe I indicated in the earlier answer that I was reading from a memo, a copy of which Hon Norman Moore has, which states -

The officers from Crown Law Department advised us today that the story as reported in today's 'West Australian' is not true.

I presume that they are referring to the context of the question, which does not represent the truth, as they know it, and this was reflected in the memo which represents information they have made available today to the Department of Employment, Vocational Education and Training.

PRISONS - CASUARINA
Construction Costs - Harding Report

263. Hon GEORGE CASH to the Minister for Corrective Services:

I refer to a recently published article headed "Trends and issues, No 36; Private Prisons in Australia", written by Professor Richard W. Harding of Western Australia. The article states -

... Casuarina, the 400-bed maximum security prison in Western Australia, opened in 1991, cost \$90 million. Off the record, officials will say that \$50 million of those construction costs were attributable to union featherbedding and restrictive practices.

- (1) Is that a factual statement?
- (2) If so, can the Minister explain the type of union featherbedding and restrictive practices which occurred during the construction of the Casuarina Prison?

Hon J.M. BERINSON replied:

(1)-(2)

I have seen Professor Harding's article, although I did not read it with sufficient care to remember the particular items within it. It is in one of my many baskets, awaiting attention, because both his opinions in general and those on the question of privately run prisons are of particular interest.

Regarding the construction costs of Casuarina, I am unable to confirm what anybody has said off the record because apparently the comment was made off the record to a person other than me. Also, I am unable to quantify any costs arising out of construction problems. Nonetheless, I can confirm my previous statements to the House regarding the unanticipated increase in the Casuarina building costs when I referred to the difficulties associated with that project being caught up with the very peak of construction activity in this State. The project was caught up in problems which were common with many building projects at that time. A serious inflation in building costs occurred which was well recognised, and, unfortunately, Casuarina was in the eye of the storm, so to speak, and certainly was affected by those prevailing conditions.

Hon George Cash: So the article is likely to be accurate?

Hon J.M. BERINSON: I am unable to cost -

Hon George Cash: Are you saying it is more than \$15 million?

Hon J.M. BERINSON: I do not know what the figure is.

Hon Fred McKenzie: It could be less.

Hon J.M. BERINSON: As Hon Fred McKenzie indicates, it could be less.

Perhaps I could put this question and answer into context by reminding the House of other matters which I drew to its attention regarding the increase in costs of the Casuarina Prison beyond the anticipated costs. I am sure members will recall, since my statements at the time were so memorable, that a substantial part of the increase - by far the greatest part of it - arose from changes to the project design. In particular, a whole additional wing of accommodation was added. Also, significant changes were made to the perimeter security system, which added substantially to the original estimate. However, that is not to deny that there were increased costs arising from construction difficulties. These further matters should be kept in mind so as not to exaggerate the construction cost difficulties.

QUESTIONS - OUTSTANDING
Replies in Writing

264. Hon P.H. LOCKYER to the Leader of the House:

I refer the Leader of the House to the 100 questions on notice on the Notice

Paper. I concede that some of them have been added this week, but will he give an undertaking that those questions - some of which have been awaiting answers for some time - which are not answered by the end of next week will receive replies in writing?

Hon J.M. BERINSON replied:

I will bring that request to the attention of the relevant Ministers. It is the practice, I believe, to reduce the backlog of questions during the recess, and I will certainly be doing that with any outstanding questions affecting my portfolio.

I appreciate Hon Phil Lockyer's raising this matter, because it allows me to remind the House that, although we have approximately 100 outstanding questions on notice, we were down to 30 questions as recently as Tuesday this week. It was only the addition of 93 new questions two days ago that created the present position. The response of Ministers to questions this session - I am happy to adopt the description of my colleague Hon Kay Hallahan - has been brilliant. It certainly far surpasses not only what the Government has been able to do previously, but also certainly what previous Governments have done in similar situations.

GREEK - TERTIARY ENTRANCE EXAMINATION SUBJECT

265. Hon GEORGE CASH to the Minister for Education:

Is the Greek language to be included as a Tertiary Entrance Examination subject?

Hon KAY HALLAHAN replied:

I am always wary of giving a simple yes/no answer to questions.

Hon P.H. Lockyer: We have noticed that.

Hon KAY HALLAHAN: The curriculum development is presently focused on physics.

Hon J.M. Berinson: Perhaps Hon George Cash was referring to Archimedes.

Hon George Cash: The Minister for Education would not even know what the Attorney General is talking about.

Hon KAY HALLAHAN: If I did not know that members opposite all liked me so much I would be very upset about those nasty comments. If the Leader of the Opposition will put the question on notice and add the question, "When is it proposed?", if he is really interested, I will reply in writing.
