

Legislative Assembly

Wednesday, 8 September 1993

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

STATEMENT - BY THE SPEAKER

Suspension of Member for Cockburn, Member's Unacceptable Statement

THE SPEAKER (Mr Clarko): I refer to the suspension of the member for Cockburn on Friday, 20 August 1993, not in relation to the events which led up to it but those which followed. After the House had decided that the member for Cockburn should be suspended from the service of the House, and accordingly I had directed the member to retire from the House, the member made a brief direct statement casting aspersions upon the Speaker and the Chairman of Committees. That statement was wholly unacceptable for a number of reasons: Firstly, the member was suspended from the service of the House as from the moment the House voted to suspend him and was not entitled to make a contribution of any kind whatsoever to any of the House's proceedings until today's sitting. Even if the member had not been suspended and he was therefore able to make some contribution, his statement was calculated to bring the Chair, both in the House and in Committee, into the party politics of the Chamber and to attempt thereby to reduce the authority of the Chair.

Mr McGinty interjected.

The **SPEAKER**: Member for Fremantle, I call you to order.

Any action which attempts to reduce the capacity of the Chair to ensure the orderly conduct of business strikes not only at the Chair, but at the House itself and is to be deprecated for both those reasons. Wilful disregard for the Chair, or attempts to drag the Chair into the debate or to denigrate the occupant of the Chair have always been very seriously regarded by parliamentarians as they recognise the great potential of such actions for damage to the institution of Parliament. The last sitting week was a testing time for many, but most members did not allow themselves to succumb to any temptation they might have felt in the heat of the moment to lash out at the elected officials of this House. However, the member for Cockburn was not the only member who acted improperly in this regard and I hope those other members who indulged in untoward actions will also think closely about their motives.

Standing Order No 72 recognises that a member who has just been suspended may be tempted to offend against the rules of the House prior to leaving the House, and gives the Chair power to name the member again without a question being put, as a result of which the member would incur a further penalty of three consecutive sitting days' suspension for each such further offence.

In all the circumstances on that Friday, I considered that in the best interests of the House that course should not be followed although it was greatly warranted. The statement by the member for Cockburn following his suspension, however, cannot be allowed to stand and accordingly I have waited for his return to the House before making this statement. I now call upon the member for Cockburn to withdraw and apologise.

Withdrawal of Remark

Mr **THOMAS**: I withdraw and apologise to you, Mr Speaker, and to the Chairman of Committees. I realise my spleen should have been vented at the Leader of the House, who was responsible for the sessional order which prompted my rage, and in future I will direct it at him.

The **SPEAKER**: I thank you, member for Cockburn. I imagine that was difficult for you to do and I think it shows character.

**PETITION - COMMON LAW AND WORKERS' COMPENSATION RIGHTS,
RETROSPECTIVE CHANGES**

DR LAWRENCE (Glendalough - Leader of the Opposition) [2.06 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned people of Western Australia on behalf of injured workers and their families wish to express our opposition to and concern at the proposed unfair and unjust retrospective changes to common law and workers compensation rights, with effect from 4.00pm on 30 June 1993 announced by the Minister for Labour Relations at about 2.00pm on 30 June 1993.

The planned removal of common law rights if a writ had not been issued before 4.00pm on 30 June 1993, unless an injured worker can establish a 30% total body impairment, is a draconian and unwarranted change to the law. It is estimated that 90% of common law claims will be disentitled to compensation. It has not been shown by the Minister that any extensions under the Workers Compensation Act will adequately compensate injured workers.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 38 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 127.]

Similar petitions were presented by Dr Watson (53 signatures) and Mrs Henderson (205 signatures).

[See petitions Nos 128 and 129.]

PETITION - GREAT EASTERN HIGHWAY BYPASS ROAD, ROUTE 6

MR TRENORDEN (Avon) [2.10 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned request the Parliament of Western Australia to respect the wishes of the people of the town and district of Northam regarding the Great Eastern Highway By-pass Road which is urgently needed. The people of Northam request that route 6 is proceeded with without further delay as this route has already been agreed upon, cost assessments completed and land purchased to carry out this project.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 125 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 130.]

PETITION - NINGALOO MARINE PARK

MR MCGINTY (Fremantle) [2.11 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned request the Government of Western Australia to legislate preventing all present and future mining exploration and development, including seismic surveys and drilling, within the boundaries of the Ningaloo Marine Park.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 72 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 131.]

STATEMENT - BY THE PREMIER

Ministerial Appointments; Parliamentary Secretary Appointment

MR COURT (Nedlands - Premier) [2.12 pm]: I formally advise the House that His Excellency the Governor has approved of the following appointments as Ministers from 25 August 1993 -

Hon Colin James Barnett MLA - Minister for Resources Development; Energy; Tourism; and Leader of the House in the Legislative Assembly;

Hon Kennon Richard Lewis MLA - Minister for Planning; Heritage; Housing; and Minister assisting the Minister for Transport; and

Hon Norman Frederick Moore MLC - Minister for Education; Employment and Training; Sport and Recreation; and Minister assisting the Minister for Commerce and Trade.

Also, the member for Roleystone is now the Parliamentary Secretary to the Minister for Education; Employment and Training; Sport and Recreation; and to the Minister assisting the Minister for Commerce and Trade.

The paper was tabled.

[See paper No 306.]

[Questions without notice taken.]

PARLIAMENTARY SUPERANNUATION BOARD - APPOINTMENTS

On motion by Mr Cowan (Deputy Premier), resolved -

That pursuant to the provisions of the Parliamentary Superannuation Act 1970, the Legislative Assembly appoint the member for Balcatta and the member for Scarborough as members of the Parliamentary Superannuation Board.

ACTS AMENDMENT (OFFICIAL CORRUPTION COMMISSION) BILL

Introduction and First Reading

Bill introduced, on motion by Mrs Edwardes (Attorney General), and read a first time.

MOTION - STANDING ORDERS SUSPENSION

Select Committee of Privilege Establishment - Premier Misleading the House on 7 July, Pilbara Gas Pipeline Discussions with Hugh Morgan

DR LAWRENCE (Glendalough - Leader of the Opposition) [2.39 pm]: I move -

That so much of the standing orders be suspended as is necessary to enable consideration forthwith of the following motion -

That a Select Committee of Privilege be established to inquire into whether the Premier misled the House on 7 July 1993 when he claimed that he had not discussed the Pilbara to Kalgoorlie gas pipeline project with Mr Hugh Morgan.

The Premier seeks to diminish the significance of what he has done, and members opposite seek by way of yawns and other gestures to imply that misleading the House is a matter of no consequence. I know how seriously the House takes this matter because on one occasion members opposite drew attention to a failure on my part to correct the record in respect of a certain matter, and as soon as I became aware of an inconsistency, I agreed to correct it. In another case, there was a political committee, with which I never agreed. However, in this case we have a clear indication, and we gave the Premier an opportunity to indicate precisely what had happened -

Mr Court: And I gave you the answer.

Dr LAWRENCE: The Premier did not give me the answer or the justification.

What happened is that in discussion in this House about a pipeline from the Pilbara to Kalgoorlie - which was discussed in the media today - the Premier said, at page 1380 of *Hansard* -

We will table all the correspondence for members opposite. In the current negotiations we are encouraging a number of companies to participate in that project. One of the consortia is still prepared to do that part of the project and to participate in the project to the goldfields.

Following that, there was an interjection from the Deputy Leader of the Opposition. It was obviously a clear interjection. I doubt that it was a particularly rowdy debate because *Hansard* was able to record the interjection. The Deputy Leader of the Opposition quite explicitly and clearly asked the Premier -

Have you discussed the project to the goldfields with Hugh Morgan?

The question was not "How much detail?", or "Did you sit down and meet with him?", or "Did you negotiate with him?", but simply "Have you discussed the project?" The Premier replied, with great confidence and without hesitation, "I have not."

Mr Court: It was an interjection about current negotiations, and you know it.

Dr LAWRENCE: I have read directly from the *Hansard* of the day. I have not left out a single word as recorded in *Hansard*. If the Premier believed that *Hansard* was incorrect, he presumably would have corrected the daily proof and made a different statement in the corrected version. This is the version that we all regard as a record of the proceedings of the House. The Premier replied, clearly and without qualification, because he then goes on to discuss another matter, "I have not." In other words, he said he had not discussed this matter with Mr Hugh Morgan. A number of us were rather suspicious of that answer because we had noted that during the election campaign, the then Opposition came up with this brand new proposal, as it saw it, although there had been discussions within Government for some time about the possibility of such a pipeline -

Points of Order

Mr COWAN: Mr Speaker, I know that some difficulty always arises in a motion to seek to suspend so much of standing orders as would prevent the debate on a motion that is about to be moved, but once again we seem to have crossed the threshold where we are discussing the substance of the motion that is to be moved should this motion be successful. I draw your attention to that fact and ask you to direct the Leader of the Opposition to come back to the motion to suspend standing orders.

The SPEAKER: As you know, I have said repeatedly when that sort of point of order has been made that my experience is that it is extremely difficult for people to move for the suspension of standing orders for a particular reason without stating some of that reason. The Leader of the Opposition has been speaking for approximately three minutes, and that is a fairly brief time. Were she to continue to spend her speech dealing with the substantive motion rather than the precursor, naturally she would be out of order. I do not think she is out of order at this stage, but she is aware that her prime emphasis should be on brief reasons for the suspension, and I ask her to do that.

Dr LAWRENCE: Mr Speaker, correct me if I am wrong, but I think I have 17 minutes of reasons, if I wish to give them, so long as I conform to your general ruling in relation to the relevance of the matter.

The SPEAKER: I said that you have been speaking for approximately three minutes.

Dr LAWRENCE: Mr Speaker, I thought you said I should give brief reasons. I am not sure of your definition of "brief".

The SPEAKER: Order! What the Leader of the Opposition says is right. The motion is about the suspension of standing orders. The question of why the standing orders should be suspended must come into it and this is what makes it difficult for Presiding Officers. I assume that the Leader of the Opposition will speak in only a minimal way about the proposed substantive motion. If she is successful she will talk more fully later, but for the time being I take it that she will speak about it in a minimal way.

Debate Resumed

Dr LAWRENCE: The clear requirement is that we ensure that we establish the reasons for calling for the suspension of standing orders: That is, that the Premier has said one thing in this House on 7 July in response to a specific question from the Deputy Leader of the Opposition, and he has today said something else.

Several members interjected.

Dr LAWRENCE: There was no suggestion of that. On 7 July the question was: Have you discussed the project to the goldfields with Hugh Morgan? The question was not: Have you been involved in negotiations or have you discussed the conditions? The question was not: Have you discussed the negotiations? Nor was it: Have you been involved in discussions regarding the detail of the project?

Several members interjected.

The SPEAKER: Order! The interjections must cease.

Dr LAWRENCE: The Government may seek to rewrite *Hansard* but the record is very clear. The Deputy Leader of the Opposition's recollection, too, is very clear and it coincides precisely with the question: Have you discussed the project to the goldfields with Hugh Morgan? That is a very explicit and exact question, and the very explicit and exact answer by the Premier was: I have not.

In this morning's *The Australian Financial Review*, there was reported something of which the Opposition had been suspicious for some time; that is, that the Premier and other members of the Government - we presume, the Minister for Resources Development - had discussions with Mr Hugh Morgan regarding the pipeline project before the State election, some time towards the end of last year, making the Premier's answer in Parliament on 7 July a misleading of the Parliament. In order to establish directly whether there was a misleading of the House we asked the Premier that explicit question. During question time I asked, "Is it true that the Premier discussed with Western Mining Corporation Director, Hugh Morgan, the goldfields pipeline project some time before 7 July?" On this occasion the answer was yes, he had. I gave him two opportunities in the first question, and by repeating it, to indicate to the House why there was a discrepancy between his answer today and his statement to the House on 7 July. It is a matter of privilege, as members will appreciate, when a member clearly misleads the House and, in the case of the Premier, offers no explanation or apology. He has given no reason to this House to enable us to understand his behaviour. Why on one occasion did he say he had not spoken to Mr Morgan? What was it about the Government's dealings with Mr Morgan that led the Premier to deny that he had a conversation? Why was it necessary for the Premier to say on 7 July, despite the fact that many people knew otherwise -

Several members interjected.

The SPEAKER: Order! The two interjectors will cease.

Dr LAWRENCE: Why did the Premier say on 7 July -

Several members interjected.

The SPEAKER: Order!

Dr LAWRENCE: What is this all about? On 7 July, apparently there had been no discussion. The statement was not qualified by the Premier's saying, "I discussed other matters with Mr Morgan" or, "I have seen him. I had lunch with him."

Mr COURT: You asked whether I was involved in current negotiations.

Dr LAWRENCE: The question I asked, and I repeat it, is the question that the Premier did not correct. The Deputy Leader of the Opposition did not correct it. There has been no attempt to modify this, as far as we can tell. The question was, "Have you discussed the project to the goldfields with Hugh Morgan?" The answer given was "I have not".

Mr Cowan: You're reading it out of context, and you know it!

Several members interjected.

Dr LAWRENCE: I will read the pages before and after the comment if members wish. I will go through some of the preceding statements. *Hansard* reads -

Mr COURT: I do not have the letter in front of me, but I will provide a copy to the Deputy Leader of the Opposition.

This is about an agreement Act with BHP. The Premier was then critical of the Deputy Leader of the Opposition. The Premier said -

He gave a commitment in writing to the company to waive the requirement of one Act. The company representatives said that some misunderstanding seems to have occurred and they wanted the commitments waived for all Acts. Therefore, the previous Government did not get the deal together!

This referred to the fact that BHP entered into an arrangement whereby obligations in the agreement Act were waived in return for the power station and pipeline in the Pilbara. That is the discussion preceding the Premier's comment. He continued following interjections -

Mr COURT: This is typical of what happened with the previous Government; it had 10 miserable years to get gas from Dampier to Port Hedland, but it could not get it right -

He heavily abused us, and then comes to the relevant precursor -

We have been heavily promoting a pipeline from Dampier to the north eastern goldfields and the goldfields.

Interjections are followed by the Speaker calling members to order. It continues -

Mr COURT: I want to bring this answer to a close. Members opposite have just learnt something they did not know before; namely, no deal was in place.

Several members interjected.

Mr COURT: We will table all the correspondence for members opposite. In the current negotiations -

Mr Cowan: In the current negotiations!

Dr LAWRENCE: Yes, but it continues -

- we are encouraging a number of companies to participate in that project. One of the consortia is still prepared to do that part of the project and to participate in the project to the goldfields.

Dr LAWRENCE: In any context, then, the question remains the same; namely -

Mr Taylor: Have you discussed the project to the goldfields with Hugh Morgan?

Mr COURT: I have not.

Several members interjected.

Dr LAWRENCE: That is now a matter of public record, yet the Premier confirmed today that he did have discussions with Mr Morgan. The report of the press conference today indicates that the Premier took his time to get around to the matter: He said that he spoke to all sorts of people all the time about all sorts of things, and how could he possibly remember, and, in any case, was it relevant. However, it is clear now: On 7 July the Premier gave one answer to the House, but under pressure he finally admitted that he had had discussions with Mr Morgan.

This matter must be examined closely as it is not insignificant. The Premier has acknowledged that the pipeline is a major project; therefore, it is critical that it is, and is seen to be, entirely above board. Why the Premier did not acknowledge on 7 July that he had had discussions of any kind with Mr Morgan is something with which the House should be acquainted. Why did the Premier not give a true answer to the question on 7 July? Why on that occasion did he seek to - and actually did - mislead the House?

I gave the Premier an opportunity in question time today to give this House reasons that he saw fit to clearly deny that he had discussions when the public record now shows that he had had discussions. However, he chose not to explain his actions or apologise to the House for misleading it; therefore, a question mark remains over the Premier's intentions and the facts of the matter.

The Premier misled this House, as was confirmed today in his own words. Therefore, it is necessary that this question be examined carefully. The people of Western Australia must know the answer. Why did the Premier mislead the House? Did he presume that he would get away with it? A meeting was held, as I understand it, between Mr Morgan, the Minister for Resources Development and the Premier. Did the Premier presume that nobody else would discover such a meeting occurred? Was some advantage to be gained in refusing to provide information to the House and the people of Western Australia about discussions he had had with Western Mining Corporation Ltd well in advance of this project going out to so-called open tender?

Mr Court: Are you saying that it was not an open process?

Mr Taylor: You had discussions and you said in here you hadn't!

Several members interjected.

Dr LAWRENCE: This is not a matter of insignificance. The context in which this misleading of the House occurred demands explanation, and the only way to do that is to suspend standing orders and to establish a Committee of Privilege to examine a serious breach of privilege of this House. Members opposite have got into the habit during question time - as in this case - of saying whatever they like without regard for the truth. The Premier has had to acknowledge that that is precisely what he did on 7 July. He owes this House and the people of Western Australia a better explanation than that he gave today.

The SPEAKER: Order! I draw members' attention to the wording of the motion before the Chair.

DR GALLOP (Victoria Park) [2.56 pm]: I support the motion. My first point relates to the Westminster system of Government and the relationship between Ministers and the Parliament from which they emanate.

As you know, Mr Speaker, the Westminster system has a convention - nothing more than that - that Ministers answer questions asked of them in this Parliament. If they wished, every Minister opposite could decline to answer any question put to him or her as no law says that a Minister of the Crown must answer questions; the answering of questions is simply a tradition and convention. Therefore, when Ministers answer questions and respond to the process of parliamentary debate, the expectation is that they will tell the truth and the whole truth, not half the truth.

The media, political commentators and the general public have had the opportunity during the past 12 months to read the report of the three royal commissioners, who went to some length to describe the importance of ministerial responsibility in answering

questions frankly and fully. In other words we are dealing with a matter which goes to the very essence of the Westminster system.

Mr Cowan: Which Government was it that the royal commission investigated?

Several members interjected.

The SPEAKER: Order!

Dr GALLOP: The expectation is that questions will be answered fully.

Several members interjected.

The SPEAKER: Order!

Dr GALLOP: In finalising this point let me repeat that the expectation is that Ministers will, firstly, answer questions and, secondly, do so properly and fully. If that convention is not followed, the whole point of the parliamentary system falls apart.

Why is this an important issue? The Premier responded on 7 July to an interjection from the Deputy Leader of the Opposition on an important issue: It relates to a project involving approximately \$400m of investment. The project has attracted about 16 bidders from not just Western Australia but all over the world. Some of the bidders are very experienced in pipeline construction and operation and they have invested money to put proposals to the Western Australian Government for an opportunity to become involved in our energy system. Although people have come to Western Australia from the Eastern States and the international gas community -

Point of Order

Mr COWAN: Mr Speaker, I think this time you must draw the member's attention to the fact that he is debating the substance of the motion that is proposed and not the motion to suspend standing orders.

The SPEAKER: Order! For the first time since I have been Speaker, I accept that is the case. I allowed the member to proceed in this manner to begin with because I thought I should give him a few minutes' latitude. Had this matter not been raised by the Deputy Premier, I was going to gently urge the member to relate his remarks much more directly to the matter to do with the suspension of standing orders.

Debate Resumed

Dr GALLOP: This motion asks us to suspend standing orders and to refer to a Committee of Privilege a comment made in this Parliament by the Premier. I am trying to illustrate to this House why we wish to do that.

The SPEAKER: Order! I think the member should say that from time to time. It makes it difficult for those of us listening to know exactly what he is talking about.

Dr GALLOP: It is important that this matter be clarified for the public because we are dealing with a significant project in which the reputation of the State and ultimately of this Parliament are at stake as a result of the comments made by the Premier. This is a major project. Many players from the gas industry, not only Australian but international, will be bidding to build, own and operate this pipeline. One of the questions that has come up in this discussion is whether this whole process is just a lay down misère. The media have asked the question; some of the people who have visited this State to put in a bid have asked the question: "Is it just a case that Western Mining and its joint venture partners, BHP Minerals and Normandy Poseidon, will automatically win this project because of their political connections with the Liberal Party and the coalition Government?"

To give evidence that such a proposition is being discussed and debated in the community, I refer to an article in the *Kalgoorlie Miner* of 20 August 1993. Mr Kim Short, the commercial manager for construction of Transfield Construction Pty Ltd, had entered into a joint venture arrangement with the Commonwealth Pipeline Authority to put together a proposal. The Commonwealth Pipeline Authority - in case members do not know - is a very experienced operator. Transfield is also very experienced in the infrastructure business. The article states -

"We wouldn't want to own the system but we would have no problem supplying gas to a reticulated system," Mr Short said.

"The point we made in our submission was that we did not have a vested interest, we would always be in a position to do the right thing by end users."

Mr Short said his group had been bluntly dealt with by Western Mining.

"We contacted them about their gas requirements and we got the brush-off.

"They were definitely not interested in talking, and we weren't the only ones who got that treatment.

"WMC has used all the political clout it can.

"My gut feeling is that they will get the contract along with someone else."

The SPEAKER: Order! The member will resume his seat. I allowed the member to read that quote which he obviously regards as being important to his speech. I think he is now a long way from the motion to suspend standing orders. I gave the member a gentle reminder a little while ago. I ask more firmly that the member relates his comments to the reasons for suspending standing orders.

Dr GALLOP: The Commonwealth Pipeline Authority and Transfield - and other bidders - have put in a bid for this project and are concerned that political clout has been used to make sure that one company in consortium will get the project. Given that this is the concern of people, is it not fundamentally important that the Premier truthfully answers a question about his dealings with one of those bidders? That is precisely why the Deputy Leader of the Opposition raised that question. We wanted to know whether any discussions had been held with Western Mining Corporation about this matter. The Premier was given every chance to answer that question truthfully. What did he do? He played tricks with this Parliament. He is playing tricks with the Parliament again, and that is why we believe this matter should be referred to a Committee of Privilege to look at the circumstances surrounding it.

I emphasise my point again by referring to the debate that occurred in March when the Opposition raised the whole question of the relationship between Western Mining Corporation and the coalition Government on this matter. I raised the issue in March. It was discussed in the media during May and June and, indeed, my Federal colleague the member for Kalgoorlie, Graeme Campbell, raised the very same question. An article in the *Kalgoorlie Miner* on 1 June states -

... Graeme Campbell believes the State Government intends to give Western Mining Corporation the contract to build the proposed Goldfields-Pilbara gas pipeline.

As it turns out, Mr Campbell was dead right on that subject. The article continues -

Mr Campbell claims prospective tenderers are suspicious of the Government's handling of the project so far.

What happened when Mr Campbell raised that issue? What did Western Mining Corporation say when that matter was put to it? The article continues -

... WMC yesterday denied it had discussed the pipeline with the State Government.

This was a matter of public controversy. As an Opposition in this Parliament we could only expect that, when the Premier was asked a question about the matter by way of interjection, he would truthfully answer. Unless we get truthful answers from the Government, we will never know what happens in the Executive Government.

As the Opposition spokesperson on resources and energy, it is very difficult for me to get to the truth of the processes that have been followed in this matter. As the member for Pilbara said earlier, by way of interjection, we have not yet had all the facts about the processes that have been followed in this project, and we want to get them. Poor, old me, as resource spokesperson, I had the audacity to ask the Minister for Resources

Development for some briefings so that I could know what was going on and discuss the matter with the Department of Resources Development. When I was a Minister for Education and a Minister for Fuel and Energy never once did I deny a briefing. In this case I was told by the Minister, "You cannot get a briefing on this matter until after the announcement is made." The Government wants to keep the Opposition in the dark, to keep the public in the dark and, when asked a question in the matter, tells untruths. That is what this Premier has done in this place.

MR COURT (Nedlands - Premier) [3.08 pm]: First of all, we do not support the motion that has been moved. I thought we spelt this out quite clearly but, for the sake of the Leader of the Opposition, I will say it again. In answer to a question which went on for some time - members cannot take words out of context - I quite clearly said that we have been heavily promoting a pipeline from Dampier to the north east goldfields and the goldfields. We were doing that for a long time, as the member for Victoria Park knows.

We went into the election campaign running that proposal. I then started talking about the current negotiations. In that context I was asked a question about whether I had had discussions with Mr Morgan, and I said no, I had not. I have not been involved in discussions. If the member had the decency to accept the statement in the context in which it was said, he would realise that he is drawing a pretty fine line.

Mr Taylor interjected.

MR COURT: The Deputy Leader of the Opposition knows that I spend more time in Kalgoorlie promoting this project than he does.

Mr Taylor: Did you or did you not meet with Western Mining on this issue?

The **SPEAKER**: Member for Kalgoorlie, cease repeating your interjection.

MR COURT: The members opposite cannot accept that we are working down a path to put a deal together. First of all the Opposition's target was Western Mining Corp Ltd. It has this absolute hatred of Western Mining.

Mr Taylor: That is quite wrong.

The **SPEAKER**: Order!

MR COURT: The Leader of the Opposition came into the House today and accused Western Mining's chief executive of being a disgraceful person.

Dr Lawrence: I did not use the word disgraceful. He has been in a bit of trouble.

Mr McGinty: He is known to be a disreputable person.

Dr Lawrence: Western Mining stood him aside, put a committee over the top of him, and removed his director's privileges.

Mr McGinty interjected.

The **SPEAKER**: Order! Member for Fremantle, cease interjecting.

MR COURT: When the Government announced it was going ahead with this project the Opposition concentrated its attack on Western Mining. It said, "Let's get into Western Mining." Today the Government announced a consortium comprising Western Mining, Broken Hill Proprietary Co Ltd Minerals, and Normandy Poseidon Ltd - three companies that are usually in competition with each other. The Opposition can attack only one of those companies. Its spokesman starts peddling the story around that WMC does not have the expertise.

Dr Gallop: Where does Western Mining run a gas pipeline?

Mr Taylor: The Premier has not answered the question about his involvement with Hugh Morgan on this issue.

MR COURT: I can answer only one question at a time and the member for Victoria Park asked about Western Mining's expertise in gas pipelines. It happens to be a petroleum and gas producer as well.

Point of Order

Mr RIPPER: We are now two or three levels from the subject of the debate. We are now discussing the merits of the project and the expertise of the consortium, whereas the question is whether we should suspend standing orders, and an associated question is whether the Premier misled the House. I appreciate your earlier rule that the first question of suspension of standing orders might be mixed up to some extent with whether the Premier misled the House, but to go into the consortium and the merit of project is one step further.

The SPEAKER: It would be extremely difficult for me at the three minute mark of the Premier's speech to rule him out of order when I did not do that with the Leader of the Opposition or the member for Victoria Park who both had equivalent time. It is exactly the same argument; and experience over my lengthy time here is that when speaking to these motions the tendency is for all members to start talking about the reasons rather than to the motion to suspend standing orders, so latitude must be given. I gave the member for Victoria Park latitude in an otherwise excellent speech - I thought he was a fair way off the prime motion on several occasions, but I was enjoying the quality of the speech - and both speakers have concentrated in the early part of their speech on the secondary part. The Premier is aware of what I am saying, and I ask him to relate his remarks to the motion.

Debate Resumed

Mr COURT: Members opposite cannot accept that three companies who normally would not come together for this type of project have formed a consortium. They all have a common interest in that they operate in the goldfields region; two are actively involved in the petroleum industry; and BHP, the parent company, happens to be one of the largest operators in the petroleum industry in the world. All the Opposition wants to do is question the process. Members opposite should not judge us on their standards. This has been a completely open process.

A panel chaired by Bill Powers of the Department of Resource Development, and comprising another officer from that department, Ian Fraser from the petroleum branch of Department of Minerals and Energy, Peter Kolf from the Energy Policy and Planning Bureau and Richard Elsey, who at the time was running the Kimberley pipeline study, carried out all the negotiations. The member for Victoria Park was aware of that. They made the recommendations which then came to Cabinet. Members opposite cannot accept that this Government does things properly. They sit in this House and defame people.

Mr Taylor: When did you first discuss the issues with Hugh Morgan?

Mr COURT: Members opposite can continue to defame Hugh Morgan as much as they like.

Mr Taylor interjected.

Mr COURT: Let me speak.

Mr Taylor: I am asking you a question. When did you first discuss it with Hugh Morgan?

Mr COURT: I am on my feet. Since members opposite became the Opposition they have defamed the consultants who worked on the McCarrey commission, the commissioners, and Hugh Morgan.

Mr Taylor interjected.

The SPEAKER: Order!

Mr COURT: The Leader of the Opposition said he is a disgraceful person. Here is a company combining with BHP and Normandy Poseidon Ltd to build a major energy resource project in this State and the best she can come up with is to take a comment I made out of context.

Mr Taylor: The issue is your meeting with Hugh Morgan.

The SPEAKER: Order!

Mr COURT: The Deputy Leader of the Opposition is taking something out of context. As I said, if one takes my comment in context, it is perfectly correct. The Leader of the Opposition asked whether I had discussions with Hugh Morgan and I said yes. That was in the context of her question.

Several members interjected.

Mr COURT: I am the person who said the Government was heavily promoting the pipeline.

Mr Taylor: You did not say yes, you said no.

Dr Lawrence interjected.

The SPEAKER: Order! Leader of the Opposition, cease interjections.

Mr COURT: I had no involvement in the negotiations that took place until the panel's recommendations came to Cabinet recently and were approved.

Mr Taylor: You did not answer my question at all. You failed to answer that question.

The SPEAKER: Order!

Division

Question put and a division taken with the following result -

Ayes (19)

Mr Bridge
Mr Brown
Mr Catania
Dr Gallop
Mr Graham
Mr Grill
Mrs Henderson

Mr Hill
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty
Mr Riebeling
Mr Ripper

Mr D.L. Smith
Mr Taylor
Mr Thomas
Dr Watson
Mr Leahy (*Teller*)

Noes (25)

Mr Ainsworth
Mr Board
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames
Mr House
Mr Johnson

Mr Kierath
Mr Lewis
Mr Marshall
Mr McNee
Mr Minson
Mr Omodei
Mr Osborne
Mr Pandal
Mr W. Smith

Mr Strickland
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bradshaw (*Teller*)

Pairs

Ms Warnock
Mrs Hallahan
Dr Edwards
Mr M. Barnett
Mr Cunningham

Mr Bloffwitch
Mr C. Barnett
Mr Blaikie
Mr Nicholls
Mr Shave

Question thus negatived; motion defeated.

BILLS (2) - INTRODUCTION AND FIRST READING

1. Education Amendment Bill

Bill introduced, on motion by Dr Lawrence (Leader of the Opposition), and read a first time.

2. Government Pricing Tribunal Bill

Bill introduced, on motion by Mr Taylor (Deputy Leader of the Opposition), and read a first time.

ACTS AMENDMENT (MINISTRY OF JUSTICE) BILL*Report*

Report of Committee adopted.

Third Reading

MRS EDWARDES (Kingsley - Attorney General) [3.22 pm]: I move -

That the Bill be now read a third time.

MR D.L. SMITH (Mitchell) [3.23 pm]: The Opposition has made clear its Opposition to this Bill based, firstly, on the notion that it believes the administration of the courts is best done in the way that the High Court, the Federal Court and the South Australian State Court have a separate independent authority whose chief executive officer is the Chief Justice. Secondly, the Opposition believes that under the Ministry of Justice and combined committees system there is likely to be undue opportunity by those involved in the prosecution and custodial side of the criminal law to influence the way in which the courts are administered. It also believes that the proposal under this legislation is tantamount to a takeover by the Department of Corrective Services of the Juvenile Justice Bureau and, more importantly, the Crown Law Department. That is evidenced by the fact that not only most of the resources will be devoted to corrective services but also the chief executive officer of the new Ministry is indeed the former chief executive officer of the Department of Corrective Services. We also believe that the merger of juvenile justice with corrective services, which is practically achieved by this legislation, is not in conformity with international covenants and very much confuses the welfare needs of children who are having difficulties, and the punitive and custodial requirements needed for recidivist adult offenders.

By and large some elements of this Bill are aimed at crime in the community. We on this side reiterate that we are as concerned, if not more concerned, about the level of crime in the community than is the Government. However, we simply believe that the Government's approach to the problem of crime is to allow it to drive the administration of the courts, the Crown Law Department and the total justice arena. The danger to individual rights and the need for the courts to protect the community from errant Governments and those which ignore people's rights has become very real. The best way to avoid this is to ensure that, as far as possible, the Attorney General keeps the public informed of the activities of the various proposed committees and of the decisions they make. That way we can at least very quickly understand the influences that might occur and provide the Government with advice on how that might be avoided in the long term. We will vote against the third reading on the voices, but will not force a division.

MRS EDWARDES (Kingsley - Attorney General) [3.27 pm]: The establishment of the Ministry of Justice is the culmination of much work by many public servants. It will ensure that the administration of justice in Western Australia will fly. The Opposition shows a total lack of understanding of the focus and direction of the administration of justice in Western Australia. The three groups that have come together are: One which was regarded as a cinderella within the previous department; another which presided over one of the biggest financial scandals in the building services area but which was doing brilliant things through some programs for Aboriginal people and the appointment of women to senior positions; and a third which was moving in the right direction in a number of areas but which was virtually in tram tracks. These three areas, incorporated under the Ministry of Justice, and with the improvement of the coordination, development and implementation of policy, will ensure that the administration of justice in Western Australia will fly.

I was asked several questions to which I have endeavoured to find the answer. I do not have them all, but I will provide those answers to the House and in writing to the

members who asked them, mainly the members for Mitchell and Belmont. Information I do have is that the victim support unit, with a full management budget, was transferred on 1 July 1993. Its number of full time equivalents is nine, with volunteers. The Aboriginal policy and services unit is still being established; however it has one FTE with an additional five proposed, three of which will come into existence on 4 October this year.

I indicated last night that the Aboriginal visitors' scheme had transferred as at 1 July; however, that is not correct. The transfer has not been completed, although full agreement has been reached between the Aboriginal Affairs Planning Authority and the Ministry of Justice. That scheme comprises five full time equivalents and the strategic services area comprises 19. I indicated that David Northcott had been employed by the Department of Community Development as well as the Department of Corrective Services. Although I was aware that he had been employed by another department dealing with his social work degree, I am informed that it was in the mental health area, and not with the DCD. The Juvenile Justice Advisory Council was established on 1 July 1993 and held its first meeting on 18 August. Its members are: Bill Doherty as the chairperson, Harry Blagg as the research officer, David Grant, Graham Maybury, Anne Carew-Reid, Alexander Payne, Nigel Haines, Esther Roadnight, Marilyn Green, Rev John Myles and Carol Petterson. Additionally, Doug Fairclough and Pat Morris are interim members who are representatives of the Western Australian Municipal Association, and as soon as the processes are put in place WAMA will recommend formal members.

The copy of the revamped protocol is not available at this time for tabling, but I will table it as soon as the draft becomes available later this week, and will provide copies to members. I indicated the Government's position on collocation in remote country areas, although I did not mention Halls Creek and Roebourne. The information I now have is that in order to provide continuing services in the absence of either officer some dual authority may be considered. At all times the appointed officer, whether it be a community corrections officer or a juvenile justice officer, will maintain case responsibility, and any intervention by the other officer will be to enhance immediate service delivery only. In relation to dual responsibility, I had indicated that DCD staff would be honorary community correction officers under the Child Welfare Act; however, that comes under the Offenders Community Corrections Act, which was previously the Probation and Parole Act, not the Child Welfare Act.

Amendments proposed to clause 22, section 138B amended, will extend the power of apprehension to juvenile justice officers. I said that the powers were limited to the returning of the child to his or her school or place of residence. When I indicated that it was an extension of the powers that were given to the DCD officers, although I indicated that that did not extend to care and protection I want to ensure that it is clearly understood that a DCD officer or a police officer will have the additional power to that of juvenile justice officers to proceed with a care and protection application if considered appropriate. As I pointed out last night, that is not available to juvenile justice officers. I make it clear that that clause will not give juvenile justice officers the same powers as a DCD officer or police officer.

I turn to clause 18 - section 34D repealed of the Child Welfare Act. It appeared that the member for Mitchell was of the impression that the power to abridge, discharge or extend probation was now provided under the Children's Court of Western Australia Act. That is not correct. The reason for repealing this section is that the Children's Court of Western Australia Act provided legislative intent for the removal of indefinite sentencing and the introduction of discrete sentences. Section 34D originated in 1962, and prior to 1988 juveniles were often placed on lengthy terms of probation; for example, for two years. That created management problems for the department. Provision was therefore made for the Minister to override court orders on recommendation from the chief executive officer. It is suggested that the introduction of the Children's Court of Western Australia Act and amendments to the Child Welfare Act in 1989 to remove "place under control" orders change the philosophy of dealing with juveniles from a welfare model to

a justice model, therefore making the powers of the Minister to override the court, in particular the notion of administratively extending an order, incompatible with the thrust of the legislation. I hope that the member for Mitchell is now much clearer about that section.

I will reply to the other questions, to which I said I would be happy to respond, at the earliest possible opportunity. I will continue to report to the House from time to time on the progress of the Ministry of Justice and the various committees and about the matters which will be the subject of decisions or programs which will be put in place. I am sure the initiatives or recommendations will be the subject of many short ministerial statements to this House to keep members informed.

Mr Ripper: Will you bring the results of the proposed review of case management experiences and issues to Parliament?

Mrs EDWARDES: The protocol between the two departments is a matter which is of some concern to the Government. The Government dealt with that matter in a sensitive way to ensure that it was properly established, because it is looking after the individual. What happened in New South Wales occurred as a result of personality conflicts between the various departments. This State does not have those conflicts. We have much goodwill between the two sets of officers, and they have been working closely on this matter. I have referred the question of the review of case management to the department for investigation. I am happy to report back to this House on that question.

Question put and passed.

Bill read a third time and transmitted to the Council.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Second Reading

Debate resumed from 5 August.

MR MCGINTY (Fremantle) [3.36 pm]: I oppose this Bill because it will be a backward step for environmental protection in Western Australia. Most people who have commented on this Bill since it was intended to be introduced into this House some months ago have been highly critical of it. It is rapidly becoming one of the great matters of distinction between this Government and the Labor Government which preceded it, because the Labor Government adopted an approach of consultation, putting matters out into the community and then responding to the interests and needs of the community. That can most easily be seen in relation to the environment. The Wildlife Conservation Amendment Bill was released for public discussion towards the end of 1992, prior to its introduction in this Parliament. To the extent that it was possible within the limits of party policy, the Bill would have accurately reflected the needs and interests of all people who would be affected by the legislation rather than the Government simply seeking to impose upon an unwilling community the views of the relevant Minister and, in particular, the ideologically driven views of the Government of the day. Members have seen this occur in the industrial relations legislation and the workers' compensation changes; in this case it is also occurring with the environment. By way of legislation in this Parliament members are being presented with the ideologically driven views of the hard right in society, rather than anything which purports to represent any sort of consensus or any attempt to take into account the broader views of the community and, in particular, those in the community who have a particular interest in the matter at stake.

In recent times we have seen in Western Australia a condemnation of this Bill from the Conservation Council of Western Australia, the peak conservation body representing the vast bulk of conservation minded organisations in Western Australia. The Bill has also been severely criticised, if not condemned, by the group People for Environmental Protection which has sprung up in an attempt to protect the environment in Western Australia against some of the actions of this new Government which have been seen to be significantly anti-environment. It has been criticised by the former Liberal Party appointee, Professor Bert Main, who was chairman of the EPA. Throughout the

community we have seen a condemnation of this Bill; nonetheless, we will no doubt see a simple number crunching exercise to ensure that the Bill is passed in Parliament.

A clear framework exists in this matter which should be presented to the Parliament. As required by the Environmental Protection Act, the former Government carried out a very comprehensive review of the Act in 1992. It could not be said that that was in any sense a partisan review. It was chaired by the head of the Environment and Planning Department of the State of Tasmania, who is also a lawyer. Mr Harold Clough, an eminent industrialist and developer in this State represented business and Mr Neil Blake represented the conservation movement. It was a comprehensive review of the State's environmental system and the most interesting thing that came out of it was that it acknowledged that the system that exists in Western Australia is one of the best in Australia. Although it resulted in recommendations for some modifications around the edges, it decided that the basic operation was sound.

It is very important to remember that this comprehensive review of the Act was conducted on a tripartite basis. That is the way the former Labor Government did business; it spoke to people and tried to ascertain what the people directly affected by legislation needed and then tried to mould the legislation accordingly. However, this Bill cuts across some of the most significant recommendations contained in that review and, more importantly, it contains changes which will attack the very foundation of our environmental protection system in Western Australia. It attacks also an operation which is recognised as one of the best in Australia, if not the world, and that will result in a diminishing of Western Australia's standing and reputation in environmental protection.

The first point that must be made today is that it is appropriate for the Government to follow the recommendations contained in the report of the committee which reviewed the Environmental Protection Act only last year. This legislation does not do that other than in two very minor respects. The first is that it conforms with the tripartite recommendation relating to the appointment of EPA board members. The Opposition will support those two minor provisions. Recommendation 12(2) of the report states that the Government should call for expressions of interests for EPA board members prior to making appointments to the board. That has now been enshrined in this legislation in proposed new section 7(3). It is minor because past practice has been to call for expressions of interest in any event. Therefore, it will have no practical effect. Nonetheless, this legislation gives that provision statutory form.

The second minor provision with which the Opposition agrees - it also has no practical consequence - is the adoption of the review committee's recommendation that the Governor, rather than the Minister, appoint the EPA board members. Recommendation 12(3) will now be picked up in proposed new section 7(2). It is good to see that two minor recommendations have now been enshrined in the legislation.

That is the limit of our support for this legislation. In every other respect it is contrary to the recommendations of the review committee, and contrary to the wishes of industry, the environmental movement and the administrators who are experts in this area. It reflects a very blinkered view and one that we will criticise in a constructive way during this debate to show why the Government has got it wrong.

It is appropriate that legislation should conform with the recommendations of the review committee. Unless that is done, this legislation should not proceed until such time as the Minister has met his statutory obligations under the Act. As the Minister is aware, section 124 of the Environmental Protection Act requires that the operation of the Environmental Protection Act be reviewed after five years. That was conducted in 1992. Section 124(2) requires the Minister to table in this House the Government's response to that review. It is very difficult for us to deal with piecemeal amendments when we do not have the benefit of the Government's response to the review or the benefit of knowing the broader framework within which the amendments are intended to fit. We can only go back to the review which said, "Don't do it." Why are we proceeding without ensuring that the Minister measures up to his statutory responsibility and tables the Government's response to the recommendations of the review so that we can

understand the philosophical underpinnings for the direction in which the Minister wishes to take environmental legislation in this State? That fundamental question should be answered by the Minister. He has been the Minister for approximately seven months. The review was completed last September or October. I believe it was incumbent upon him, prior to the legislation being introduced, to table the Government's response to the review recommendations so that we can understand the framework and intellectual underpinning of what is sought in this legislation. With due respect, the Minister's second reading speech is heavy on rhetoric and short on substance. It cuts across the basis upon which environmental protection has operated in Western Australia for a number of years. The community has condemned it as being contrary to the best interests of environmental protection.

On that basis we should not proceed any further. We should not go along with these amendments that have been presented in a very ad hoc way. Our system of environmental protection in Western Australia is based on four fundamental issues. The first is the primacy of the Environmental Protection Act. No developer can proceed with a development while that development is being investigated under the provisions of the Environmental Protection Act. In that sense the Act has primacy among our legislation. The second basic issue is public participation. The third, the independence of the Environmental Protection Authority, is the most fundamental principle; it is the foundation stone which is being attacked in this legislation. The fourth issue is the Minister's power to make decisions. The Environmental Protection Authority, although independent, does not decide issues; it recommends to the Minister. Unless we have a body that is highly independent and fearless in its approach in giving advice to the Minister, we will not have a truly independent authority. That independence is being attacked in this legislation.

The independence of the authority is achieved through a number of mechanisms contained in the Act. First, there is no power in the Act for the Minister to direct either the authority or its chairman. That is unusual. The Burt Commission on Accountability spelt out the principle that a Minister is responsible for the operation of his or her department and the Minister should therefore have the power to direct the department. The EPA is different. It fits into a category not unlike that of the Director of Public Prosecutions, the Ombudsman, the Auditor General, and people of that nature. The Environmental Protection Authority has been singled out because of the necessity for its independence and that independence has been enshrined in the legislation.

The second mechanism is that the members of the authority have fixed terms and their grounds for removal are set out in the Statute. This legislation is a fundamental attack on that ground of the independence of the Environmental Protection Authority.

The third mechanism is that the resources of the EPA are allocated by the authority to pursue environmental policies and ends without political interference, and that is the way it has operated. Certainly, at a political level, a quantum of resources is determined by Government through the budgetary process. However, the allocation of those resources to meet the environmental policies and ends of the authority is done, and has been done in the life of the EPA, without political interference. Therefore, one of the statutory pillars of the independence of the EPA is under attack by this legislation.

The fourth mechanism is that the decision making by the authority is collective. In other words, the five members of the board meet and make a decision and that is the decision of the EPA even though the members of the board may have differing views and do not all vote in favour of it. The collective decision making is under threat by this legislation and I will deal with that in detail later.

The fifth mechanism is that members of the board may not be public servants. Therefore, they cannot be directed, directly or indirectly, by the Minister in the performance of their duties. The sixth mechanism is that members of the board must disclose their pecuniary interests and cannot vote on any matter in which they have a pecuniary interest. The seventh mechanism is that the annual report and all advice on environmental matters from the EPA, must be published. This mechanism ensured not only the independence of the EPA, but also its accountability.

The final mechanism is that while the EPA is assessing a proposal no decision making authority may make a decision to implement that proposal. In that sense, no-one can interfere with the operations of the EPA while it is in the process of formulating its advice to the Minister. It is up to the Minister to make the decisions, but we need a strong and independent EPA. In the areas I have specified, this Bill represents an attack on the fundamental foundation stone of environmental protection in Western Australia; that is, the independence of the EPA.

I mentioned the security of tenure of the board members, the resources of the EPA and the collective decision making. This Bill provides that all members of the EPA board shall be dismissed from the date this legislation is enacted. It is important that people be fearless in giving their advice to the Minister and that they are not subjected to any duress, threats or overbearing actions from the Minister. What does sacking them achieve? Will any members of a future EPA board feel they can give advice in a fearless fashion without the threat of being sacked? The answer is no.

In the course of the last four or five months the Minister for the Environment announced that the EPA board members, with one exception, did not have valid contracts. It was a subterfuge by which the Minister sought to dismiss a board which has given exemplary service to Western Australia. Regardless of which party has been in Government it has been fearless in the advice it has given Government. Its reward was this Minister's attempt to sack it. He recoiled from the political flak he received from the public outcry against his attempt to dismiss the board.

Mr Minson: I do not mind you having a shot at me, but I will have a shot back at you. I know you have information which you know I have. I had advice from the Crown Solicitor.

Mr McGINTY: The Minister is getting confused.

Mr Minson: What you are saying is untrue and you know it.

Mr McGINTY: Why did the Minister reappoint the board members?

Mr Minson: My intention was to validate the situation under the old Act.

Mr McGINTY: Why is the Minister sacking the board members under this legislation? It does not make sense.

Mr Minson: It makes a lot of sense. I will explain the situation in my reply to the second reading debate, but you know what you are saying is untrue.

Mr McGINTY: I put it on record that what the Minister is saying is simply not true. I do not have information which says these appointments were not valid.

Mr Minson: I know that you know -

Mr McGINTY: The Minister should stop saying, "I know that you know". He should say what he wants to say. The appointments were valid. The Minister reappointed the members because he could not find any evidence that the original appointments were improperly made. That was only a couple of months ago. He is now trying to sack the board members by introducing this legislation. If that is not an all-out attack on the individual members of the board and an attempt to deprive them of their independence and capacity to serve the interests of the people in this State properly, I do not know what is. The Minister cannot do anything more fundamental to attack people and undermine their credibility and the knowledge that they have the confidence of the Government and the Minister than by sacking them. What the Minister attempted to do was outrageous. He failed in his attempts because of the public outcry and now he is seeking to do the same thing by introducing statutory measures. When he reappointed the members to the board two months ago he did not tell them that he intended to sack them by statutory means. Everyone would have laughed at him and asked him why he was reappointing them.

Mr Minson: You mucked up the appointments.

Mr McGINTY: I did not. The Minister will be the person who will have egg on his face.

Mr Minson: Your statement is absolutely untrue.

Mr McGINTY: Those people were appointed to the board deliberately and properly because they are eminent Western Australians who have done a great job for this State and the Minister stands condemned as the person who sought to undermine their independence. This board must be independent of the Government.

Mr Minson: It is.

Mr McGINTY: It is not, and the Minister knows that.

Mr Minson: The Act guarantees independence.

Mr McGINTY: Two ways of attacking a board's independence are by sacking members of it and undermining them, and that is what the Minister has done. The public has condemned the Minister for his actions. When the name, "Kevin Minson" is mentioned in public there are two responses. Some people laugh and some cry. There is no in between. Each response is the reaction of some revulsion of the way in which the Minister has handled the Environment portfolio in the seven months he has had responsibility for it. Because of his neglect and disregard he copped the unprecedented vote of no confidence from the environment movement in Western Australia after this Government had been in office for only three months. The Conservation Council of Western Australia went to the Premier and asked him to sack the Minister because he is a disgrace and, because of his actions, the environment is at stake. That illustrates the level of public antipathy this Minister has aroused in the community. The current board members should continue in their positions because they have done nothing to warrant being dealt with in this fashion.

Mr Minson: They can reapply for their positions.

Mr McGINTY: The grounds on which the Minister can dismiss board members -

Mrs Edwardes: You were not aware of how you could appoint them.

Several members interjected.

Mr McGINTY: The greatest guarantee of the independence of the EPA is that the basis upon which board members can be removed from office is spelt out in the existing legislation. They are appointed for a fixed term to allow them to do their duty without political fear or favour. The Minister has undermined that principle by changing the ground rules so that the board members can be sacked even though the statutory criteria have not been met. Where is there any evidence of bankruptcy, of any board member being appointed to the Public Service, of missing three meetings, of misbehaviour, incompetence or mental or physical incapacity? That is the basis on which board members can be dismissed. The Minister wants to get rid of them so that he can appoint his cronies to the board and that is the reason he moved to get rid of Barry Carbon. The sacking of the board members in this way and the defying of statutory criteria is a move by this Government to undermine the independence of the EPA and no reasonable observer could think otherwise. A clear explanation has not been given for the reason that Dr Norm Halse, the former Director General of the Department of Agriculture, should be sacked from his position. He is an eminent Western Australian who has made a great contribution to public life over many decades in this State. Why should Dr Christine Sharp, an academic and environmentalist of considerable standing, be sacked? Is it because she has done her job in a fearless way and the Minister does not like the advice she has given? Why should Dr John Bailey be sacked? He is also an eminent environmental academic in Western Australia. There is no reason why these people should be removed from their office. There is only one conclusion one can come to, and that is the Minister is setting out to undermine the Environmental Protection Authority in this State and ensure that we have a weak, pliable and frightened authority. It is a very backward step for Western Australia, particularly for those people interested in the environment in Western Australia.

The second area in which there has been a fundamental attack on the independence of the Environmental Protection Authority is in the move to deny it the resources it needs,

independently from the Minister for the Environment, to enable it to get on with its job. This legislation places in the hands of the Minister, not in the hands of the Environmental Protection Authority or those of the agency itself, the provision of resources to the authority in order that it may pursue its environmental objectives. That is wrong in principle and it should be reversed. Until now, by virtue of the combined position of the chief executive officer and chairman of the Environmental Protection Authority, we have had a system whereby, subject to the broad budget considerations as to their quantum, the resources are allocated by the authority to meet its environmental policies in pursuit of its objectives. This ensures that advice is given to the Minister by the EPA in the full knowledge that it can allocate sufficient resources internally in order to achieve that end result. Under the proposed legislation the body responsible for providing environmental advice to the Minister could be starved of resources. It will be a little body of five people, most of whom will be part time employees. It could be given no resources whatsoever if proposed new section 17A came into effect, because the Minister could decide what resources were reasonable and sufficient. That is not the way we have done things in the past, when resources of the department were allocated by the chairman and CEO combined position in order to make sure that the Minister received proper advice. Under this Bill the Minister has the capacity to control those resources in such a way as to limit the effectiveness and independence of the advice from the authority. The structure that the Minister has chosen in splitting the EPA positions of chairman and chief executive officer leads nowhere and provides for no coordination between the two bodies. The appropriate private sector model, to which the Minister has referred, is that the chief executive officer reports to the board or the chairman of the board. That happens in private industry. He has said much in public about wanting the department to operate on a private sector model. That is the way in which it works, but no provision has been made for the CEO of the department to report to the board. The chief executive officer is not required to attend board meetings. The Opposition will move an amendment to that effect, to require the chief executive officer or his nominee to attend board meetings of the authority, and in that way try to get back to the position where there is coordination between the authority, on the one hand, and the department on the other. Simply to cut, not the heads, but the bodies of the two and send them drifting apart with no liaison, coordination or anything of that nature is an enormously backward step and one which will prevent the proper allocation of resources. The Opposition's proposed amendment will seek to achieve a greater measure of coordination between the chief executive officer of the department and the chairman of the board. We will also move an amendment which will give the chairman of the authority the power to request that an Environmental Protection Authority officer come to the board to give advice and the benefit of his knowledge. There is no provision for that at the moment. The real worry is that the splitting of those two bodies will mean the loss of that coordinated approach to environmental protection in Western Australia. While the Opposition thinks the appropriate model is that already in place - and the expert committee set up to review the Environmental Protection Act recommended that model last year - by moving amendments to this legislation we shall try to retrieve something out of the mess that will be created.

The third area which is an attack on the fundamental independence of the Environmental Protection Authority, is that of collective decision making. For the first time this legislation will contain a requirement that every member of the board shall cast a deliberative vote on every issue. In the past many issues were decided on a consensus basis, and if members of the EPA board felt that they were not competent to vote on a particular issue, because of its complexity or whatever reason, they had the power not to vote. The wording of the current Statute is that a member "may" vote. The whole way in which the Environmental Protection Authority attempted to work was on the basis of consensus, utilising individual board members to gather information in areas in which they had expertise, and relying on the view of that person. Once that is changed to make it mandatory for all members to vote, then members will not be able to rely on the expertise of others in that collective way of making decisions. They will need to make sure that they themselves vote or, otherwise, simply not turn up to the meetings. The problem that arises here is that not only is there a statutory requirement for a member to

vote in a positive way on every issue before the authority, but also there will be a provision that, subject to the way in which the regulations will provide for this, the minutes of the meetings shall be made public. It is not sufficient that there be a verbal guarantee from the Minister. We need to guard against exposing the part time, individual members of the Environmental Protection Authority to duress, public harassment or any liability if the way in which they vote on particular issues is to be exposed to the public. We cannot pit part time board members, who are doing their job in the interests of the State, against developers who might be supporting a multimillion dollar development. When those sorts of interests are involved, the capacity for individual developers to take legal action against individual board members because of the way they voted, and to harass them on a personal level, is too great. The individual members must have the absolute protection of collective decision making, which is then the view of the authority, rather than exposure to threats from such developers. There is a strong view that the existing system works well.

I give two analogies to support the need for a balance to be achieved between the public exposure of decision making, on the one hand, and the protection of individuals on the other: One need only look at this Parliament. Members are publicly exposed on every vote they take, but they have parliamentary privilege. Judges are publicly exposed on every decision they make, but they have tenure for life. That sort of balance must be worked into the legislation, to ensure that individuals are protected. This legislation opens up a very serious possibility that individual, part time members of the board, who are doing their job in the interests of the State and environmental protection, will be exposed in a way they have not been before and in such a way as to affect their capacity for making decisions and their independence. Those three aspects of the legislation - the dismissal of the EPA board members, the allocation of resources and collective decision making - are all areas in which this legislation attacks one of the four foundation stones upon which environmental protection is conducted in Western Australia; that is, the independence of the Environmental Protection Authority in this State.

I have spoken at some length about the dismissal of the EPA board members. This legislation is also designed to achieve the demise of a person who I think has made a great contribution to Western Australia, particularly to environmental protection in Western Australia. I refer to the current chairman and chief executive officer of the Environmental Protection Authority, Barry Carbon. In the last few months in Western Australia an absolutely shameful attack has been made on the integrity of this person who has done nothing more than try to deliver to the people of Western Australia a sound environment.

In March of this year the Minister for the Environment said he had admiration for Mr Carbon and could see no reason why his position should be split. That statement appeared in *The West Australian* in a report of an interview with the Minister. Within a month his view changed radically and we saw a massive about face with the Minister seeming to be consumed by a Messianic zeal to destroy this person who had done so much for the environment in Western Australia. On 23 April the Minister issued a Press release saying that Barry Carbon, the Chairman of the Environmental Protection Authority, had no valid contract for the next five years. Then began a litany of untruths from the Government.

Mrs Edwardes: How did that happen?

Mr McGINTY: Because the Minister did not tell the truth.

Mrs Edwardes: The former Minister did not know what he was doing.

Mr McGINTY: I will accuse the Attorney General during this debate of corrupt behaviour.

Withdrawal of Remark

Mrs EDWARDES: If the member for Fremantle is to allege corrupt behaviour by me -

Mr McGinty: What was Attorney General just alleging I did? She can dish it out, but cannot take it. She is a disgrace of an Attorney General.

The DEPUTY SPEAKER: Order! A point of order is being taken and I wish to hear the Attorney General.

Mrs EDWARDES: I seek withdrawal of the allegation that I have acted corruptly.

Mr McGINTY: I withdraw my remark, Mr Deputy Speaker.

Debate Resumed

Mr McGINTY: In that Press release of 23 April the Minister alleged no valid contract existed and that splitting the positions of Chief Executive Officer and Chairman of the Environmental Protection Authority was recommended by the independent review last year - an absolute untruth since exposed in every public forum in Western Australia. If the Minister has since read the recommendations of the independent review, he would know that it recommended the exact opposite. The Minister went on to say that no formal contract was ever signed between the Minister for the Environment and the Chairman of the EPA. When we produced the contract properly signed he had to recant on that statement.

Mrs Edwarde: You tell only the half truth, don't you? That is all you are capable of!

Mr McGINTY: That was completely untrue.

Mrs Edwarde: The member is not aware of the specific requirement of section 7 of the Environmental Protection Act.

Mr McGINTY: I will come to the Attorney General in a moment. She should sit there and wait for it.

Mrs Edwarde: The member does not know what the Act contains. His behaviour is disgraceful!

Mr McGINTY: It is a disgrace for this Government -

Mr Kierath: You are the master of the half truth!

Mr McGINTY: Pinocchio's nose is growing longer. The Minister for Labour Relations could not lie straight in bed. He has told so many untruths in this House he is rapidly becoming known in the community as someone who cannot tell the truth. I would sit there and be quiet if I were he. His little mate next to him is no better in this affair. Mr Carbon found out from the media that he was to be sacked. The Minister for the Environment did not have the decency to let him know first.

Mr Minson: That is not true.

Mr McGINTY: The Minister for the Environment talked about Mr Carbon's \$202 000 package, saying it was twice what he was paid and more than the Premier got - again a complete untruth that the Minister had to recant because he had it absolutely wrong!

Mr Minson: That is still my advice.

Mr McGINTY: The Minister is wrong and has been exposed as wrong. That was a dirty attempt to slander a Western Australian. The Minister for the Environment set out to destroy this man who did not have an opportunity to reply. The Minister set out to libel and defame him by saying he received a salary package of \$202 000 which he knew was not the case.

Withdrawal of Remark

Mr COWAN: It is most unparliamentary for any member to accuse another member of setting out to deliberately libel a person. I demand that statement be withdrawn.

The DEPUTY SPEAKER: I heard the member for Fremantle say that the Minister had set out to libel Mr Carbon. I believe that statement reflects on the Minister and invite the member for Fremantle to withdraw it.

Mr McGINTY: I withdraw the remark.

Debate Resumed

Mr McGINTY: The allegation made by the Minister for the Environment of a salary

package enjoyed by Mr Carbon of \$202 000 being twice as much as the Minister received and more than the Premier received was an absolute untruth which attempted to diminish Mr Carbon in the eyes of the public in this State. It was maliciously wrong! The Minister then said that the Crown Law advice he had received was that the State could be liable for the financial consequences of an improperly appointed board. That was a case where either the Minister did not have Crown Law advice or he was not telling the truth.

Mrs Edwardes: Where is your evidence of that?

Mr McGINTY: Any competent lawyer knows that section 57 of the Interpretation Act makes valid decisions of improperly appointed boards and no competent Crown Law officer would have given that advice - the Attorney General knows that. The Attorney General is protecting the Minister for the Environment because he got it wrong!

Mrs Edwardes: No, he did not.

Mr McGINTY: He never had Crown Law Department advice that there would be a liability. The Attorney General should know - if she has ever read the Interpretation Act - that that was incorrect. If the Crown Law Department gave such advice, it was incompetent advice.

Mrs Edwardes: Do you now impugn its integrity?

Mr McGINTY: I am impugning the integrity of the Minister for the Environment who never received such advice. The Attorney General knows that no self-respecting lawyer would have given that advice.

Mrs Edwardes: Are you a self-respecting lawyer? Is that what you are saying, and that the Crown Solicitor is not? That is disgraceful!

Mr McGINTY: What the Minister for the Environment had to say was completely incorrect. He was again attempting to justify his position and build up support when he was being hit for six generally throughout the State. We then saw the Minister attempt to justify himself by saying that there were only two Government agencies which had a combined chief executive officer and chairman; that is, the Environmental Protection Authority and the Rural Adjustment and Finance Corporation. That was incorrect as dozens of agencies have such a combination and any competent Minister would know that. The Minister for the Environment got it wrong again! For what purpose? It was an attempt to undermine the EPA and in particular Mr Carbon.

Mrs Edwardes: And you didn't get the appointment wrong - not much!

Mr McGINTY: On 28 April - and the Attorney General will have a laugh about this one - the Minister said that he could not comment any further on the matter because it was sub judice on the basis that legal action might be taken. The Attorney General must have a laugh at that one; since when has the likelihood of legal action being taken made a matter sub judice? That has never been the case. The Attorney General knows that. The Minister for the Environment got it wrong again when he tried to cover up for himself. The matter was an absolute joke by that time and was recognised as such by the community. That did not stop there as Mr Carbon was then blackmailed by this Government.

Mr Cowan: That is not true.

Mr McGINTY: I will tell members how it happened and they can tell me if that is not true. Mr Carbon issued a writ against the State seeking a declaration from the Supreme Court that his contract was valid. The matter then proceeded with discussions backwards and forwards. Mr Carbon was basically offered two options: Firstly, if the matter went to trial and he lost he would be met with court costs and would have achieved no compensation for loss of his position - that was an all out lose position for Mr Carbon; secondly, if he went to court and won this Government would legislate to take away whatever rights he won as a result of that court determination. That was out and out blackmail of the individual. It was a threat to take away that person's legal rights!

Mrs Edwardes: That was probably the advice given by his own solicitor.

Mr McGINTY: Was that the advice given by the Attorney General's people?

Mrs Edwardes: Was that the advice given by his solicitor, and where is the member's evidence?

Mr McGINTY: That is what the Government said to Mr Carbon in a threatening and overbearing way. It is absolutely despicable to say to someone that if they go to court in order to obtain justice and win, the Government will legislate to take away the court's determination. That was the line that the Government took against him, and that is the reason he was forced to accept the compromise at the end of the day which saw the Government pay him \$192 000, for a contract which the Attorney General alleged was not valid anyway. Why did the Government make a payment to him if it thought there was no contract?

Mrs Edwardes: I will get to that, because I have your whole statement here, every single page, which reflects your total incompetence in dealing with that issue.

Mr McGINTY: The Government should not have spent \$192 000 of taxpayers' money if there was no legal basis for that to be done.

Mrs Edwardes: It was because of your absolute incompetence in not knowing section 7 of the Act.

Mr McGINTY: The Attorney General is not up to the job. Why did the Government spend \$192 000 of taxpayers' money when the Attorney General is alleging that a contract did not exist?

Mrs Edwardes: Because you were absolutely incompetent.

Mr McGINTY: Mr Deputy Speaker, you know and I know that when this matter was destined to go to the courts, the Government conceded that it would lose. The reason that the Government made the payment is that it knew that if the matter went to court, Mr Carbon would win.

Mrs Edwardes: There were three reasons -

Mr McGINTY: Mr Carbon would have succeeded. The Attorney General has just conceded, I understand for the first time publicly, that the Government would have lost the case had the matter gone to court.

Mrs Edwardes: I did not say that. Do not put words in my mouth.

Mr McGINTY: The Attorney General said there were three reasons why the Government would have lost.

Mrs Edwardes: There were three reasons why we settled.

Mr McGINTY: The Government would have lost and Mr Carbon would have won. The Attorney General then threatened, blackmailed and cajoled him so that he had no option. It is a despicable action by this Government to threaten to take away the rights of an ordinary citizen, established by the courts in this State, and the Attorney General should be ashamed of herself, as a person who purports to be the State's number one law officer and is responsible for upholding the law in this State.

Mrs Edwardes: Don't you know the specific requirements of section 7?

Mr McGINTY: Mr Carbon was left with no option, after an absolutely disgraceful episode in the environmental history of Western Australia with the State's first law officer making that threat and threatening to carry it through in the legislation now before the House.

If we can go back a little, there was criticism not only by us. There was criticism also - and most appropriate criticism - by the member for South Perth. He said that it would be a tragedy if the Liberals squandered the goodwill that had been built up with the environmental movement in Western Australia. He said that there would be no respect in the future for the Liberal Party if the greens felt conned and lost faith in the Government.

That is exactly what has happened. That is why the Conservation Council of Western Australia passed a motion of no confidence in the Minister. That motion of no confidence was unprecedented in the history of this State, as was the approach to the Premier to sack the Minister for the Environment on the ground of incompetence. That has never occurred to any Labor Minister for the Environment. That is how bad the Government has been.

Mr Pandal interjected.

Mr McGINTY: I agree with the criticisms that the member for South Perth made. People for Environmental Protection was formed, a group in the community which was worried about what this Government was doing to the environment. It attempted to lobby the Government to ensure that the issue of environmental protection was on the agenda. The Civil Service Association, representing the staff of the Environmental Protection Authority, accused the Minister of destabilising the EPA and demoralising the staff. The Deputy Premier intervened and attempted to resolve the matter, but was rolled in Cabinet. The matter was then taken out of the hands of the Minister for the Environment and put into the hands of the Attorney General.

In response to all of this mounting public criticism, what did the Minister for the Environment do? He blamed the Crown Law Department. He said that it was too slow in giving him the advice. He abused the Public Service Commission because he did not like the advice that he received from it. He abused *The West Australian's* environment reporter, Brendan Nicholson. He even abused me, of all people, for his own incompetence.

Mr Graham: He has been to the Graham Kierath school of ministerial conduct!

Mr McGINTY: Yes. We then had the amazing escapades of Dr Tim Meagher, who will go down in history as having the unique distinction -

Mr Minson: Denigrate a private citizen again!

Mr McGINTY: The Minister for the Environment voted in support of a motion to find Dr Meagher guilty of contempt of this House. That is the sort of bloke whom the Minister for the Environment was praising - someone who attempted to intimidate a member of Parliament in the conduct of his duty. However, notwithstanding the fact that three weeks before Dr Meagher's contempt of Parliament, the Minister was talking publicly about putting him onto a Public Service rate of pay so that he could continue to advise the Minister, because the Minister regarded him so highly, his contract suddenly came to an end and out the back door he went.

Mr Minson: He may well be back.

Mr McGINTY: What - advising the Premier on Mabo-related matters! That is a long way from the blue manna crab in the south west estuaries, and I doubt whether he has the competence, other than an extreme right wing, hardline ideological position, to be able to provide any input on that question.

This legislation, surprisingly, does not deal with the major problems we have with environmental protection in Western Australia today. One would have thought that the priorities would have been sufficiently ordered so that the most pressing matters were dealt with first.

Mr Cowan: I wondered when you would get to the Bill!

Mr McGINTY: This is what the Bill does not deal with, Deputy Premier, but should. The review of the Environmental Protection Act 1986, which found that the state of our environmental protection system was very sound, and was certainly one of the best in Australia, if not one of the best in the world, found also that there was a need to amend some things around the edges, and the only issue of substance on which the independent advisory committee recommended action - which would have quite a significant impact on the operation of the EPA - was appeals against recommendations from the EPA to the Minister. There was, and still is, in the community a sense that because the EPA advises the Minister on environmental appeals against its own decisions, there is a significant

element of an appeal from Caesar to Caesar. If the Government had its environmental priorities straight -

Mr Pandal: You are actually quoting word for word the Liberal environment policy, so you must have done some good reading!

Mr McGINTY: The unfortunate thing is that this Bill does not deal with it. I do not disagree with the member's identification of that as a major issue in environmental protection today, because that is essentially what this review said, and it is clear to anyone with a working knowledge of the environmental protection system that that is the area where there is unease and which, therefore, requires remedial action. The document "Review of the Environmental Protection Act 1986" recommends at page 50 that -

The review process should be under the control and management of an independent person to be called the Commissioner for the Environment;

The Commissioner for the Environment should be a full-time appointee with a five year term of office;

The Commissioner should be provided with an appropriate number of staff to enable the discharge of all functions in the speediest possible manner;

Requests to review advice of the EPA or decisions of the CEO (currently appeals to the Minister), should continue to be lodged with the Minister but the Minister should receive advice and/or recommendations on all such matters from the Commissioner; . . .

The Commissioner should be responsible for convening appropriate review sessions or hearings . . .

The Commissioner should have power, with the approval of, or at the request of the Minister, to endeavour to resolve or provide advice to parties involved in environmental disputes when all existing means of resolution have been exhausted or it is unreasonable given the circumstances for the parties to pursue available remedies. In this respect the Commissioner will in effect act as an environmental ombudsman.

In recent times we have seen the appointment of a relatively low level officer from the department to meet the lofty objectives spoken about, someone who will not have the function of an environmental ombudsman and someone who will not have any role in forwarding advice to the Minister. It is a rather weak attempt to appoint someone to what is effectively an administrative clerical position rather than meeting the most pressing area identified by the review of the Environmental Protection Act. This legislation should have dealt with the appeals mechanism to ensure a matter of top priority was dealt with in that way. It is unfortunate that we have instead a piece of legislation which is absolutely controversial, which flies in the face of the recommendations of the review body and which will, in the view of every commentator I have heard, drag down environmental protection in Western Australia in the years ahead.

Even the Minister in today's *The West Australian* identified the appeals issue as being the most pressing matter to be dealt with in the environmental protection area. So, why do we need now, in advance of the Government's tabling its response to the review, to deal with this matter which will see the sacking of Mr Carbon and the board, and the undermining of the independence of the Environmental Protection Authority? If there is to be a departure from the model which sees the chairman and the chief executive officer of the EPA positions occupied by one person we would prefer to see a standard, private industry model where the CEO reports to the board, particularly to the chairman of the board.

This legislation is hastily thought through and improperly put together. It will create two bodies: A little Environmental Protection Authority and a board of five people with no resources. It will become ineffective because all members will be sacked, and that will be a backward step. The Bill makes no provision for the way in which the sacked members will be treated. I will appreciate the Minister's explaining what he intends to

do with the members of the EPA board whom he will sack by this legislation. What will he do about their entitlements under the contract he entered into only two months ago? The standard practice when people have a contract with the Government, whether magistrates or others in areas of structural change, is that they receive compensation and their contracts are bought out. We have received no indication from the Minister that that procedure will be adopted in this case. I will appreciate from the Minister early confirmation that the standard practice will be adopted. That is, the contracts of the four remaining board members will be paid out; they will receive appropriate compensation for the buying out of the contracts which will be terminated as a result of this Statute.

If we cannot have the CEO as the chairman of the board, we would prefer close cooperation and liaison between the Environmental Protection Authority or the board and the department. That is why we placed on the Notice Paper today amendments which are designed to achieve a measure of cooperation. The amendments do not represent our preferred position. We will be voting against the provisions in this Bill that do not accord with the recommendations of the independent review of the Environmental Protection Act. We will try to salvage some small element from this Bill in order to ensure that the environment is looked after, and that we have a cooperative environmental arrangement between the EPA and the department.

The legislation is bad. It has been badly thought out and it will be rejected by the community. Even at this late stage I call on the Minister to review his position.

Debate adjourned, on motion by Mr Thomas.

GRIEVANCE - REGIONAL DEVELOPMENT, POWER AND WATER SERVICES, COUNTRY AREAS

MR TRENORDEN (Avon) [4.37 pm]: I direct my grievance to the Minister for Commerce and Trade who has responsibility for regional development. Over many decades, the catchcry of Governments of both political persuasions has been more regional development or decentralisation. My grievance is that services in city areas are provided at the cost of country regions. That attitude has cost this State very dearly. The projection is that the population of the metropolitan area will reach two million within 20 years while the country areas will stagnate. The reasons for that situation are fundamental. The two important issues I wish to raise today are not directly the responsibility of the Minister because one is the supply of water and the other is power. However, I raise the matter with the Minister because the two elements of water and power represent a major restriction on rural development.

Mr Omodei: The lack of them!

Mr TRENORDEN: Yes, and that is the point on which I base my grievance. I refer specifically to the extension of power and the supply of three-phase power which is very important for industry but the cost of which is enormously prohibitive. Water extension and water headworks costs are enormous in country areas. The previous Government changed the system. Last year, water headworks charges increased to 40 per cent of development costs, and the old extension scheme for the State Energy Commission was abolished. I hope that we will make some changes this year, but we have inherited the Labor Government's system whereby businesses must pay up-front before they receive access to these services.

I can cite numerous examples in my electorate and I could turn to other electorates as well. However, for the time being I will refer to my electorate, specifically the township of Clackline where one small business manufactures revolvers. This business has two or three employees and many contracts to fulfil. It is interesting that the business is located in Clackline. The point is that if the manufacturer could receive three phase power and use the correct equipment he could substantially increase his business. The demand is there for this business but the manufacturer may need to leave rural Western Australia and go to the city because he is being pushed in that direction. Other businesses are in the same situation. He faces enormous cost to have the required three-phase power on

site. Also, he must pay for the power two months before the job commencement. Therefore, the small businessman must borrow the money, put it in SECWA and wait for two months for SECWA to start the job - not complete it - and in the meantime he will have no cash flow. That is a totally ridiculous proposition! No businessman in his right sense would accept it, unless there were some counter features to the argument.

In Brookton a business wanted a power and water extension to start a small business. The cost of putting the two together was \$30 000; in a time of recession that was enough for the business not to start. The Brookton Shire Council wishes to establish a light industrial area within that townsite, and it has received four inquiries for such an enterprise in the last 12 months. However, the cost of the services per unit on that industrial park would be about \$16 000, and that would be before any other services were supplied. That is too prohibitive for the council to proceed.

Also, Brookton wishes to develop a six unit aged hostel. The community has raised \$70 000 for the proposal, but it faces a total bill of somewhere between \$25 000 and \$28 000 for the water and power supply alone. This cost is over and above the Government grant and Lotteries Commission funding and the \$70 000 already raised in a tiny rural community to construct the hostel. This has put more weight on the proposal than the community can bear.

Northam is a major regional town, and has a considerable demand for a light industrial area. An ideal site was picked for this purpose, although this had no direct access to water and power. The cost of connecting those services to that site, which is some distance from the town, is far above a realistic proposal. It has reached the stage at which the developer has thrown his hands in the air. He went through the costing, and planned the servicing of the site, but decided that the proposal should be packed away. There are varying amounts of information about how many businesses currently want to move to the town of Northam. A conservative estimate is that 10 people want to site businesses in that town. If these businesses employed only two or three people each, it would make an enormous difference to this country town.

Wundowie is a community for which I have a great deal of empathy - it has struggled. A furniture manufacturer wants to move from Perth to a unit right next to the Wundowie iron and steel plant. However, the cost of connecting water and power to the site would be \$50 000, and again that had to be paid two months before the extension work would commence.

Mr Taylor: Disgraceful! Your Government should do something about it.

Mr TRENORDEN: The previous Government should have done something about it. I am putting the current Minister under the pump, if the Deputy Leader of the Opposition has not noticed!

Mr Cowan: I think I am an innocent victim here!

Mr TRENORDEN: The furniture manufacturer needs three-phase power to drive his lathes and other equipment, which, along with water, will cost \$50 000. That means another business will not start.

I could go through a number of other examples; however, I have illustrated my point. If we want to move people into country areas, three criteria must be met: First, employment; second, employment; and third, employment! If employment is not available, none of the other matters will happen. I was speaking to another member of this House recently about people moving to country areas. People are happy to move to Kalgoorlie, Leonora or other country regions if jobs are available. The performing arts centres and other facilities will arise if employment is available. Northam has many community services, but also faces development restrictions - deliberately placed by Government - it could do without.

[The member's time expired.]

MR COWAN (Merredin - Minister for Commerce and Trade) [4.46 pm]: I understand that this grievance is directed to me because I have responsibilities for regional development throughout Western Australia. However, the member has confined his

remarks to the question of the cost of providing certain services to, I gather, industrial sites. The fact is, as the member accurately identified, that another Minister is responsible for these charges, which are a legacy left to us by the previous Government. Simply, we have an abundance of land in regional centres throughout Western Australia, but the cost of servicing such industrial lots is high. This cost usually rules out any advantage that might be gained by businesses relocating to or establishing in country areas.

Regional development commissions, statutory authorities or departments - whatever it may be with the regional development hotch potch, again, a legacy of the previous Government - now have three main functions: First, to promote economic development and growth; second, to identify employment opportunities that might arise within the region; and third, importantly, to monitor the delivery of services made available to the region. Normally, one expects these services - power, water and transportation - to be delivered by Government. The member has correctly identified the problem with SECWA's pricing policy.

To ensure that we correctly identify the issues associated with the high cost of the provision of such services, we have taken the representation made by the member for Avon very seriously; also, practically every member of Parliament representing a rural constituency has made the same complaint in the short time we have been in Government. Therefore, obviously, what is being said has some substance. The cost of provision of essential services for business, particularly three-phase power and water, is far too high and acts as a disincentive for industry to relocate to country areas. Until we get the costing mix right, the other functions of the regional development departments will never be achieved; in other words, economic development and growth will not occur without businesses operating in the area.

We have established in the Department for Commerce and Trade a task force that has been given the responsibility of identifying the extent of the impediment that is caused by the very high cost of the provision of power and water. We called for submissions from country shires and interested parties. We have had well over 70 submissions at the last count from developers who are directly involved in the provision of industrial sites - that includes local authorities - and from some of the business people who have had some concerns. Very clearly there is a difficulty.

In conjunction with the Minister for Water Resources and the Minister for Resources Development I have had some discussions about how we might deal with this question of reducing costs. It is clear to us that the formula that has been applied in recent times is not appropriate. It will always provide a disincentive that discourages people from maintaining their business in country areas and encourages them to move to Perth, and we want to arrest that. I look forward to the report of this task force. Not only will it identify the problem areas but it will also make recommendations for change.

Mr Hill: Are they looking at the area of water and electricity?

Mr COWAN: The task force is looking for disincentives to industry establishing in country areas. By far and away the large majority of complaints do not relate to the availability of land. A reasonable amount of land is available. The member for Avon has indicated - and he is quite right - that the Shire of Northam or perhaps the local chamber of commerce has indicated a lack of light industrial land in that town. Although some submissions indicate a lack of industrial land, as a whole most of the submissions are directed at the cost of providing the services to the available land.

The task force is expected to complete its work by the end of next month. We should receive a report in November containing some recommendations. It will then be the responsibility of the Government to work through that program to make sure that we can reduce the cost of providing essential services to industrial sites. There is no question that we have to do that as a Government. I know that meeting community service obligations does not seem to be the flavour of the month in Western Australia. Nevertheless, Governments do have a requirement to see that they meet community service obligations. In this instance it seems to us that it is appropriate that we do that.

Mr Hill: Can I have a copy of the report?

Mr COWAN: It is not something that we want to keep under wraps. I will make sure that the member receives a copy of the report and its recommendations.

To highlight how much this matter impacts on local areas in country regions, one town not far from the Shire of Brookton and the Northam Shire decided to do something about making fully serviced industrial land available. It could not get any income from vacant land so it made that land available at no cost. The consequence is that, even though the population has not expanded all that markedly, it has been able to attract no less than six small businesses into that town and at least a dozen new homes have begun as private residences for those who are in the new businesses. There is an opportunity. It is important that we address this issue, not just for industry.

The member for Avon made some reference to the need for the supply of power and water to an aged persons' home in Brookton. That issue must be addressed for the very simple reason that more and more country people do not want to transfer their assets to the coast and live in what they regard as the luxury of a seaside resort. They would prefer to relocate much closer to their family and live in the town in which they have spent most of their lives. That means we must address that issue and make sure there is provision for aged persons, seniors, to be able to relocate into the town of their choice. That matter is not being dealt with by the task force. That will be part of a larger approach to costs by the Government. I look forward to the report and I can assure the member for Avon that we will be acting on it when we receive it.

GRIEVANCE - SWAN DISTRICT HOSPITAL, DOCTOR SHORTAGE FOR ANTENATAL, INTERPARTUM, POSTNATAL CARE

MR HILL (Helena) [4.56 pm]: There is a critical shortage of doctors at Swan District Hospital to deliver antenatal, interpartum and postnatal care to clients in the local community. I intend to grieve about this tonight to the Minister representing the Minister for Health in this Chamber. I have received quite a bit of correspondence from constituents over time asking that greater attention be paid to this area within the community. I raise the matter now in response to that correspondence and concerns expressed to me by local constituents, and on my own observations from visiting Swan District Hospital.

The Swan District Hospital has an excellent maternity unit, which was provided by the Labor Government. It is equipped with five modern birth suites and with a family birth centre, which has yet to be utilised. That is most unfortunate. The hospital is equipped with a level 2 nursery. The hospital has very dedicated maternity staff members in the unit who are keen to improve the services and facilities and the availability of care for local clients. I do not believe there is any problem with the facilities but clearly there is a problem with the delivery of services to clients in the area. As I said at the outset, there is a critical shortage of doctors at the hospital to deliver antenatal, interpartum and postnatal care. As a result, clients from Bullsbrook, Wooroloo and beyond are forced to travel to King Edward Memorial Hospital for Women for public treatment. In fact, I heard the member for Avon say -

Mr Trenorden: Some of my ambulances want to drop in there for emergencies. There have been problems with that.

Mr HILL: I accept that there are problems in the emergency area. However, at least an emergency service is provided at the hospital which did not exist prior to the Labor Government's coming to office in 1983. We made the commitment and honoured it but, nevertheless, it is far from adequate. The member for Avon would be well aware that there are people who must travel from his constituency to Swan District Hospital and then are referred on to KEMH to obtain an appropriate level of service.

Many of the clients who go to the other hospital have a very low risk of developing complications, and are occupying space in that hospital that should be occupied by people who have a higher risk. As a result we often see people being sent home from

that hospital, which is a specialist maternity hospital, far earlier than would otherwise be the case. It is my view and that of many of my constituents and of the staff of the maternity unit of Swan District Hospital that these clients could be adequately cared for at a non-teaching hospital. I can see the problem growing.

Over the years there has been and will continue to be considerable development in the Swan area. Development of Stratton, new growth in Middle Swan, the Helena Valley, Ballajura, and the projected growth of Ellenbrook will add a substantial and, presumably, a very young population to the catchment area of the Swan District Hospital, so the problem will be exacerbated in the future. Some women have had to telephone a dozen different doctors to try to find care and have been unable to get that care. As a result of that they must travel to King Edward Memorial Hospital for Women. Obviously that has repercussions for both the client and her family. In some circumstances the client finds it difficult to attend appointments at King Edward hospital and subsequently misses those appointments, which can be detrimental to the health of not only the woman but the unborn foetus. These clients depend very much on public transport. They are often from a low socioeconomic group, and are very much dependent upon a cost efficient service - a service which is unable to be delivered by private doctors in the area. People who may be dependent entirely on public transport for their friends and family, who are often single and supporting mothers, who experience high levels of unemployment in the area, deserve a far better system of service than they currently have. I am not being critical of the Government in this respect because I realise that unless one becomes familiar with the issues it is difficult to react to them. I am pointing this out to the Minister for the Environment representing the Minister for Health in order that he might raise it with his colleague in another place. The Minister for Health is an upper House member for the area and should be familiar with the issues. I hope that if he is not now familiar with them, he will become familiar with them.

It is all very well to raise these sorts of issues without offering possible solutions to them. I offer a couple of potential solutions to these problems with the Minister representing the Minister for Health and he might pass them on so they can be given careful consideration. I have received correspondence from a constituent who has suggested two solutions that I believe are appropriate for the Government to consider in order to improve the availability of care for local clients. The first is to establish a midwife-run antenatal clinic with support from King Edward Memorial Hospital by seconding a senior registrar to attend deliveries of clinic clients and to review them at various stages of their pregnancies. My constituent suggests that the registrar would need to have the support of a visiting medical officer, and perhaps a specialist obstetrician for emergencies and difficult cases. An arrangement with an obstetrician could be made with Swan District Hospital as an alternative. The second suggestion is that the Government consider utilising general practitioners in the area who are interested in providing antenatal care as part of a family medicine program. The area has many conscientious doctors who attend the needs of families and who have clientele of longstanding. As part of that commitment to family medicine programs it would be possible to provide antenatal care. Clients would be seen in the midwives' antenatal clinic by the registrar after a 36 week gestation period, and followed through by the hospital as a clinic client. This is a major problem in the area. It needs to be addressed in order to have a better utilisation of the very good facilities that exist at Swan District Hospital - which were provided by successive Governments, but more particularly by the Labor Government over the past decade - and a better utilisation of the five modern birth suites, and the family birth centre, which is not used at all.

In 1985 there were 120 deliveries a month at Swan District Hospital; today the figure is between 90 and 100 deliveries. Notwithstanding a time of considerable growth in the area we have seen deliveries decline. That points to the critical problem that needs to be addressed by the Government. I ask the Minister to pass this on to his colleague in another place.

MR MINSON (Greenough - Minister for the Environment) [5.06 pm]: I noted the comments of the member for Helena with some interest. When I was the Opposition

spokesman on health matters the complaints I received about the Swan District Hospital related to the waiting list associated with orthopaedic cases. I cannot recall much correspondence about maternity care. I will certainly bring a copy of the member's speech to the attention of the Minister for Health. However, I will make a few pertinent points.

I have noted with some interest the success of the family birthing suite at King Edward Memorial Hospital for Women. I visited the unit at its opening and since then, and I presume it is still successful. At that stage that model of a birthing suite associated with a major hospital in the event of an unforeseen emergency was working extremely well. Access is easily obtained to operating theatres should there be a requirement for anaesthesia or the possibility of an emergency Caesarean, which is always one of the difficulties associated with home birthing. That compromise of having the model of the family birthing suite located on the grounds of a major hospital is an excellent model. It seems to be fairly widely endorsed by those who use it; by the Hospital Benefit Fund, which finds it a much cheaper alternative; and by the midwives. Some concern exists within the medical profession that medicos will have to fix any mistakes, although whether that is rhetoric in a medico political sense I am not too sure.

I acknowledge that a birthing suite that is as yet unused is situated at Swan District Hospital. I note that with some interest because it has existed for some time. Information provided to me from the Health Department indicated that there was a shortage of Commonwealth funds for its operation. However, I have heard that there is a wall behind the scenes between the hospital administration, the midwives and the medical profession. That is of some concern to me. It is up to the Government to try to negotiate a settlement to that problem. I have no doubt that the future of maternity delivery services in the State probably lies with family birthing suites. Unless a sensible arrangement can be reached between midwives, the medical profession, specialists, hospital administration and insurance companies which take on medical risks, the facilities will continue to be underutilised in the way that they now are, which is also of great concern to me. The Minister for Health believes there is no reason why a normal, healthy, pregnant woman should be regarded as an ill person who should be hospitalised; rather, she should be given access to first quality maternal, antenatal, postnatal and parturition care. I think he wants to extend the model that exists at King Edward Memorial Hospital and Swan District Hospital and try to resolve the very difficult issue which has transpired there.

With respect to antenatal education, I have been advised that a multi-disciplinary antenatal care service is in existence now at Swan District Hospital which involves midwives, specialists and general practitioners, although the number of GPs contributing their services is declining. With regard to staffing the entire maternity unit, seven specialist obstetricians and one specialist paediatrician, with a backup in case that person is not available, are now associated with that unit. A footnote to the briefing I received indicates that the number of GPs is declining. A real need exists for GPs to be involved in maternity care, particularly antenatal care. I believe that in conjunction with greater use of midwives the family birthing suites will form the mainstream service for maternity care in this State. We should explore that model. An outpatient service is provided for foetal monitoring.

The member was quite right when he said that the number of babies being born there is decreasing. Interestingly enough, the figures for 1992-93 show a further decrease; only 989 babies were born there in that time - a decrease of 138 babies over the previous year. I can only speculate on the reason for that. It could well be that the perceived problems he has outlined have, over the years, led to people trying to bypass the hospital. It may be also due to other factors on which I cannot comment. I also draw to the member's attention that the east metropolitan accreditation scheme is busily accrediting midwives. I hope that with the increased number of midwives, and some resolution to the problem between the midwives, the administration and the medical profession, greater use will be made of those midwives and the family birthing suite. Negotiations with the staff are certainly continuing.

A plan is in place for redevelopment of the maternity wing; however, as the member pointed out, the problems he raised are not really associated with facilities as much as with medico-political matters which have been in existence for a long time. The Minister for Health is doing his best to overcome them. The member made a fairly helpful suggestion about antenatal care, which I understand has been pre-empted and is already in place. The other suggestions made by the member have been implemented by the hospital.

I have tried to answer the questions the member put forward and to assure him that the Minister for Health wants particularly to resolve the problem with the family birthing clinic. I am happy to go on record, both personally and on behalf of the Minister for Health, in saying that this nonsense of regarding the need for pregnant women to be hospitalised for every delivery belongs to a bygone era, as is the week's mandatory stay in hospital after parturition. The way ahead is to provide comprehensive antenatal care at which stage problems can be detected which will require specialist attention and hospitalisation. Those who are shown to be having a normal pregnancy should have their babies delivered at another venue. I believe quite sincerely that the next decade will see a trend in that direction.

GRIEVANCE - JANDAKOT AIRPORT

MR BOARD (Jandakot) [5.17 pm]: My grievance is directed to the Minister for Planning, assisting the Minister for Transport. I am sorry that in only my second grievance I am directing it again to this Minister. It just goes to show that in developing areas such as my electorate of Jandakot a great many problems exist concerning industry and planning affecting transport and transport links. My comments today are centred around the Jandakot Airport, which has been a difficult issue over a number of years. The handling of it in both a local and regional sense is fast becoming fairly critical. As members will know, the Jandakot Airport is a general aviation airport and is classified as a secondary airport, predominantly utilised for light aircraft operations. Approximately 95 per cent of all aircraft operations in Australia are classified in that sense. In fact Jandakot Airport is the third busiest airport in Australia and the busiest airport in Western Australia, handling approximately 335 000 movements. It is projected that within the next 10 years - probably by the turn of the century, certainly by the year 2005 - that number will grow to about 500 000 movements. Pilot training is one of the main sources of income for the airport and it attracts pilots from Singapore, Malia, Malawi, Zimbabwe and Malaysia. The Jandakot airport is run by the Federal Airports Corporation. That is partly why I need to address my grievance here today. One of the difficulties we face concerns the fact that the main aim of the Federal Airports Corporation, which has control and development of the airports, is to improve the economies of the airport. As such it is involved in a major plan for commercialisation of some of the land and the construction of a fourth runway. That would take the airport to the completion of its early master plan which was formulated in the early 1950s.

In 1963 Jandakot Airport had only two runways and a tower. At that time Jandakot was a fairly isolated area in the southern part of the region. Today, major development is occurring around the airport, particularly of domestic dwellings, and a great deal of development is also occurring within the Cities of Cockburn, Melville and Canning. The Federal Airports Corporation was established in 1986 with a view to putting a more enterprise approach to the way airports were run and to make them more self-sufficient. The corporation has done a great job with Jandakot since then. The major plan being put forward by the corporation is the development of aviation facilities including, as I said, a fourth runway, hangars, servicing bays and an aircraft parking area of 63 hectares, which was foreshadowed in the Jandakot master plan. The corporation is also considering in the short term a silica sand extraction operation incorporating progressive rehabilitation of the south east corner of the property, which would occupy 34.5 ha of the site. The corporation is also looking for 160 ha of commercial garden estate to accommodate commercial and other business activities. In conjunction with that, as part of its environmental consciousness it is setting aside 96 ha of bushland to be managed for conservation.

We face the difficulty that growing concern exists in the community about development on the ground because many people are concerned about the long term situation of the airport. They are concerned about the airport, not necessarily because of the commercialisation of what is occurring on the ground, but the growth of air traffic. Many people are protesting against that and using all sorts of means to halt the commercial development with a view to stopping the loss of amenity which some of them are suffering as a result of the increase in air traffic. We must consider how we can best manage the amenity of the growth without necessarily stopping any necessary growth at the airport. I will offer a proposal to the Minister assisting the Minister for Transport. I hope he will speak to the Minister for Transport about these proposals on our behalf.

The Australian noise exposure concept contour lines - 30, 25 and 20 - are drawn around the centre of the airport to indicate areas of noise and control abatement which should guide residential development. It was recommended that residential development should not occur below the 30 ANEC mark; however, development is occurring not only up to the 25 and below mark, but close to the 20 ANEC mark. In doing so the councils are in many ways doing a disservice to the community because more and more complaints are being received; however, it cannot be called a prolific situation. As I said, 335 000 movements occurred at the airport in 1992. When divided by 365 days, that totals 904 movements a day; there are about two complaints every week. That is not a great deal; however, they are strong and emotional complaints, and something must be done about them.

Members must consider how the situation can be handled. I propose to the Minister assisting the Minister for Transport that we consider two ways in which we can assist in creating some amenity for that fast growing residential area which is affected by the increase in air traffic. A mechanism is required for people to be able to report complaints about those pilots who are not doing the right thing around the airport. I am not saying that there is a great number of them, but occasionally complaints are received that pilots are flying low, are not flying in the correct patterns or are flying repeated training courses outside the permitted times.

The community requires a mechanism by which those complaints can be put forward and dealt with, but at present no mechanism exists. The Federal Airports Corporation runs what happens on the ground; as soon as an aircraft is in the air it is controlled by the Civil Aviation Authority. No great rapport exists between the two authorities in the reporting of incidents which affect people's amenity. We owe it to the community to ensure there is control in an area which is currently controlled by the Federal Government to be able to assist the community.

As the need for urban growth continues and as housing continues to be built close to the airport, I question the need for air training, particularly air training circuits, to be conducted over residential areas. I do not know why the State cannot request the Federal Airports Corporation and the Civil Aviation Authority to set aside an area within this State for a training circuit. The training facilities could still be located at Jandakot. I do not know why repetitive circuits must occur hour after hour over residential zones. The pilots could take off from the airport, carry out their training somewhere else, and then return to the airport. I do not raise this issue today with any hostility towards the airport; I believe it is doing a tremendous job. It is trying to balance a difficult issue and to assist the community in an area which is becoming increasingly more difficult. I thank members for their time.

MR LEWIS (Applecross - Minister assisting the Minister for Transport) [5.27 pm]: I thank the member for Jandakot for bringing this grievance to my attention and I will pass his comments on to the Minister for Transport.

I visited the Jandakot Airport on the invitation of its airport manager, Mr Mike Lennon, with one of my staff about seven or eight weeks ago. I must admit that as a person who has lived for a long time south of the river I was very much surprised by the activity and commercial success that Jandakot Airport has had over the past two or three years. It is

one of the better kept secrets of this State. It is not well known that it is becoming the Mecca for preliminary training of pilots in the South East Asian region. As the member for Jandakot properly suggested, six or seven countries and even air forces currently have the primary training of their pilots conducted out of Jandakot.

Mr Minson: I tried to get considerable interest from those countries to send their training squadrons to Geraldton. However, for some reason they seem to be reluctant to do so. Geraldton is a city of nearly 30 000 people; it has everything to offer. If others are to go to Jandakot, they should be sent to Geraldton.

Mr LEWIS: Jandakot has become a Mecca for air training. I believe it is earning a substantial overseas income from its operations. Singapore Airlines currently is building substantial barracks and dormitories for its pilot trainees. I was surprised to see them when I last went there. Prior to the last election, the people who lived in the Jandakot area were particularly concerned about the growing problems they were experiencing with aircraft noise and operational movements.

I attended a meeting at Jandakot with some of the complainants and various commercial operators. One of the problems these people face is that, when Jandakot was first established 30 years ago, it was a long way from town. It was surrounded by probably seven or eight kilometres of bush to the north, to the west and to the east and there were no worries about the nuisance caused by aircraft movements. Of course, with the creeping urban front, the suburb of Leeming and I think the Winterfold Estate are very close to the airport and the people living in those areas say that the airport operations are a nuisance.

That is indicative of one of the failings of our town planning legislation because what usually happens in these situations is that people move into the area after the facility has been operating for some time and complain about the facility and want it moved. That is a fact of life as we all know. However, the operators of these facilities also have rights to go about their business without fear of harassment.

Later this year I hope to introduce into Parliament an amendment to insert into the planning legislation a caveat or a memorial on a title when it is issued. That will require the people who buy properties close to these facilities to be given fair warning of, in this instance, a commercial airport operation and that that operation has the ability to cause a nuisance. People who come after the fact will then have no legitimate complaint about these operations if the nuisance level is kept to the same level at which it has always operated. However, the Federal Airports Corporation is a fairly aggressive body and I as the Minister for Planning have concerns about its operations at Perth Airport, which is another argument. I will probably address the Parliament some time in the near future about those difficulties.

As stated in the member's grievance, I accept that there is legitimate cause for complaint about pilots flying too low and excessively noisy exhausts and some mechanism should be put in place to ensure that the complaints are registered and followed up so that the people committing the offence are identified and made to comply with what is reasonable. As the member suggested, these air training circuits should be located away from the Jandakot operation. One of the fundamental exercises in pilot training is taking off and landing. It is fundamental to their training that they circle, land, reduce speed and take off again over and over again in their hour or hour and a half training session. Therefore, it is probably difficult to change the training operation, which means it is difficult to abate that part of the nuisance that exists in that area. I understand from talking to the airport manager that a new north east, south west landing strip is being constructed which will allow these trainees to circle in a southerly direction over the Jandakot water mound where there is very little development now and none proposed in the future. I hope that the construction of that new runway will reduce much of the noise generated by the training method rather than by commercial operations.

I am more than happy to take the grievance to the Minister for Transport. I hope he will then communicate with the Federal Minister, Senator Collins, to see whether some order can be bought into the operations at Jandakot.

GRIEVANCE - ELECTORAL AMENDMENT (POLITICAL FINANCE) BILL, AMENDMENTS

North Metropolitan Region By-election Potential

DR GALLOP (Victoria Park) [5.37 pm]: My grievance is to the Minister for Parliamentary and Electoral Affairs and relates to the Electoral Amendment (Political Finance) Bill 1992. It passed through this Parliament late last year but was never proclaimed because of a couple of amendments that were placed in the Bill in the Legislative Council. One of them, in particular, may have caused problems in the recent election.

Currently, the Court of Disputed Returns is dealing with a very important case that will determine whether a by-election is held for the Legislative Council seat of North Metropolitan. I remind members that North Metropolitan Region is not an insignificant region in our electoral system. On 30 June 1993 there were 318 980 voters on the electorate roll for North Metropolitan Region. That is more electors than vote in the Tasmanian general election. That by-election, if it occurs, will be important because it will have a dramatic - I use that word carefully - effect on politics in Western Australia because current membership for that seat include four Liberal Party members, two Labor Party members and Hon Reg Davies, an Independent. Given that there are 15 Liberals, 14 Labor members, three National Party members, one Independent and one Green in that House, any change in the balance of numbers for North Metropolitan Region could have significant consequences for the balance of power in the Legislative Council. Should two seats go from the conservative parties across to the Labor Party, the Independents or the Greens (WA) it would mean that the conservative parties will have only 16 members in the Legislative Council.

Mr Tubby: Your party could have only 13 members.

Dr GALLOP: These are possibilities. Should the coalition lose only one seat the conservative parties would have 17 members; that is, 16 on the floor of the Legislative Council, given that Hon Clive Griffiths is the President of that House. Should this happen the politics of Western Australia will change dramatically. It would mean that for the first time in the history of this State there could be a majority on the non-coalition Government side of the Legislative Council. The way in which politics is conducted would be very much affected if that happened. The importance of the result of a by-election in the North Metropolitan Region, if one is held, will mean that it will be strongly contested. It will be one of the most significant by-elections ever in Western Australia's political history because it will determine whether this coalition Government can maintain its numbers in the Legislative Council.

It is vitally important that if that by-election occurs there should be full disclosure of all the donations that go into that campaign. The Federal Government's disclosure legislation covers the federally registered parties; for example, the Australian Labor Party, the Liberal Party and the Green Party. Therefore, if those parties contested the election they would have to disclose the donations they receive in the annual returns which they must submit under the Federal Government's disclosure legislation. What about the other candidates who have nothing to do with nationally registered parties if there is a by-election in the North Metropolitan Region? What about the associations which might like to involve themselves in a by-election in that province?

My concern is very clear: How would we seek disclosure of moneys donated to independent candidates or candidates of political parties which are not federally registered? In addition, how would the money spent by associations which may have been set up specifically for that by-election be disclosed?

Currently there is a lot of debate in the community about the High Court's Mabo decision. Some of the leading mining companies and entrepreneurs in Australia have raised questions about the whole issue of Mabo. Let us also consider the industrial relations legislation which is yet to pass through the Parliament. The Chamber of Commerce and Industry and its major supporters have made it clear that they want this

legislation passed. Such organisations have the resources to mount a massive campaign in any by-election for the North Metropolitan Region. From my reading of the Federal Government's disclosure legislation these organisations could spend enormous amounts of money in a North Metropolitan Region by-election campaign and not have to disclose one cent of it. For example, they could give donations to independent candidates who are not members of the federally registered political parties or they could establish up front organisations to run a campaign in that by-election and not one cent of that money would be disclosed to the public of this State.

The problem, of course, is that the Electoral Amendment (Political Finance) Bill which passed through this Parliament last year could have created some problems for Government agencies advertising during an election campaign because of an amendment which was moved by Hon Peter Foss in the Legislative Council and passed. The intention of the legislation was clear. If the advertising was part of the normal services Government agencies deliver - for example, bus timetables - it was okay. However, the Crown Law Department's advice to the previous Government was that there would be problems with interpretation of the legislation and that it should be held over until after the election so that the necessary amendments could be made. I wrote to the Minister for Parliamentary and Electoral Affairs about this matter on 18 May and she responded on 3 June. She said she was setting up a committee to look into the problem of Government advertising under that legislation and that she would introduce the necessary amendments to deal with the problem.

This has become a matter of urgency. If a by-election is held in the North Metropolitan Region all the money that goes into it should be disclosed to the people of this State so they know who is involved and why they are involved. It would be quite easy for this Government to introduce a Bill to amend the legislation which passed through this Parliament last year. If it does, members on this side of the House will facilitate the rapid passage of that legislation through the Parliament so that at a State level, as well as at a Federal level, there will be proper disclosure of all donations to political parties. The royal commissioners said that a full disclosure of political donations and expenditure should become part of our political system if we are to be confident that the system is conducted properly.

It is many months since the election on 6 February. The Minister set up a committee which, I assume, advised her on the amendments required to the Act to make sure that the problems related to Government advertising during an election campaign are overcome. The Opposition wants to know when the amending legislation will be introduced to the Parliament and it wants a guarantee from the Minister that there will be full disclosure of all donations should there be a by-election in the North Metropolitan Region.

MRS EDWARDES (Kingsley - Minister for Parliamentary and Electoral Affairs) [5.47 pm]: I thank the member for Victoria Park for his grievance and I was pleased to receive his letter on 18 May because this is an issue which needs fairly urgent attention.

The principal provision of the Electoral Amendment (Political Finance) Bill was to include a new part VI which deals with the disclosure of gifts and other income in the Electoral Act. The amending legislation requires candidates, parties and other organisations to report to the Electoral Commission on political donations in excess of \$1 500. The Bill also inserted new section 191B in the Electoral Act to prohibit certain publications during an election campaign and new section 191C which regulates travel entitlements of members of Parliament during an election campaign.

Following the Royal assent to that legislation the legal advice provided to the then Government by the Crown Solicitor's Office indicated that the proclamation of new section 191B would disrupt the flow of essential public information. The advice highlighted the public health and safety campaigns which would be precluded during the election campaign. In addition the publication of the TEE results, the preparation of State Energy Commission of Western Australia accounts and the advertising of police safety campaigns would be prohibited and that was of major concern.

On 4 January this year the then Government announced that it would not proclaim the legislation before the State general election because of these difficulties. As a result it

put in place administrative procedures aimed at ensuring compliance with the spirit of the provisions of the legislation; that is, to prohibit Government funds from being spent on advertising and promotion campaigns which put the Government and Ministers in a good light. I can assure the member that this Government would act in a similar way. It appears that the member's concern is based on the potential for a by-election. It is a matter which is before the courts and obviously I will not comment on it. Currently, there is no pending by-election.

The committee was established, as I outlined to the member. The members of that committee included representatives from the State Electoral Commission, the Crown Solicitor's office, the Premier's office and my office. It reviewed the practicalities of implementing this legislation and achieving the intent of Parliament. As I am sure the member is fully aware, the implementation of this legislation is very difficult and for that reason the process has not yet been completed. Until I receive a report from that committee which satisfies -

Dr Gallop: You have a report from that committee on the amendments needed to make the Act meet the requirements of the Administration in an election year. Surely you have it by now since the committee was set up in May.

Mrs EDWARDES: It may have been set up in May but its first meeting was on 21 June. The matters discussed included ways in which the members believed the situation could be dealt with satisfactorily, and they also raised other practical difficulties. We are still attempting to deal with those difficulties and we are seeking advice on these matters. As soon as that information is available, I will take it to Cabinet.

Dr Gallop: You should be fast tracking this to ensure that all future elections in Western Australia will have full disclosure, and we will assist you in that.

Mrs EDWARDES: I have no doubt that the Government would receive that assistance from the Opposition. However, without the advice to which I referred relating to the problems highlighted -

Dr Gallop: Are you saying you have not received a report from the committee?

Mrs EDWARDES: I am saying that the meetings that have taken place to discuss this matter have not resolved all the difficulties that would result from the implementation of that legislation. The member was aware of all the practical difficulties involved, and I have gone through some of those concerns.

Dr Gallop: Just change the words. They relate to the ordinary services of Government and you must make it clear that it is not just related to emergencies of Government. You have had since 6 February to deal with this matter.

Mrs EDWARDES: The Government is dealing with this as a matter of urgency, but it needs to be considered very carefully. The problems the member has highlighted, and which were highlighted to the former Government, cannot be dealt with through the amendments suggested by the member for Victoria Park. The difficulties for even routine and normal Government business are significant, and we are endeavouring to get around the practical difficulties of implementing the legislation. I give an assurance to members opposite that in the event of a determination being made that would result in a by-election in the near future, this Government will abide by the intent of the legislation - as would the former Government - and put in place the same administrative procedures.

Dr Gallop: I am talking about political donations. Either proclaim the current Bill or introduce some amendments.

Mrs EDWARDES: The Government will deal with this matter in a proper way and as a matter of urgency. When it is able to resolve those difficulties I will then take the matter to Cabinet, and the Government will introduce into this House suitable legislation which will be passed with the Opposition's support.

The ACTING SPEAKER (Mr Johnson): Grievances noted.

Sitting suspended from 5.55 to 7.30 pm

**MOTION - McCARREY REPORT RECOMMENDATIONS,
GOVERNMENT BLUEPRINT**

DR LAWRENCE (Glendalough - Leader of the Opposition) [7.30 pm]: I move -

That this House notes with alarm the credulous enthusiasm with which the Premier has adopted the recommendations of the McCarrey report, subject to the excision of a few matters politically inconvenient to the National Party, as his Government's blueprint for the remaining three and a half years of its life.

The Opposition has watched with interest and some bemusement the process related to the preparation of the McCarrey report, volumes 1 and 2, and the outcome. The McCarrey reports, as they have become known, provide, according to the Premier, a blueprint, a general agenda for the Government over the next three and a half years. Therefore, they deserve the attention of this Parliament.

In my view both these documents are biased in a number of ways. First, they show a philosophical bent which is not inclusive of the whole community. I intend to outline that position in a moment. The views expressed in volumes 1 and 2 of the McCarrey report are not value free and without ideology. The authors would expect us to accept them as value free, ideology free, dispassionate, and essentially financial documents, yet they are based on a clear view of the way the world should be, and on an ideology about what Governments should do and what the citizens of Western Australia can and should expect; in other words, they are not simply an expression of the financial needs and efficiency of the Public Service in this State.

The other point that I will make in a little more detail in a moment is that the methods of analysis used and the conclusions reached in these reports are deficient. The particular objection the Opposition has to the reports is that they take no account whatever of the social and economic impact of the recommended courses of action. There may be some value in some of the recommendations, but even when the Opposition agrees with the general thrust of the recommendations it is left in a position where the data underpinning them is so thin that it is unable to confirm that those recommendations are reasonable ones.

A third criticism that the Opposition holds relates to the way in which the reports have been prepared, particularly volume 2, as this will in future lend itself to a significant problem of conflict of interest. As the Opposition has said before in this place, there is the possibility of the emergence of that conflict of interest without the knowledge of members of this House or the community, not least because the documents that underpin a great many of the recommendations of volume 2 of the report are not available.

I was interested today to find in discussions with chief executives of Government departments, whom I will not name because they would be embarrassed if I did so, that they too are curious about the content of many of the background papers. Those executives expressed the view that without that detail they would be in a difficult position when attempting to judge whether the recommendations should or could be recommended and when seeking to give their Ministers appropriate advice. Therefore, it is not simply the Opposition that is concerned about the deficiencies in the information available related to these reports and the potential for a conflict of interest to arise; it is also public servants who are expected, presumably after this process has been through a Government committee, to play some role in the implementation of whichever recommendations are accepted.

The other point I made in a general sense initially was that these reports, particularly volume 2, are already open to an accusation of their findings being guided by particular vested interests; in other words, if someone asks a member of the public from the business sector to determine whether the Government sector is efficient and at the same time offers a possibility that if it is sufficiently inefficient the private sector could take on that work, then that would be an invitation to those making that determination to make that finding. If I said to somebody, "Look, here is a job of work to be done as long as you can demonstrate to me that the Government is doing it badly", I would be surprised if

the person did not reach that conclusion. That is what has happened in a number of cases.

I turn to what I believe is the fundamental fallacy that I touched on first in relation to these documents; that is, their philosophical or ideological bias. It is clear that these reports, particularly volume 2, are extremely economically dry; they take no account of social or economic impact beyond the immediate service or good being described. That is not necessarily a fault of the commissioners, because they were told that they were not required to take into account, for instance, political reality.

Is it realistic to expect that the National Party, for instance, would embrace a set of recommendations that would see country towns seriously diminished in their capacity to provide for their citizens? I do not think so. I do not believe that any report which came to this or a future Government, or which went to a previous Government, recommending that it should at one fell swoop remove the cross-subsidy between country and city water users, or the other way round, would be received favourably by the people who represent those communities, or by the communities themselves. Therefore, one of the problems with this report is that it is politically naive in the extreme and takes no account of the real world politics, including those of the Government.

The reports also take no account of local government's reaction. I spent considerable time when Premier in discussions with local government, particularly the Save our Towns movement, and found that it was sensitive to any movement of either personnel or services from country regions, a view with which I was sympathetic. To say, as was said to the Opposition when in Government, that it would be economically desirable from the point of view of the Department of Corrective Services to close the Pardelup Prison Farm - a conclusion I might say also reached by the McCarrey commission - is not to understand the impact that that closure would have on the community, in that case of Mt Barker. A failure to understand that is a significant failure indeed because the recommendations are therefore lopsided. If the recommendations do not take account of the political reality that in this Government the member who represents that region is not likely to stand by and let it happen, and if they also fail to take account of community interests and the broader impact, the move is not likely to succeed. That is what the McCarrey commission was sent off to do - to make recommendations to the Government which would simply reflect the financial bottom line of a particular agency or department.

I think we all understand that that is not a basis upon which to make policy. Therefore, when the Government moves to analyse and to recommend changes in its operations based on the McCarrey report, it will have to undertake significant additional work. It is not surprising that already members of the National Party particularly, but also other members of Government, have said that these recommendations should not be heeded in their current form because they are destructive. In some cases, the reasons given - and I agree with them - are that the recommendations are based on a very thin fabric of argument and data. The Deputy Premier indicated that in the case of his departments, he objected not least because the recommendations to make significant cuts were based on what he called a dusted-off report of the Chamber of Commerce and Industry of Western Australia. The Minister for Primary Industry and Fisheries also made the point that in the McCarrey report there is a significant misunderstanding of the role of the Department of Agriculture and the Fisheries Department, and that if the sorts of cuts it recommended were implemented, we would see significant effects not just on the country areas served by the Department of Agriculture but also on the industries in those country areas, because, as I have said previously, agricultural extension programs, for example, would virtually become the province of the few wealthy people who could afford to pay the full cost of those services. We could outline other examples in the McCarrey report of a clear failure to take account of economic, social and political realities.

I put that point of view to two of the commissioners who were finally able to give the Opposition a belated briefing on volume two and, in part, volume one, and they said, "Well, of course we were not required to take any notice of those matters, and if it seems that we have bitten off more than we can chew and if it seems that we are not conscious

of those broader aspects of policy, then that is because we were not required to examine them." That means that this report does not have an air of worldliness or reality about it. In fact, it is very unworldly and unreal because it ignores political reality, is ignorant of the wider implications, and apparently is not conscious of the effect of the combined impact of its recommendations. That is another argument which the Opposition has with the McCarrey report, because if all of the recommendations were accepted - or even the majority of them, as the Premier would want to do - the effect on the Western Australian public sector and on the services available to people in the community, particularly in the country regions of this State, would be catastrophic. I do not think anyone in his or her right mind - and even on my worst days I do not imagine that this Government is totally bereft of intelligence - would implement these recommendations. That has been one of my major objections to this whole process.

I note with some interest that despite the observations in McCarrey volume one, which would have us believe that the State is on the verge of bankruptcy, and McCarrey volume two, which would have us believe that every major Government department and agency in the State is operating inefficiently, and despite the Premier's endorsement of those observations, he is apparently quite willing, in background briefings to journalists in advance of the Budget, to suggest that there is no need for any drastic action in Western Australia. I wonder how he reconciles those points of view, given the fact that he has tried to talk up the parlous state of our finances, the parlous state of our economy and the parlous inefficiency of our public sector.

The McCarrey report is based on a number of assumptions which the Opposition does not embrace. Firstly, it will open the floodgates to private sector appropriation of activities that are traditionally undertaken by the public sector. As we have shown by our actions, we are not against improving the productivity of the public sector, putting some activities out to the private sector, and, indeed, in some cases, privatising. However, the analysis in the McCarrey report, and I think from the Government, is that the sort of contracting out, tendering and privatisation that is proposed would produce the same or better quality services at lower cost. That is the promise held out by McCarrey and by the Government. However, we are being asked to believe that when the report provides no cost benefit analysis, no balance sheet, no comprehensive assessment of savings and no employment impacts. We are asked to believe that all of the people who would be displaced from the Government sector by those changes would be absorbed by the private sector. One cannot take these points as a matter of faith; that must be demonstrated. I would have thought one of the fundamental tasks of McCarrey would have been to do some decent economic projections and modelling to show the extent to which that might be true. In the absence of that analysis, it is inevitable that public sector workers and members of the community will be alarmed, because what they see is not just a shift of activity from the Government to the private sector, but a net reduction in employment; and at a time when in Western Australia, although we are doing better than other States, we still have nine per cent unemployment and no-one will sit by complacently and accept that.

We are asked to believe in the McCarrey report that competition will keep the prices charged by the private sector for service delivery - the prices charged to Government, or directly to consumers, including the commercial rate of return - below the cost of the non-profit Government operation. In other words, although one knows that the private sector has to make a reasonable profit, we are asked to believe that those services will be charged for at a rate which is lower than the Government's non-profit service, and that that will be done without any reduction in the quality of the service or, perhaps most importantly when one looks at country people, access to the service. It is all very well to say that one can deliver transport services to the country at a lower cost, but if there are fewer of those services and fewer people have access to them, that will not impress the people of Western Australia. It obviously did not impress the National Party either, because the Minister for Transport immediately jumped up and said, "Hang on; we will not cop any of those recommendations that will significantly reduce the quality of service and the access that country people have to that service." However, apparently we are

asked to accept that city people might accept a reduction in the quality of service or a reduction in access.

On this side we are extremely sceptical that the scope and degree of changeover from the public to the private sector recommended by McCarrey will actually result in the savings which have been identified in the report, while at the same time maintaining service quality and access, and, finally, that that will be in the best interests of the communities that will be affected, because even the driest economic rationalist would acknowledge cases where Government intervention and the provision of goods and services by Government is necessary to prevent an unacceptable free market outcome. However, that does not seem to be part of McCarrey's recommendations, with the exception of one or two examples, which in some ways are quite curious. For example, the McCarrey report recommends the continuation of the provision of subsidised industrial land in Western Australia. I was surprised by that recommendation, given some of the other very dry arguments in that report, but, when one thinks about it, someone had some good sense in making that recommendation, and presumably someone understood that it is important to the Government to continue to provide subsidised industrial land, because individual companies which buy land privately cannot take into account considerations which do not affect their bottom line. That is the reason Governments often intervene, because they have a different point of view from that of individual companies.

Mr Cowan: What page is that?

Dr LAWRENCE: I do not have the number here, but it is in the section on land development.

Nonetheless, those other considerations carry significant benefits for the State as a whole - considerations such as the spin-offs for increased employment, and the infrastructure advantages of collocating various companies and organisations, particularly in designated areas close to ports, existing rail lines and the like. That is why it is important for the Government to play an active role there and not simply hand it over to the private sector as a totally private operation.

I note too that the McCarrey report, despite some of its other hard, dry economic arguments, has not recommended the complete privatisation of education, although theoretically it is possible to hand it over completely. I presume the reason it has not recommended that is again because of the recognition that the Government, and the people who elect it, has a strong interest in ensuring a good standard of universal education for all of the population and that it should not be based on an ability to afford fees.

The McCarrey report, despite those two exceptions which I have given, has definitely taken free market principles to an extreme. I have never seen anything quite like it, even in the Victorian commission's report. It has taken them well beyond their prudent application, and that is the point I am trying to make. It has been written by businessmen and women - principally businessmen according to the list - for business. It should not need to be said but it does to this Government particularly, that business interests do not always coincide with the wider interests of the community. That is a very important point. We are not antibusiness. We want to see businesses prosper; we want to see their costs kept low, and to see they get a fair share of Government work. We also want to make sure that when business acts it acts with its own views and interests in mind; but we do not assume that business conclusions and policies will necessarily result in the best outcome for everyone. They clearly do not, otherwise we would not have seen the revolution in the twentieth century to control the activities of the private sector, to diminish the operation of laissez faire, to provide safety nets for our community, and to provide universal education and all the things with which we are familiar.

To give a couple of examples where it is clear that the advantages to business and the bottom line costs do not provide for the interests of the wider community: One of the recommendations is that Transperth bus operations should be sold to private franchise operators, staged over time. The current Minister has some appetite for that proposal because he has said so in advance of the report. The other recommendation is that fares

will increase until the bus routes make a profit; that the level of subsidy by the State, if not eliminated, will be reduced significantly. The problem with that proposition is that it has very significant consequences in the wider community. If it is taken beyond a certain level - and any economic analysis will indicate that price elasticity is not infinite - people will move to their cars, which in turn will increase road congestion and pollution, the cost of road maintenance and construction, road trauma, both personal and community, and health costs. None of those factors is assessed in the recommendation about the desirability of increasing the cost of public transport to the individual consumer in order to produce it at a rate profitable for the private sector. The community has a real interest in reducing those costs. It has an interest in reducing pollution, road maintenance and construction, trauma, and health costs associated with the public and private transport system. That is of no interest to a private sector operator. Why should he or she take that into account? The bottom line will not be affected. Those are examples of the blueprint idea that somehow represents a comprehensive analysis of the State's need for public services in the public domain. It is not adequate because it does not take account of the other factors, the political realities, the social or economic impacts. It is not in the broad interests of the community. It is apparently blind to the consequences of the aggregated effect of the various recommendations.

I turn to the second point made in my opening comments; that is, the quality of the work in the McCarrey report. I know that some members opposite are fond of saying that we are carping and critical, but if I were in Government and someone produced such a report I would have the same reaction. It is very deficient. I agree with the Deputy Premier, and the Ministers for Primary Industry, Transport and Health. These are the Government's people who have identified significant deficiencies in their areas of knowledge and expertise. The material used is second-hand and second-rate. The analyses have not been thorough. The quality of analyses in volume one has led the commissioners to make significant corrections in volume two. Volume one was set up so that there would be a dispassionate analysis of the state of the State's finances. Some time ago I argued that I thought it fell far short of that goal. I was shown to be correct with volume two. We find, not headlined by either Mr McCarrey or the Premier, a very "significant adjustment" to the projections being made about the State's deficit, on which the whole exercise of volume two was based.

Given that the State needs to save all this money, how can we do it? The fact that the State needs to save money was not properly demonstrated in volume one and has now been undermined by corrections in volume two. Firstly, it was said in volume one that there would be a deficit at the end of the year of approximately \$44m. The outcome was no deficit. In fact, \$19.5m goes into the revenue equalisation account, so in addition to covering all the costs for that year an amount of \$19.5m goes into this year's account. That hardly amounts to a deficit which the State would have to borrow to meet, which is what Mr McCarrey said. A much more significant error, again without much explanation in the appendices to volume two, is the error of some \$129.7m. In other words, the State is expected to have \$129.7m more per annum than was projected in volume one of the McCarrey report. The basis upon which Mr McCarrey and others have argued the need for cost savings is there would be a large structural deficit. He just pulls out \$130m from the deficit and attributes it to an improved position because of the Medicare agreement, but that does not account for more than a small proportion of it - probably none of it because we heard a lot of hyperbole about that agreement.

The third point about volume one and its quality is that it has failed to properly account for one-off expenditure. Mr McCarrey and his commissioners have not at any stage sought to correct my observation that they have failed. The report failed to take account of abnormal expenditures in reaching an assessment of deficit. Standard and Poor's reached the conclusion that Western Australia does not have a structural deficit for which we need to make significant savings and to cut the Public Service. It has a structural surplus. At no stage has Mr McCarrey explained the discrepancy between his findings and that of an international ratings agency.

In volume two we find similar problems of factual error, inadequacy of data and frank mistakes. First, we have the dissatisfaction of the consultants. Many consultants to

whom I spoke said that in no way can the report be anything but heavily qualified because none of them had the time or the resources to do the sort of work that was necessary. To take six months to investigate the entire public sector of Western Australia, even if 100 consultants were used, most of whom are naive about Government practices, is the most naive task anyone was ever sent on. As a former Premier and Minister I can see through the report, where the public servants have seen them coming. The list of things that have been rolled out are stale old stories. In education, health and other areas the same old stories have been told again and again. The public servants can perhaps be forgiven for being somewhat cynical about a new lot of Ministers asking the same old questions, so they gave them the same old answers. But again, no proper assessment -

Mr Cowan: The same answers as they gave to your Functional Review Committee.

Dr LAWRENCE: And we saw through them; that is the difference. After some time in Government one recognises the same stale old stories.

Mr Cowan: Why didn't you publish the review document?

Dr LAWRENCE: None was taking place during my time and I did not have any authority to do that. Apart from anything else, they will be available under the freedom of information legislation. I hope they will be available, as historical documents. What is the big deal about them? I do not think there is any big deal about them. I do not recall members opposite asking for them. They did not seem to be the subject of curiosity by the Opposition at the time.

The consultants are telling us that they are not certain about the quality of their work because of the time available to them, the resources, and the fact that they did not have a sophisticated understanding of the public sector and had to rely on existing public servants to provide information. They were not really in a position to reach conclusions. The real reason the Premier will not release the reports is that they are inadequate and an embarrassment. One reason the report was delayed was that it was being rewritten. A lot of the conclusions that had been reached and the data presented were deficient, and even the commissioners recognised that.

Several members interjected.

The SPEAKER: Order!

Dr LAWRENCE: We have dissatisfaction by the consultants and dissatisfaction by the commissioners, and a significant rewriting of the report. We have a lot of data that are not available in the report. Chief executive officers are now saying to me, "How are we supposed to implement this? We do not even have the basic data. If we are supposed to say to the Government this will or will not save money - "

Several members interjected.

Mr Pandal: Who are they?

Dr LAWRENCE: I will not do them in. The member should not be foolish. This is a punitive Government and plenty of people are scared for their positions. Mr Carbon is not an isolated example. Those who open their mouths get the flick. Those people are not prepared to speak and there is dissatisfaction among the chief executive officers.

I now shall give a couple of examples of why we should be extremely sceptical of the quality of the work in the McCarrey report. One thing drawn to our attention shortly after the report was released was that -

Mr Pandal interjected.

Mr Taylor: The member for South Perth is interested only in doing a forward somersault into the seat in front of him.

Dr LAWRENCE: He has lost his seat to the former Minister for Housing.

Mr Pandal: The Deputy Leader of the Opposition is suffering from too many aluminium cans - more from what he drinks from them!

Mr Taylor: I drink only from glasses in here.

Dr LAWRENCE: The member for Perth may make jokes about the loss of memory on this side, but members opposite have a collective loss of intelligence when it comes to their embrace of the McCarrey report!

Mr Taylor: Hear, hear! Just look at the Deputy Premier!

Several members interjected.

Dr Gallop: Savour the moment: The vegetable patch has arisen!

Mr Taylor: Toss some fertiliser to the left.

The SPEAKER: Order! Some of us are keenly interested in what the Leader of the Opposition has to say.

Several members interjected.

Dr LAWRENCE: I am not sure that that view is shared by all members opposite, Mr Speaker, but I will continue.

Mr Cowan: I am certain it is not!

Dr LAWRENCE: The errors we have discovered in the McCarrey report include the section regarding disability services. The recommendations may have some merit, but the data used to support them are wrong. We are told that the Government will be saved \$33m in this area by contracting out to the private sector the provision of beds for the significantly disabled. The report provided a table in which it was indicated that a bed at Nulsen Haven, a non-government, non-profit organisation, is \$34 500 a year compared with \$69 030 for a Government bed. It took us two telephone calls to establish the fact that has been denied by no-one; namely, that the figures are significantly out of kilter. The Nulsen Haven bed would cost \$92 603 a year and not \$34 500. Far from being dearer, the Government bed is cheaper. That fact has not been acknowledged by Mr McCarrey - although, no denial. No adjustment has been made to the recommendations or the estimated savings to be made. Most of the arguments in the disabilities chapter disappear into thin air once this error is known.

Before concluding my remarks - a number of members wish to make observations about the McCarrey report - the report's analysis in some sections appears on the surface to be quite sophisticated. However, on looking closer one sees it has the same ephemeral quality as the figures. Chapter 23, on page 116 of the report, deals with the motor vehicle fleet management. I preface my comments by indicating that there is room for a set of solid recommendations for private sector involvement in this area, for possible implementation. When in Government we moved to fleet management and endeavoured to tie down the cost of the operation of the Government fleet. Interestingly, the general manager of Linfox, which manages the Victorian fleet, and wrote the chapter, put recommendations to me when Premier and then went to see the State Energy Commission of Western Australia. The difficulty is that having written this chapter for the McCarrey report, this company is one of the few organisations with experience in government fleet management. Therefore, it has disqualified itself from future Western Australian fleet management, or at least, I would hope so if the Government has any decency.

The basis on which we are asked to conclude that it is better to have private sector management of the Government fleet reads -

Industry experience is that in a fleet that is not well managed, the operating costs can be up to 20% higher than the benchmark figures used. Consequently the actual running costs of the WA Government fleet is likely to be well in excess of the base figure in Table 23.2 and could be as high as \$90m.

In other words, industry experience is that a fleet, if it is not well managed, costs up to 20 per cent more and the WA fleet - although not assessed in this case - could be as high as \$90m. I do not know where members opposite went to school. However, when I went to school and university such a statement would not have passed as an argument. It is a

vague assertion as to what might be the case. Also, the table referred to comprises assumptions based on Victorian data. Therefore, the assumption is that the Victorian experience represents that of Western Australia, and that if the fleet is not well managed it will cost 20 per cent more.

This statement is not the basis on which to make a decision on anything; we would not do so with our homes or motor cars, let alone an entire Government fleet. The figures are not attributed to come from the company managing the Victorian fleet. This "analysis" includes bold assertions like "the public sector does not have the experience to undertake fleet management". Who says so? What is the basis of that suggestion? It claims that industry experience indicates greater cost for inefficient management. Please, that is not an argument!

The report then says that "long term savings from effective fleet management will arise from the control of the use of vehicles". However, the chapter contains no demonstration of the inadequate control of the use of vehicles. It is assumed that that must be the case because it is the Government and we all know that Government employees are profligate and do not know how to manage themselves. Also, the chapter has no indication of the control involved or whether this will affect service delivery; namely, would that mean that one rather than two deliveries a day would be made from the public health laboratories to major hospitals? Maybe real world impediments prevent these controls from being implemented. For example, it may be necessary to have a vehicle in Applecross and another in Joondalup because of the distances involved. No assessment of that kind is made.

This part of the report contains no assessment of whether Victoria has a different arrangement with its vehicles than is the case in Western Australia. It simply transposes the figures. Is the Victorian fleet older and larger - it probably is - than ours? The analysis does not involve unit costs. We are simply asked to believe that the private sector will do a better job and make savings for Government, although no demonstration is given of how this superior system would operate.

The report contains many other examples of vague analysis with no account of the social impact. The housing chapter is one of the most extraordinary in the document. I hope members opposite will not implement the recommendations which would see Homeswest's loans function sold to the private sector and the Keystart scheme financed externally. Such proposals were implemented in New South Wales and this led to an almighty mess. We have a well managed system here. Another proposal was to move the rental property management to the private sector. This has been tried before and it has not worked because the private sector has great difficulty managing the associated problems with many Homeswest tenants.

The report also recommended a security bond scheme. How will people afford such a bond when Homeswest tenants are not exactly wealthy? It is also suggested that rent assistance levels should be that of market rent. This could lead to higher rents. It also suggests that Homeswest property - this is one of the great recommendations - should not be sold in areas which yield higher market values. This will lead to ghettos. These recommendations would create a second class group of citizens bunched together in the way we saw in some of the suburbs we tried to rehabilitate; suburbs which were created by the same backward thinking applied when members opposite were last in Government.

The blindness in the McCarrey report I fear is shared by the Government. The report will be used to justify some backward looking social policy. I am pleased for the people in the bush who will not see the recommendations implemented - unless they live in Wyndham - but I am sorry for the people in the city who are likely to cop this nonsense.

MR TAYLOR (Kalgoorlie - Deputy Leader of the Opposition) [8.09 pm]: I shall continue the theme that a close reading of the report indicates that public servants and a variety of organisations saw the McCarrey commission coming from a long way away. Those public servants have rolled out reports that they presented to us as a Government over the years. Those reports made a variety of recommendations about how money

could be saved and jobs cut, and we turned away those reports year after year. The current Government is being faced with quite unacceptable recommendations having been made by the McCarrey commission. It is also clear that the National Party realised very quickly that this report -

Mr Cowan: What would you do about a tax on gold? You advocated it once.

Mr TAYLOR: No, I have never advocated a tax on gold.

Mr Cowan: Did you not join with the Kalgoorlie-Boulder City Council to advocate a levy?

Mr TAYLOR: What I advocated is what happened. I advocated that we should set up a community trust fund because the gold mining companies in Kalgoorlie were not paying their share.

Mr Cowan: That is the repository for it. What were you going to call it?

Mr TAYLOR: A trust fund and, in fact, a trust fund was established.

Mr Cowan: We have the repository. What were you going to do with it? Were you going to tax it or have it made up by voluntary contributions?

Mr TAYLOR: The Federal Government taxed the gold industry and the nature of the trust fund was to say to the industry that as long as it was prepared to make a contribution to Kalgoorlie-Boulder, we would not put a royalty on it. In fact, the Bond group at that stage ran the major goldmine in Kalgoorlie and it agreed to establish that trust fund. That trust fund is now well and truly established. Even my friends in Western Mining Corporation came -

Mr Cowan: I am not suggesting this, but I hope they did not make any contributions to your campaign expenses.

Mr TAYLOR: No, they did not.

Mr Trenorden: Did you get any of the \$3m?

Mr TAYLOR: We got about \$2m and a bit more.

Mr Trenorden: In your own campaign funds?

Mr TAYLOR: No, not in the campaign funds. In fact, we got nothing in the campaign funds. We have only to look at the recommendation on the gold royalty. If the McCarrey report had gone one step further, it would -

Mr Cowan: It was the full charge by the Department of Minerals and Energy for its services.

Mr TAYLOR: I will even deal with that. It would clearly be recognised that in relation to full charging, the lease rentals paid by the goldmining industry and the mining industry in general came to about \$55m a year. They are fully charged. That amount raised in lease and other rentals each year - I am leaving out royalties - would more than cover the sorts of costs we were talking about in the provision of services to the goldmining industry in Western Australia.

I reiterate that public servants saw the McCarrey commission coming. When we look at the report and its recommendations, as the National Party recognised, we will see that the majority of the recommendations that deal with Government departments and instrumentalities are certainly anti-country Western Australia. It was very interesting to note that within 24 hours the Deputy Premier had said quite clearly that he was not prepared to accept those recommendations. His deputy, the Minister for Primary Industry, said the same. The Minister for Transport then said the same about services such as the *Australind* and *Prospector* and Stateships. It is interesting that other members in the National Party, such as the member for Roe, spoke out in their local papers and completely dismissed the recommendations about the amalgamation of the port authorities. One after another, the National Party members have recognised that this is a report that, in almost every way, is unacceptable.

I will briefly deal with the issue of consultancies. I do not know whether many people recognise that, if the Government accepts in toto the recommendations of the McCarrey commission and other consultants, about 130 additional reports and investigations will occur. A little work has been done in this place in six months but on top of that there is a recommendation for 130 additional investigations. A good many of those recommendations are for private consultants to continue work in areas -

Dr Lawrence: Funny about that.

Mr TAYLOR: Yes. The McCarrey report recommends an independent assessment in key areas, such as the trade sales of both the State Government Insurance Office and the R & I Bank.

Mr Lewis: Would that not be done ordinarily?

Mr TAYLOR: I would say that it has already been done.

Mr Omodei: Independently?

Mr TAYLOR: It was assessed by us when we were in Government.

Mr Lewis: That is a very good recommendation.

Mr TAYLOR: Is the Minister for Planning saying that he would be prepared to consider a trade sale of each of those instrumentalities?

Mr Lewis: No. Of course, you would have an independent assessment whatever you did.

Mr TAYLOR: The Government has been asked to have an independent assessment for the trade sales. Does the Minister agree with that? Will he support those recommendations? Will he or will he not support them?

Mr Lewis: I am questioning you on the independent assessment. You would be a fool not to have an independent assessment.

Mr TAYLOR: Yesterday in this place I said to the Minister for Water Resources, "Are you going to support the proposal for doing away with the cross-subsidisation between metropolitan and country when it came to water prices?" I got no answer.

Mr Omodei: Which page is that on?

Mr TAYLOR: The Minister should read the consultant's report.

Mr Lewis: It is an independent report.

Mr TAYLOR: I do not know whether Government members have bothered to read it yet.

Mr Omodei: I thought you would be able to tell me the page.

Mr TAYLOR: A further consultant's report on the issue of cross-subsidisation has not been made public. Would the Minister support it?

Mr Omodei: Do you mean removing the cross-subsidisation?

Mr TAYLOR: I mean removing it.

Mr Omodei: Do you agree with the amalgamation of the CSO to be inherited by the Water Authority?

Mr TAYLOR: The Minister does not answer the comment.

Dr Lawrence: You don't agree.

Mr Omodei: Of course there has to be cross-subsidisation for country water.

Mr TAYLOR: There is another Minister who has knocked off another recommendation contained in the McCarrey report. We pin down one after another of these Ministers on these recommendations. Unfortunately, five of the Ministers are in the other House, so we cannot do that in this place.

Mr Omodei: You cannot have it both ways.

Mr TAYLOR: I am not having it both ways. The Minister is trying to do so. The Premier has embraced these recommendations and now the Minister is running away

from them. Let me deal with an issue that is particularly close to my interests in this place: Health services. It is interesting that if the recommendations put forward in the McCarrey report are adopted, the McCarrey commission suggested that in a budget of about \$1.3b, \$120m could be saved. Having been involved in the health budget in one way or another for a long time I cannot believe that anyone can consider that we can save \$120m from the health budget in Western Australia.

Dr Lawrence: They were saying they would chop off \$116m during their own election campaign.

Mr TAYLOR: The Government will not even try. I guarantee that in this year's State Budget the Government will not make that effort because it knows it cannot be done. I will deal with one aspect of it. Some of the Government backbenchers should be very interested in this because the people who will be affected live in their electorates. If the Government starts down this track of making these savings and adopting the recommendations put forward by McCarrey, we will see the loss of about 1 300 nurses' jobs in this State. Those jobs would not be replaced by contracting out or privatisation or the like. If these recommendations are adopted in relation to a 38 hour week, 1 300 nurses in Western Australia will lose their jobs.

Mr Lewis: Where did you come to that? Explain it.

Mr TAYLOR: The Minister should look at page 212 of volume two of the McCarrey report. That is the consequence. The report goes on to say - how it leaps to these conclusions is quite beyond me - that we should be looking at the Queensland system. The report states at page 209 that -

The operating costs of Queensland's public hospitals appear to be about 20% less than the Australian average. Administrative costs appear to be about 40% less than those of other States. A preliminary analysis, and discussion with consultants experienced in the Queensland system, suggest the costs are lower because of the lower staffing levels, less emphasis on support services, lower salary rates, and less up-to-date and sophisticated infrastructure.

This is really quite heroic stuff. The report goes on -

A very preliminary analysis by the Health Department -

It is interesting that the Health Department should do this analysis -

- in its cost performance report found no clear evidence that the Queensland system had longer waiting lists or less adequate outcomes.

In recent times a comment appeared in *The Australian* newspaper on 1 September 1993 in an article headed "Six die waiting for heart surgery". It states -

The Queensland Government is embroiled in a pre-Budget health funding row after revelations that at least six people died recently awaiting heart surgery in public hospitals.

One of doctors involved said -

... the deaths on waiting lists are "equivalent to the risks of surgery", and he wonders "how many more deaths we must have because of waiting times" in Queensland.

He also said that the waiting times in Queensland would be unacceptable anywhere else in the western world. In Queensland the waiting list for heart bypass surgery is 22 months. I challenge any member here to find anyone in Western Australia with a 22 month wait for heart bypass surgery.

Mr Bradshaw: They have to wait that long for operations.

Mr TAYLOR: I am talking about life saving operations. This Queensland surgeon quit as the hospital's cardiac care unit director because he could no longer face the fact that some of his patients would die because they could not get the treatment they required. That is the model the McCarrey commission would have Western Australia adopt in the

quality of its health care. That model would see \$120m being saved, and 1 300 nurses' jobs being lost. Added to that are the proposals for contracting out hospital services such as cleaning, those provided by the Hospital Laundry and Linen Service, food, biomedical engineering, outpatient, other administration and support services such as accounting and finance, payroll, EDP, and transport. In some cases the suggestion is that the Government contract out complete hospital operations. Something like 5 000 people work in the food and cleaning areas of hospital employment. Tonight, because this Government has not rejected that aspect of the McCarrey commission report -

Mr Kierath: If you could improve the productivity of all those people by 10 per cent, think of the huge savings.

Mr TAYLOR: We would lose 500 jobs. That is the attitude the Minister for Labour Relations takes. The families of those 5 000 people are wondering whether their mother, father, son, daughter or grandmother will have a job next week. At the very least I would have expected that the Health Minister would come out and say he found those recommendations unacceptable. In those areas it is critical that attention be paid to the quality of health care in Western Australia.

The United Kingdom has gone about the process of privatising, initially laundry, catering, and cleaning services, but gradually extending that to laboratory, pharmacy, security, legal, computing, and non-emergency ambulance services. This report states that -

'Competing for Quality' heralds further moves in this direction. (It is important to note that ministers, Conservative MPs in the private sector advocates of putting these services out to tender described the process as "privatisation".

In all those case of contracting out, with laundry catering and cleaning services, the lowest bid won the contract. I do not know whether I would like my food to be provided by or my hospital to be cleaned by the lowest tenderer.

Mr Bradshaw: Don't you think we would put standards into place?

Mr TAYLOR: I challenge the member for Wellington to go into any of our hospitals and criticise the standard and quality of the cleaning services provided. We have one of the few hospital systems in the world today that does not have an endemic problem of staphylococcus, particularly golden staph, which is a very great problem in hospitals throughout Australia. Western Australia is one of few systems in the world, because of standards set and checks carried out on incoming patients, that does not have that problem. We must keep it that way.

Mr Lewis interjected.

Mr TAYLOR: The Minister for Planning is quite right, and every time it has been hit on the head.

Mr Kierath: In-house day labour cleans Royal Perth Hospital.

Mr TAYLOR: That is right, and in-house day labour cleans all the other hospitals.

Mr Kierath: You are wrong; other hospitals have contract cleaners, so be careful.

The SPEAKER: Order! It is a bit difficult. I have my attention on the Deputy Leader of the Opposition and although the cross-Chamber conversation is no doubt quality conversation it is interrupting the process.

Mr TAYLOR: This report tells us what is happening in the United Kingdom. It states -

Quality considerations are irrelevant; cost considerations are paramount. This has meant a sharp deterioration in the quality of health care provided.

Mr Kierath interjected.

Mr TAYLOR: The Minister for Labour Relations should listen to this. It states -

Dirty hospitals and inadequate cleaning increasingly has become a feature of the NHS. Hygiene standards have sharply fallen. (The National Childbirth Trust, when giving evidence to the Health Select Committee said that hygiene standards

are so low in some hospitals, that women may be safer from infection if they have their babies at home. A spokeswoman told the committee that the situation had worsened since hospital cleaning had been contracted out and that "We hear time and again of women using bathrooms and lavatories after birth which are clearly just not clean. There is blood around, there are used towels around, they are filthy").

I am quoting from a publication that deals with the issue of purchase/provider models, equity and quality, and privatisation in relation to health care in the UK. The report was put out by the health services division of the Public Service Union of the UK.

Several Government members interjected.

The SPEAKER: Order!

Mr TAYLOR: I take it from the comments by the member for Whitford that he would support the idea of contracting out these services in our public hospitals.

Mr Johnson: I would look at it closely, but I would not base my assumption on a union paper.

Dr Lawrence: But you would base it on the advice of a single business consultant.

Mr TAYLOR: That is the recommendation we are faced with. As a result we have 5 000 workers not knowing whether they will have a job at the end of the year.

Mr Johnson: The paper you have in your hand is totally biased.

Mr TAYLOR: The member has not read it.

Mr Johnson: I know where it comes from.

Mr TAYLOR: The member would automatically assume it is totally biased because it is written on behalf of a Public Service union. I challenge the member for Whitford to go to the library and read the *Medical Observer* about the crisis in health care in the United Kingdom which has come about as a result of contracting out services and the privatisation of those assets.

The other interesting aspect is the latest and newest hospital in this State being built at Murdoch University by St John of God Health Care System. It wants to make a dollar out of its health care system. It has not contracted out these services; it will provide an in-house service. It will do that because that is the most efficient, effective and the cheapest health care service.

Mr Kierath: How does their production rate compare with the hospital day labour force?

Mr TAYLOR: They compare with the quality of health care and production rates at hospitals like Sir Charles Gairdner.

Mr Kierath interjected.

The SPEAKER: The Minister for Labour Relations, order!

Mr TAYLOR: If one visits a friend or relative in hospital and the cleaners are around and one happens to have taken some flowers one finds that those people immediately say, "Can I help out? Can I put them in a vase?" If the Government puts in a private cleaning company they will not have time to do those sorts of things.

Mr Kierath: At what cost is that service provided?

The SPEAKER: The Minister for Labour Relations is interjecting excessively. I know it is an area in which he has a lot of knowledge, but the opportunity and the right to speak is given to the Deputy Leader of the Opposition.

Mr TAYLOR: That is a typical reaction from that Minister. Rather than judge the quality of the service provided and the caring nature of the service, he questions the cost. It does not really cost very much more to help out in those areas.

Mr Kierath: Every report says otherwise. It is a very expensive proposition to use day labour in preference to contract cleaning. You and the committee analysed all that and some of your figures -

Mr TAYLOR: I take it that when the Government is considering the McCarrey commission recommendations the Minister will be behind privatising and contracting out those services?

Mr Kierath: I will be wholeheartedly behind it.

Mr TAYLOR: Will the Minister also be behind the recommendation in the McCarrey report that a user pays policy should apply to the aids and appliances provided in our public hospitals? For example, does the Minister support a person suffering with mesothelioma and using oxygen day in and day out being charged the full cost of that oxygen?

Mr Kierath: I never said that at all; that is being ridiculous.

Mr TAYLOR: Is the Minister going to pick and choose?

Mr Court: Were you critical of the Queensland hospital system?

Mr TAYLOR: Absolutely. The Premier should not be in any doubt about it. One of the recommendations in the report on health care is that a user pays model should be adopted for the use of appliances and aids taken out of hospitals by people who need them. Does the Premier support that?

Mr Court: You know our position. We will go through all of those recommendations and make a decision.

Mr TAYLOR: The Premier should rule that out now. Should those people who may be dying of mesothelioma consider the fact that they will have to pay a couple of hundred dollars a week to keep them alive?

Several members interjected.

The SPEAKER: Order!

Mr Court: You took one and a half billion dollars off them. You could have provided them with more oxygen.

Mr TAYLOR: The Premier is running out of steam on that issue.

Mr Court: We are not running out of steam.

Mr TAYLOR: Too right he is and he will run out of a bit more tomorrow.

Mr Minson: You picked a bad example with that issue. I had to enter into considerable negotiation with the previous Minister for Health, Mr Wilson, on behalf of a patient in Bunbury who had to buy his oxygen.

Mr TAYLOR: What was the outcome?

Mr Minson: I frankly cannot remember.

Mr TAYLOR: The Minister would remember if that person had to pay the full cost.

Mr Minson: You instituted user pays for oxygen.

Mr TAYLOR: We did not. One of my friends and constituents in Kalgoorlie is in exactly that situation and he is not paying the full cost for oxygen.

Mr Minson: My representations must have been successful.

Mr TAYLOR: Well and good. Will the Minister for the Environment now make similar representations to the Premier, who has already said he is not prepared to rule out user pays? Having made that representation, is the Minister now saying these recommendations should also be considered?

Mr TAYLOR: Would you say that again?

Mr Kierath: This is a former Treasury official you are dealing with. The numbers are a bit big for him.

Mr TAYLOR: Clearly, the saving of \$120m out of a Health budget of \$1.3b will lead to the collapse of the health care system in this State. It is unacceptable to adopt

Queensland or the United Kingdom as a model. Those people on the Government back bench will pay the price in 1997 should this Government go down that track.

MR COURT (Nedlands - Premier) [8.34 pm]: At least the debate today is more positive because we are debating some of the issues about how we deliver public services in this State. The purpose of the McCarrey report and its recommendations was to enable us to have more information about how we can carry out such a debate so that we can try, as is our responsibility, to deliver public services more efficiently. I do not mind debating the delivery of health services. There are ways of delivering health services which are different from what has been done in the past. I had to laugh when the Deputy Leader of the Opposition referred to the delivery of health services in Queensland. The criticism I heard is that many Queenslanders have difficulty getting into their hospitals because so many people come from New South Wales and Victoria to use the Queensland health system.

Dr Lawrence: You obviously did not listen to what the Deputy Leader of the Opposition said. It is a serious situation in Queensland.

Mr Brown interjected.

Mr COURT: I am talking about people coming to Queensland when a Labor Government is running the operations in that State.

Dr Lawrence: That is a load of nonsense and typical of the cliches you deliver to this Parliament and expect us to -

Several members interjected.

The SPEAKER: Order!

Mr COURT: The Leader of the Opposition will get stressed in that position. At least we have started stimulating debate about how we can better deliver public services in this State. Members on both sides of the House have a responsibility to make sure -

Dr Lawrence interjected.

Mr COURT: The Leader of the Opposition can keep on carping, but does she not believe we should be more efficient in the way we deliver public services?

Dr Lawrence: I expect a proper analysis and a sensible and reasonable argument; none of which is provided by the McCarrey report and none of which is provided by you. Ask your Deputy Premier what he thinks of it.

Mr COURT: What did the Leader of the Opposition provide in 10 years of Government?

Dr Lawrence: We had a large number of investigations into Government services. We looked very carefully, but we did not try to bite off more than we could chew and did not talk nonsense to the people of Western Australia.

Mr COURT: Was it made public?

Mr Minson: When were they carried out?

Mr COURT: Between 1983 and 1988.

Dr Lawrence interjected.

Mr COURT: Some confusion is taking place on the other side. The Leader of the Opposition is not too sure whether there should be more private sector involvement or less private sector involvement. On the one hand she says we must do something about Government motor vehicles and that we seem to be missing about 1 000 vehicles. The Opposition cannot quite account for all the vehicles owing to a complete lack of information available. She agrees that perhaps the private sector can play a role in one public sector area, but not in another. The whole purpose of this exercise is to assist the Ministers and the chief executive officers to make decisions so that those services can be better delivered. The Leader of the Opposition again referred to Standard and Poor's when she said the State's finances are in surplus and in pretty good shape. In fact, under her Government Standard and Poor's downgraded our credit rating.

Some people have been examining the true position of the State's public sector finances because our credit rating has been downgraded and we want to get it restored. The Leader of the Opposition said that some chief executive officers approached her complaining that they did not have enough information to implement recommendations for change. Does she not think that has been one of the major problems? One of the major recommendations of this report is that better information should be available to the chief executive officers. It would be a great help if the Leader of the Opposition were to tell me which chief executive officers do not have the proper information available to properly run their operations.

Mr Catania interjected.

Mr COURT: Before the McCarrey report was released in Parliament I spoke to 60 of the chief executive officers whose operations were reported on. The reaction I got was not the same as the one the Leader of the Opposition said she received. They said that it was the first time in 10 years that they could remember a Government having the courtesy of briefing CEOs before a document became public. Many of the CEOs said that they also felt they had now been unshackled and allowed to talk about different ways in which they could run their operations from the ways that were being pushed on them by the Labor Government.

A Government member: Usually by ministerial interference.

Mr COURT: No political appointees are going over the top and directing them on how they do things. Things are being done differently. The Government has taken a different approach on how it can better deliver those public services. The other confusion which exists with members opposite is that they are describing the report as being devoid of political reality and politically naive. It is not supposed to be a political report; it is meant to be an independent investigation into the way in which Government operates. The Government said all along that it has the opportunity to accept, reject or modify those recommendations. The Government will find it a useful process to go through the recommendations of the commissioners because there has been - although not from members opposite - a broad and strong support for the direction in which this report has gone. Virtually all of the main media commentators, as I said yesterday, have given this report the thumbs up. They have said it is a refreshing and open approach to the way in which Government operates. I am sure the member for Balcatta, who has put in much time on the Public Accounts and Expenditure Review Committee, deep down supports the way in which the commission has gone about putting together this report.

Mr Graham: Can you make available to members of the Opposition the five appendices that were printed?

Mr COURT: I asked the member last night whether he had a copy, and he said he was having difficulty getting one.

Mr Graham: None of us has them.

Mr COURT: The Government will get the commissioners to sign it for the member if he wishes!

Mr Graham: Seriously, will you arrange to make those available?

Mr COURT: Yes, seriously I will. The member must understand that this report has been a top selling publication.

Mr Kierath: State Print had to do a second print.

Mr COURT: Yes, volume one had to be reprinted; there was an overwhelming demand for it. They tell me it is selling well to the member for Pilbara's side of politics.

On a serious note, at least tonight we are starting to get down to debating some of the issues which have been addressed. The Opposition and the Government will disagree in a number of areas; for example, on the way in which the public transport system should operate. The commissioners have said that more private sector involvement should occur, and the Government would like to see more private sector involvement in the

public sector. The commissioners have outlined the problems in fleet management of vehicles and some of the problems with Supply West, the information technology areas, the Western Australian Water Authority, the police, the justice area, and a wide range of transport issues such as the *Prospector* and the *Australind*.

Mr Thomas interjected.

Mr COURT: The member for Cockburn may have missed the comments I made yesterday.

Mr Thomas: I was listening on the speaker.

Mr COURT: At least the Government has a good indication of what those services cost to run. If the Government makes a decision to retain those services it must ensure that it can get them to run more efficiently and to be better utilised. I do not think anyone really criticises the process of trying to work out how the Government can better deliver services. Yes, the Opposition and the Government will disagree on many ways in which it can be done. However, members opposite have a pretty hollow argument on their hands because they are saying that this report is rubbish and that the commissioners are not independent, yet no public criticism has been made since this report has come down. When the Government announced the commissioners and the establishment of the investigation much criticism was made about the commissioners; however, the Government said that people should allow them to make the report and then judge them on their performance. Since the report has been brought down nothing but praise has been expressed for the way in which they have carried out their work. The members opposite have set out to defame the commissioners and the consultants. If members opposite look at the consultants who have been involved, it is a pretty -

Points of Order

Mr RIPPER: Earlier this afternoon objection was taken to the use of the statement that a member had set out to defame someone; now a similar statement is being made by the Premier. I ask you, Mr Acting Speaker, to rule in the same way as the person in the Chair ruled when the Deputy Premier took the same point of order as I have just taken.

Mr COWAN: That is not the case; the words used were not the same. The words used were "You have libelled." It certainly was not the use of the word defame. There is no point of order.

Mr RIPPER: Is defamation not the same as libel?

The ACTING SPEAKER (Mr Prince): I have considered the point raised by the member for Belmont and it seems to me that the technical definition of defamation is obviously to impute a civil wrong outside this place, but not inside it. Libel is but one part of defamation. It is borderline in the circumstances and in the context in which the Premier used it and I doubt that it gives rise to a point of order. I simply make those remarks for the benefit of the Premier and any other member.

Debate Resumed

Mr COURT: The members opposite have sought in different ways to say that the consultants are trying to make money out of the exercise. Members opposite have not had the decency to say that perhaps the consultants have put in quite a bit of work and that all of those people who were prepared to participate should be given some thanks. Members opposite do not have to agree with what the commissioners have finally come up with, but they should not just knock those people who have put so much into it. Two methods are available of carrying out this exercise: Firstly, an open process, whereby the people are able to have a look at the operations, come out with their recommendations and make them public; or secondly, the process which the former Government used of having functional review committees working inside Government in some secrecy and intending to release only bits of information which, from time to time, are thought to be relevant. Here we have it warts and all. We may not like all the recommendations, but we have them. That is the open approach adopted by this Government, which is designed to stimulate debate.

Mr D.L. Smith: We have not got the consultants' reports.

Mr COURT: Members opposite have the whole lot. They have the commissioners' reports. The Government has not gone through the report, pulling out bits here and there and censoring it. Members opposite had their 10 years in Government. They made a decision that they would not make public what the people were finding when their functional review committee was under way. They made the decision not to be open; however, this Government has been open and at least tonight we are starting to have a debate about how we can better deliver public services in this State.

MR KOBELKE (Nollamara) [8.50 pm]: I agree with the Premier that there is a need for efficiency in Government and there is a need to address issues of productivity and change to meet changing needs. From there on it is difficult to find anything about which I can agree with the Premier. Certainly, we have different political philosophies about how we can meet the needs of this State. However, for the Premier to suggest that we would agree on the method which we would undertake in that process is completely wrong. What we have had tonight from the Premier in his eight to 10 minutes address on this important Independent Commission to Review Public Sector Finances report is a load of gobbledygook, absolute gobbledygook. Perhaps this book should not be called the McCarrey report; perhaps it should be called the book of gobbledygook because that is what we have heard tonight from this Premier. Members on this side of the House have taken the time to go through the information and have tried to point out the inconsistencies and mistakes. However, this Premier does not even think it is necessary to mount any logical argument on those points. He would rather skirt around the issues, talking about the 1980s and about anything else, than address the real issues which have been raised in this report. As I said, all we have heard from this Premier tonight is a pile of gobbledygook because of his inability to address systems of government which will increase efficiency, productivity and the quality of services to the people of Western Australia.

The Premier said that the inquiry was an open process. That is an absolute joke! This was a semi-public inquiry, not an open process. It gave the appearance of being open but it was a semi-secret inquiry. Earlier the Leader of the Opposition quoted assertions in the report which were made completely without substance. They may fit very well into the New Right's view of the world, but they have not been substantiated in any way.

Mr Court: Do you support any of the findings?

Mr KOBELKE: I said at the start that we certainly see a need for reform for greater efficiency. There are issues in the report which a large number of people, including people on this side, will agree with. However, we are talking about the processes to be put in place to try to improve the operations of government. As far as I can see, those processes will be an absolute failure. The inquiry was a semi-open process which made a whole lot of assertions that were not substantiated.

In the limited time I have available to me, I will try to cover a small number of them. The document is more about political rhetoric and about getting to an end point than it is about producing arguments to show how the system of government can be improved. For example, chapter 23 of the report refers to Fleetwest and the management of Government vehicles. The recommendation in part is that the Government should appoint a commercial fleet management organisation to help it improve the control of the Government's vehicles. That is based on a survey undertaken by the Linfox Group to which the Leader of the Opposition has drawn the attention of the House. She pointed out the lack of consistency in and support for the assertions contained in that chapter. Is that a recommendation which the Premier thinks should be implemented?

Mr Court: The Leader of the Opposition supports the private sector running the fleet.

Mr KOBELKE: Again, the Premier reverts to gobbledygook! He does not have an opinion when it might mean anything. We are still considering the matter! Will the Government release the data on which the assertion in that chapter has been made? Will the Premier make available to the House the survey data on which these assertions about management of the fleet have been made?

Mr Court: What? That they could not find 1 000 cars!

Mr KOBELKE: Will he release that detail?

Mr Court: When we find them I will give you a call.

Mr KOBELKE: Has the Premier started looking for the missing thousand cars?

Mr Kierath: Yes, we have.

Mr KOBELKE: Has the Government sent out search parties?

Mr Kierath: Yes.

Mr KOBELKE: This is not a joking matter. A recommendation has been put forward by this commission on the management of Government vehicles based on a report by Linfox which has experience in this area - perhaps it is the only company in the nation that does have experience in managing a Government fleet. Therefore, one would assume that that company has the expertise and the accounting backup to have done a thorough study to support the recommendation. However, we do not have that background material. All we have is recommendations which do not make a great deal of sense. Why will this Government not make available to us the survey data and background papers on which this recommendation was based? Is this Government trying to hide something? Did Linfox do the work for nothing? We have been told that a number of Eastern States firms raced across the Nullarbor Plain to do work for nothing. Was Linfox one of those companies? Will the Premier find out and tell us?

Mr Court: The total cost came in at under \$500 000.

Mr KOBELKE: More gobbledygook! The Premier will not answer the question.

Mr Court: I will answer the question. The cost of the Deloitte study into the Health Department conducted by the former Government was \$1m.

Mr KOBELKE: The Premier is an expert at avoiding the issues. He talks about everything but the point at issue. He goes on ad nauseam but will not address the issues. What are we to assume from that? Has Linfox done the work for nothing because it thought it would give it a competitive advantage in picking up a nice little contract managing the Government's fleet? This Government will not release the background papers. Why? One conclusion is that this company is a rather sharp operator which got in and did the work for nothing so that it would be well positioned to pick up a very lucrative Government contract. When one considers the deals that Linfox has been in the news for over the past few months, one might consider that things might go deeper than that. The Premier is not willing to answer simple questions about the cost of the consultancy. Therefore, I am sure also that he will not tell us whether Linfox has contributed to the Western Australian Liberal Party. That would fit the pattern of this Government. This company had shared management at a high level with the Coles-Myer group, and what happened there? It has been clearly established in the Press that Coles-Myer let major contracts to Linfox at a level well above the normal competitive rate. A major national corporation has done business at an above market rate so that some controlling interests in Linfox could make a profit out of another company in which it had a controlling interest. That is the same operator that is giving advice to the Government and whose report the Government is not willing to release. If members cannot smell a rat in that deal, something is wrong. There is certainly the smell of a rat when this Government refuses to give any supporting papers to the Opposition and refuses to tell it how much was paid and then holds up the McCarrey report as an independent report into Government instrumentalities. That is not only a joke; it is also something far more sinister.

The Premier also said that no-one questioned the McCarrey report. Perhaps McCarrey is learning a few things from this Government about double speak because prior to the release of the report Mr McCarrey said publicly that the report was approximately 1 000 pages long, which was obviously too bulky. He expressed the view that if all of the supporting information were left out we would get a report that people would be able to read. That is a clear example of double speak. It is an excuse for him to say that he

could not give us the reasons for the recommendations but he would give us the end result - the report. Once again, I must question whether this Government is trying to hide a can of worms.

Chapter 29 which refers to education and training makes a number of suggestions about increasing efficiency in the school system. One suggestion is that 50 schools should be closed. The report at page 229 states -

For both educational and financial reasons it will be necessary to close some schools and relocate staff and students. A review of the situation has revealed that about 50 schools out of a total of 763 may need to be closed.

It is interesting that the McCarrey commission states in its report that it was revealed to it that 50 schools need to be closed. It indicates to most people that someone from the ministry or an outside consultant gave the McCarrey commission a list of 50 schools which they consider should be closed. The Minister for Education says there is no such list and he accused the Opposition of making it up. It is another example of the McCarrey report putting forward a clear point of view and when the Government is asked for the material to substantiate it, it runs in all directions because it is not willing to face up to the issue and admit it does have a list. All it is saying is that the McCarrey report considered a review which states that 50 schools will be closed to improve the cost efficiency of the education system. However, the Minister says that the Government will not do that. How are the children in the 763 schools affected by this report which states that schools should be closed to improve cost efficiency of the education system? This statement in the McCarrey report concerns and frustrates parents, teachers and students and greatly harms the education system and for these reasons the report should be condemned. If there is a need to rationalise schools the Government should explain its reasons. It should not be announced in one small paragraph of the McCarrey report that 50 schools may need to be closed. The McCarrey report is about cost cutting to obtain the bottom line. It is not interested in education or the delivery of quality services in this State. We cannot blame that on the McCarrey commission because it was given guidelines by the Government. The report is worth very little; it is more a book of gobbledegook than an informed agenda which can be addressed in a serious manner.

The summary attached to this chapter I refer to includes a recommendation from the Ministry of Education to the effect that savings can be made in the contracting out of cleaners and gardeners. When one turns to page 229 of volume two of the report to find out the substantiation for that it reads -

Cleaners and Gardeners. The cost savings of full contracting out of these services is currently being investigated by the ministry.

Mr Graham: The Minister for Education says he has not investigated it and it is a rumour spread by the Miscellaneous Workers Union.

Mr KOBELKE: I acknowledge the member's interjection. It is yet another example of the report saying one thing and the Government saying another. How can the Government achieve rational reform and improved efficiency if we cannot have a rational debate? People are calling black white and white black, prevaricating and giving sundry reasons which do not address the issue.

The McCarrey report states that gardeners play a bigger role than just looking after gardens. For example, they look after the school security. That use of gardeners and cleaners goes beyond the simple tasks set out in their duty statements. The cleaners are part of the school environment which is a caring community. The schools in which I have been a teacher have accepted the cleaners as part of the school because they are willing to go beyond the duties of sweeping the floors and cleaning the blackboards. If the recommendations of the McCarrey report are implemented the cleaners will have their hours and pay reduced and they will be employed on a casual basis to achieve the bottom line. The report does not give any consideration to the quality of service they provide and how that impacts directly on the quality of education. It is obvious that the Government is looking at the bottom line and not at educational issues.

Mr Kierath: They are part of the community and they live in the community.

Mr KOBELKE: I will talk to the Minister about matches. He does not have a great deal of knowledge about anything else.

If members consider the factors which affect the quality of education in schools they will agree that the teaching staff are absolutely critical. This report states that because staff costs are very high it is an important area to investigate to cut costs. It refers to teachers in an interesting way. As far as the commissioners are concerned teachers are cost drivers, not caring people who educate our children. It is considered that they drive the costs too high and something must be done about it. One might consider that the logical thing to do to save money is to increase class sizes and reduce the number of teachers. When I was a student in grade 7 I had 76 students in my class. If the recommendations of this report were implemented the clock would be turned back and the standard of education in our schools would be lowered. The report goes one step further and suggests that enterprise bargaining would go down well in our schools. For example, does it mean that if a teacher earned \$30 000 to teach 30 students he could, in the process of enterprise bargaining, be offered \$45 000 to teach 60 students? The ministry would be \$15 000 better off. Is that what enterprise bargaining is about? Will it reduce the cost of employing teachers?

Another area identified in the report for potential savings is devolution. On page 230 of volume two of the report under the heading, "Devolution", it states -

Alternative models would significantly alter the size and range of functions performed by the central office and devolve greater responsibility to districts and schools. For example, authority for resourcing and purchasing could rest with the district or school within parameters set down by a smaller central office. There would be a need for more staff at district level and overall savings would depend on the efficiency of new management information systems.

Another section states that there would be a need for more staff at a district level. I have a clear view on that and I will take it up with the Government on another occasion. My experience with devolution in education and other institutions is that it results in an increase in costs if the same quality of service is maintained. If the efficiencies are removed from the central office and the administration of budget, purchasing and control of quality are transferred to district offices more staff will be required to maintain the same quality of service. This is what resulted in the devolution process which took place a few years ago. Even though it was said that it would result in a reduction in the number of staff, devolution actually increased staff numbers. If we go down the road of devolution to reduce the total staff numbers the quality of education will be reduced. Teachers will become administrators, bookkeepers and storekeepers and will be taken away from their teaching role. The whole system is flawed if we adopt the attitude that staff costs will be reduced through devolution. The advantages will be forthcoming if the devolution process is undertaken properly and my experience is that that will result in an increase in staff.

I turn now to the final example which time will allow me to discuss; that is, the State Printing Division. It has undergone major restructuring since 1984 which has greatly improved its productivity. On page 177 of the McCarrey report is a brief financial summary for the State Print. This is another example of how this book of gobbledegook has been very selective in its use of figures in order to paint a particular picture. It is not about presenting truth or uncovering how the system works; it is about putting a particular ideological line. We see that time and time again. The summary in the report shows a loss after abnormals of \$1.2m. Of that figure \$990 000 was an abnormal item covering the cost of redundancies. Therefore, the net loss was \$231 000 for the 1991-92 financial year. That in itself is a gross distortion because it is the total operating figure for State Print, which performs a number of Government functions, particularly for this Parliament, on which it does not recover cost. That is well known from other reports. It should recover the costs but it does not do so on a range of Government services. State Print has split its operation, and has a commercial division which is required to tender for Government contracts and to be cost competitive with the private sector. For the same financial year of 1991-92 the commercial section made a profit of \$335 000. Where is

that in the McCarrey report? McCarrey does not mention that because it would muddy the water and not make the ideological point which the report wishes to make. It is stated on page 178 of the report -

Following the untying of the government print market, State Print has had declining throughput, a situation which is expected to continue.

It provides the figures to support that and some reasons as follows -

The primary reasons for the declining commercial sales are:

State Print is denied access to the private sector while its private sector competition has open access to the government sector;

That is fair enough for the private sector, but it is tying one arm behind the back of State Print and is one reason that its share of the Government market has declined. The second reason given in the report is -

the proliferation of reproduction cells within government departments and agencies.

Many arms of government are setting up their own print shops and are not giving work to State Print. That is a matter of policy for the Government as to whether it wants that to continue. The third reason is -

reduction in departmental budgets and the general reduction in the overall size of government.

That has meant the volume of work going through State Print has been reduced. Why does the report state that it is expected to continue? It seems to me it is a matter of Government policy and perhaps this McCarrey report is about trying to set Government policy. It gives no argument for that and it does not follow from the three reasons given underneath that it should necessarily continue. If it were Government policy for State Print to continue, it would do so and more work would go that way on a competitive basis.

How competitive is State Print? It has won an open tender to print the metropolitan road directory, and produced a publication for the new Government titled *The West Australian Ministry*. That work was originally sent to a private printer which made such an utter mess of it and was such an embarrassment to the Government that it had to be rushed to State Print to be done again. The Government printer has specialised in looking after Government, and its employees know the names of the Ministers and their portfolios. A private printer doing jobs for the Government now and again might not realise, for example, that Mr Court is the Premier of this State and might make other mistakes of that nature. There is a lot of confusion among the public. That does not happen at State Print. The Commonwealth Employment Service Victorian *Job Guide*, a publication of 440 pages, has been printed by State Print for the past two years. It won that contract in open tender around Australia. It has also printed the Western Australian *Job Guide* and the *Commonwealth Electoral Roll*, the contracts for which were won in open tender. State Print's commercial operation is cost competitive, and it is able to offer a specialised service for Government work and produce quality work at a good price. When we try to get the figures the Government always seems to have something to hide, and this report seems to fit that picture.

I put a question on notice on 30 June asking where volume 1 of the McCarrey report was printed. That question remained unanswered on the Notice Paper. It seems impossible for this Government, either through incompetence or a wish to hide something, to release information about the printing of that report. How does this relate to State Print in Western Australia? When State Print closed in New South Wales a lot of the work went interstate. One can only assume the Government is embarrassed about answering that question. What is the source of that embarrassment? Why can the Government not say where the report was printed? Was it printed out of this State? If the Western Australian State Print were privatised, a huge volume of printing would go overseas or interstate. If we close State Print it will be another example of this Government costing the State jobs.

Those jobs will be exported. I can only surmise, because my question of 30 June has not been answered, that volume 1 of the McCarrey report was printed interstate or overseas.

Mr Court: Do you classify Rottnest Island as overseas?

Mr KOBELKE: Again, we hear the Premier for gobbledegook. Anything to deflect and to take up another issue. Let us not get serious about this matter. This is the Premier for not being serious. He has a lovely smile and a wonderful laugh, and he wants to leave the serious matters for the backroom boys pulling the strings.

Mr Court: I will find out where it was printed, but I can assure you that it was done in the metropolitan area.

Mr KOBELKE: I would like a proper answer to my question on notice of 30 June. That is some time ago and there seems to be something amiss when a question is unanswered for so long. When New South Wales decided to privatise its State Print, it found a great deal of work was lost interstate. Also the cost of Government publications rose dramatically, and I suspect that will be the case if we close State Print in Western Australia. New South Wales then found that the State Parliament could not function when contracting its work to private printers. It was impossible to operate without having a dedicated printer. Therefore, it had to re-establish a Government printing office for the New South Wales Parliament, and that was done at some considerable cost. It also found that the Government no longer had a secure printing workshop. If one wants a private printer to provide the security needed for Government documents, one cannot simply take the lowest price but must ask printers to contract with a quality statement as to the security in their print operation. That will move the cost into a completely different price structure.

To compare the overall operating cost of State Print and not take into account the quality considerations necessary for a secure, dedicated Government printer is not to compare like with like. It is wrong of the McCarrey report to quote those figures as an operating loss and not look to those figures which would necessarily impact on price when providing specialised quality printing, which State Print does very well. This book fits in very well with the Premier; it is full of gobbledegook and it does not provide a method by which we can improve the efficiency and productivity of Government enterprises in this State.

MR MARSHALL (Murray) [9.20 pm]: I support the McCarrey report and in particular chapter 17 which is about competitive tendering and contracts. Competitive tendering would improve efficiency in Government agencies while maintaining the same level of services at a lower cost.

Mr Graham: Are you going to do that with the Collie power station?

Mr MARSHALL: I would like the member for Pilbara to listen. I will speak a little slower and for longer to let him digest what this is all about. I repeat that competitive tendering, administered correctly, will produce improved efficiency with no loss in quality.

In 1989 the Business Council of Australia noted that this kind of service could be provided 20 per cent cheaper even if the winning tender came from the public arena. The McCarrey commission believes, as I do, that competitive tendering and contracting could lead to annual savings in excess of \$300m. A survey of 95 Western Australian Government agencies indicated that of the expenditure of \$3.7b across 34 functional areas \$1.3b was estimated as suitable for competitive tendering with possible savings - and I repeat that this is what the game is all about - of \$258m. Such findings convinced me that this is the way to go. I support recommendations such as the one which states the Government should use a well planned and closely monitored competitive tendering system wherever its activities permit. Another recommendation is that Governments should develop a timetable to introduce competitive tendering across the public sector and integrate it with other reforms. Opportunities for competitive tendering arise in a number of areas.

Mr Graham: The Collie power station?

Mr MARSHALL: Yes, and where there are a number of actual or potential suppliers or where a contract is usually awarded to the tenderer with the lowest acceptable price. Another is where production rights are sold to the highest bidder who is free to set the price at which goods or services are sold. The member for Pilbara may have forgotten what I am talking about as he has been involved with an easy life up in the Pilbara and has never had to earn his money. He has merely had a cheque given to him each pay day. However, when one is in free enterprise one learns what cost savings are all about.

Mr Graham: I have never worked for the Government in my life.

Mr MARSHALL: Does the member have to tell his kids to turn the lights off or does he let them leave everything on? We are in an era when people have to know how to cut costs. The member for Pilbara obviously did not have to pick up beer bottles when a youngster to get the halfpenny refund because he was too affluent. Competitive tendering is already used nationally and internationally, so it is not new. It is widely applied by the Australian Government and is estimated by that Government to be used on 98 per cent of its construction work. Overseas experience with competitive tendering and contracting has been more extensive with identified savings ranging from 40 per cent of expenditure.

Studies on the benefits of competitive tendering in the United States during the 1980s revealed cost savings averaging between 30 and 40 per cent when that system was used. Competitive tendering and contracting has many advantages, including cost savings, improved standards and accountability and redundant assets. There is also an enormous scope for saving. The McCarrey Commission appointed KPMG Peat Marwick to conduct a comprehensive survey of Western Australian Government agencies and trading enterprises on their use of this practice. The surveyors approached 120 Government agencies, 95 of which gave information about 34 functional areas typically suited to contracting. The survey showed that of the \$3.7b for selected services provided by those Government agencies in 1992-93 an estimated \$1.3b was already contracted out.

Some of the contracted work was performed by other State Government agencies such as the Building Management Authority, the Department of State Development and State Print. The conclusion of the survey was that there has been no direction or adequate incentive for public agencies to adopt a more aggressive approach or to expand competitive tendering and contracting and that in both existing contracting and in potential new areas the full opportunity for improvements in efficiency and effectiveness have not yet been realised. I realise that all Government agencies cannot have their work put to tender, but the potential savings from competitive tendering and contracting are enormous. I would like members to hear some of the estimated savings in this area: Cleaning, \$30m; computer and telecommunications systems, \$31m; fleet management and warehouse services, \$32m; transport income including Transperth's and Westrail's new coaches - wait for it - \$110m; Building Management Authority, \$20m; disability services, \$30m; school transport, \$9m; health, \$120m; and State Energy Commission of Western Australia, \$100m. The list where money can be saved goes on and on.

Mr Catania: With due respect, if the Government saved all that money Ministers would not be able to say they did not have funds for anything.

Mr MARSHALL: I remind the member for Balcatta why I came into Parliament. The young lad next door to me was 25 years of age and on the basic wage. He had a job, mind you, so he was a lucky lad! However, by the time he paid his rent and his car payments, drew a little to eat, and bought a couple of beers with his mates in the pub on Friday night he was unable to save anything. Can the member for Balcatta tell me why we are in a country where youth cannot save? Where in the heck are we going! I came into the Parliament to try to help give these youngsters a chance to save. If we start to do all I have mentioned, we will save money and get our country back on its feet. The previous Government had 10 years during which time it showed us how to squander money. We are about to show members opposite how to get the country up and going. I will now tell members about the Water Authority.

Mr Hill: Did the lad vote for you?

Mr MARSHALL: I guess, that is why am I over here and the member for Helena over there? The Water Authority spends \$294m on engineering works each year. Of that, \$57m is currently let to contract. Consultants have indicated savings of up to 30 per cent on competitively tendered capital works projects, 20 per cent on maintenance and 25 per cent on engineering services. Similar savings could be achieved in SECWA, the BMA, the Main Roads Department and Homeswest. The introduction of competitive tendering and contracting in the public sector appears to be the way to go. Identification of activities must occur within agencies which can have their work done on contract. We must use an open market bidding process and contract and monitor the successful tenderer - in short, competitive tendering and contracting - as this will increase our State's efficiency without the loss of quality or services. I do not find such statements as alarming or incredible; I find them simple commonsense! I wholeheartedly support this part of the McCarrey report.

MR CATANIA (Balcatta) [9.30 pm]: Unfortunately, I do not have the time that is required to go right through the McCarrey report and to say what I would like to say, so I will concentrate on chapter 30, which deals with the Police Department. Chapter 30 comprises 10 pages, four of which are statistics, which leaves a mere six pages to give us some indication of the direction in which the Police Department should go. The Police Department employs 4 000-plus officers and 1 500 civilians, yet this second volume of the report, which comprises about 500 pages, devotes to such a significant department in the Public Service effectively only six pages.

On the day after the second volume of the McCarrey report was released, the Premier stated in *The West Australian* that the Police Department was one of the winners in the report. I am sorry that the Premier is not here because I would like to ask him how he deduced that from the report, because I cannot see where the Police Department has won. The report states at page 255 that -

The Police Department was reviewed by a consultant to the Commission and by the Alexander Proudfoot Productivity Management Company in what was essentially an overview assessment of police management practices.

The Police Department was reviewed by one consultant to the McCarrey commission, yet the then Opposition stated as part of its election platform how important the Police Department is to the community and how it would pep it up and resource it. The McCarrey report is shallow in its recommendations and, frankly, is irresponsible. I had hoped that the McCarrey report would offer some recommendations for reform for the Police Department, but I cannot see any. The report offers no solutions.

Mr House: The electors did that in February.

Mr CATANIA: I note the stupid remarks made by the deputy Leader of the National Party.

Mr Taylor: Ask him what he thinks of the recommendations about school bus services!

Mr CATANIA: I would like to ask him what he thinks of the recommendations about the Police Department. Perhaps he should ask his colleague the Minister for Police.

One of the central recommendations in this chapter of the McCarrey report is that no further police officers be employed. I wonder if this consultant and productivity management company know that the Police Department is a labour intensive department. Perhaps we should ask the two police officers in the gallery if they think that the department to which they belong needs additional personnel. Does the consultant know that in order to react to crime, we must have people? People react to crime, not machines. If we do not have people, we cannot react to or solve crime. However, this report looks at the Police Department through an accountant's eye and states that the ratio of salaries to contingency expenditure has decreased; in other words, the total wages bill that police officers receive is now higher than it used to be in relation to contingency expenditure. So what! It is a labour intensive department.

Mr Wiese: Do you send a man out to till a paddock without the tools?

Mr CATANIA: Does the Minister agree with the recommendation that no more police officers be employed in the Police Department?

Mr Wiese: That is not what it says.

Mr CATANIA: The report states that improved accommodation is what is required, in preference to increasing police numbers. Does the Minister agree with that statement? Do members recall that before the last election, the then Opposition offered the community of Western Australia 800 additional police officers? It made a funny sort of calculation about how much that would cost, and said it would cost about \$50m. We stated at that time - having a bit more experience with costing - that it would cost \$84m. The Government has now realised that we were correct, and the Minister will use the McCarrey report as a justification for reducing police numbers. He will selectively agree with this recommendation, because the National Party as a whole has rejected the report entirely. Does the Minister agree with that recommendation?

Mr Wiese: There is a great deal in that report about the Police Force which supports strongly many of the things that I have been saying for the last six months.

Mr CATANIA: Does it? Another central comment is that the police accommodation is below standard. That is stating the obvious. We know that. Prior to the last election, the Government offered to build a purpose built police headquarters. The then Opposition agreed to build a headquarters, yet three months later the Minister states that the Government will not build a headquarters, no matter what it said before the election. Does the Minister agree with the recommendation that a new police headquarters be built?

Mr Wiese: I will put the money into police stations rather than into a glorious new headquarters.

Mr CATANIA: The Minister will put the money nowhere because it looks like he will not get any money in the Budget. Does the Minister agree with the previous Government's proposal to build a training centre in the Wanneroo area?

Mr Wiese: Do you?

Mr CATANIA: Yes, I do. Does the Minister agree with that? Will the Government build one?

Mr Wiese: We are looking at that proposal.

Mr CATANIA: The Government is looking at it through the eye of a needle. That is what the McCarrey report suggests should be undertaken in the Police Department, and I do not disagree with the McCarrey report in this instance that accommodation in the form of a headquarters and suburban stations be provided. But the Minister has stated on occasions that he will not do it. Let us consider another proposal of the McCarrey report. It states that outside management consultants should be contracted to advise the Police Department on management techniques. On Monday, the Minister for Police was present with me at the opening of a Federal Police convention in Fremantle.

Mr Kierath: You were with him.

Mr CATANIA: I was with him. Big deal! The Minister should pull his nose in and not be petty!

Mr Wiese: We were both there.

Mr CATANIA: Let us consider what the Commissioner of Police said at the meeting. He said that the Police Department had fared well in the McCarrey report; that is, there was no criticism of the Police Department. Does the Minister for Police agree with that statement?

Mr Wiese: Keep going. I want to hear your words of wisdom.

Mr CATANIA: I am sure that the Minister advised the Commissioner of Police about the contents of the McCarrey report, but it seems that the commissioner should have read it. The report states that the management techniques of the Police Department are antiquated

and that the department needs outside consultants to tell it what to do, how to collect money from unpaid fines and modernise management techniques.

Mr Wiese: Whose duty is it to collect money?

Mr CATANIA: The report states that someone outside should run police rosters and the collection of moneys. Does the Minister agree with the report that outside consultants should advise how to manage the Police Department? McCarrey thinks that the Police Department cannot manage itself. The report states that the management techniques are antiquated and that the rosters are bad.

Mr W. Smith: It does not say that.

Mr CATANIA: With due respect, it does. Let us look at the opinion of the one consultant devoted to investigating superfiscally the Police Department, by McCarrey. What he should have known is that the Police Department is practically a paramilitary organisation. It cannot be looked at on the same basis as an ordinary commercial corporation utilising modern management techniques; it cannot be considered in that way; that argument cannot be used in relation to the Police Force.

Mr W. Smith: Why?

Mr CATANIA: I am surprised by the member, who is an ex employee of the Police Department. It is a paramilitary organisation and needs certain management techniques in the civilian area but different techniques in the police area.

Several members interjected.

Mr CATANIA: The member should listen. The McCarrey report states that the Police Department should have outside management advice on modern management techniques. I am not saying that anything is wrong with that. I say that we cannot adopt commercial business practices for the Police Department's entire operations. Does the Minister agree with that? Does he think that the Police Department cannot manage itself?

Mr Lewis: Why do you feel the need to criticise a report that says improvements can be made?

Mr CATANIA: I am not. I agree that improvements can be made. I do not agree with the suggestion by McCarrey that outside consultants are the answer. Efficiency should be the goal.

Mr Lewis: Why are you whingeing?

Mr CATANIA: I am not.

Mr Lewis: You carp, carp, carp!

Mr CATANIA: I am not carping. I agree with the recommendations regarding accommodation, resources and equipment. The Police Department should be resourced, but let us consider efficiency. The whole exercise was designed to achieve greater efficiency. The McCarrey report was commissioned so that the Public Service, the departments run by Government, should be more efficient. That was the whole emphasis of the report. It is a good idea but the result is terrible. Let us consider how the Police Department should be looked at in order to increase its efficiency, remembering that 80 per cent of the money spent in the Police Department is devoted to paying for human resources. A great number of personnel are employed by the Police Department. Indeed 4 000 of the 5 500 people employed are police officers. The report has forgotten that in attempting to achieve efficiencies we must deal with people. The report has considered the Police Department as a commercial enterprise, and has put aside the people employed there. It has not considered the promotion system, the pay, the training systems, or many other areas that it should have considered. I agree with the recommendations regarding equipment and accommodation. That is stating the obvious, but McCarrey should have considered superannuation, compensation for injury, public relations, motor vehicles and the journey claims of particular concern to police. McCarrey should have considered that input by police in relation to the legislation needs to be considered. That is how efficiency can be attained within the Police Force, not in the way McCarrey has looked at the situation.

The McCarrey commission should have considered the interaction of people and police, police and courts, and country and community policing. McCarrey has considered one efficiency would be to not appoint any more personnel. I ask the Minister one last time before I conclude: Does he agree that no more personnel are required?

Mr Wiese: Many of the comments by the member are correct. We need to look and we will look at many of the aspects he has highlighted - those which McCarrey has not included.

Mr CATANIA: I am glad that the Minister has stated that McCarrey has not looked at the Police Department in the way that he should have. It is an affront, an offence to the Police Department and the people who work in it, that the report devoted only six pages of its 2 000 pages to that department. The Minister for Police should have spoken out like his colleagues in the National Party and rebuked the report because as far as the Police Department is concerned it is a superficial report. The report states the obvious. It provides nothing. It makes one suggestion of note relating to equipment and better accommodation. I strongly criticise the McCarrey report because it offers nothing to the Police Department.

I spent some time with the Police Department, courtesy of the Minister. I went through about 30 per cent of the Police Department's areas, and I wrote my own report on the department. McCarrey should have come to me because I could have given him a chapter for his report. It would have been chapter 30 and perhaps would have included 30 pages which could replace the paltry six pages that the report offers in relation to the reform of the Police Department.

MR W. SMITH (Wanneroo) [9.40 pm]: The McCarrey report, in examining public sector efficiency plus the delivery of services and in its recommendations for the achievement of greater economy and efficiencies, now provides us with an overview to consider, debate and reach conclusions regarding options on how to improve the management of the public sector finances of this State. The independent commission of review was necessary owing to the neglect and the lack of initiative of the previous Labor Government, which is even more inexcusable when considering the debt crisis it left the people of Western Australia. This Government now has the difficult task of doing all in its power to consider all options for the more efficient use of government finances to reduce the State's massive debt. The road ahead for this State in the short term, because of the previous Labor Government's mismanagement, is full of obstacles.

A pressing issue the previous Government chose to ignore was efficient and better management practices. That Government was frozen in the ice of its own indifference. It is time for a change and for us to come to life, to be alert and to show vigour; we cannot dawdle along the same ruts of the past 10 years. It is time for change whether we like it or not. It is a matter of whether in this changing world we respond to the difficult challenges to achieve greater economy from our resources and become more effective.

The evidence of the lack of leadership and loss of initiative and vision of the previous Government is all too clear. This is outlined in the McCarrey report, which shows for the first time the dimensions of our problem and the true cost of the financial management of the public sector for the people of Western Australia. The report deserves more serious deliberations than the knocking we hear from the Opposition.

Chapter 30 of the report concerns the Police Department and indicates that the consultants know what they are talking about. The report refers to the large area of this State and the scattered communities which present particular problems for the police in Western Australia. As I have mentioned in previous debates, Western Australia is unique when considering distances, population and the ratio of police officers to citizens. The report indicates that the police award presents a problem. I know from my 16-odd years in the Police Force of the problems associated with police officers under one award and public service staff under another. At times support staff are not available when needed. It is necessary at times for both types of officers to work together, but they have different annual leave entitlements and different days of leave. There is no coordination. The report comments that a single police award would bring together sworn and unsworn officers.

The report also indicates that -

Inspections of head office and a number of suburban police stations confirmed the inadequacies of accommodation and services.

The report outlines that premises are substandard and the equipment available to meet operational demands are inadequate. It refers to staff, including senior officers, operating with two or three people at a desk; former cells being used as changing and eating rooms; a shortage of essential equipment such as facsimiles, terminals and video items; and no proper interview or holding rooms at many stations. It also refers to typing being sent by one station to another because the first station has no space to locate a typewriter. In 10 years the previous Labor Government did nothing about these matters!

Mr Ripper: Do you agree with the McCarrey recommendation that extra personnel are not required?

Mr W. SMITH: That is not what the report says, as the member for Balcatta indicated. It indicates that we must set priorities and look at the problem with an overall view. Throwing more and more police officers at the problem will not solve it. Inexhaustible manpower cannot be provided; it is a matter of management practices and the provision of required resources. The member for Balcatta would know this.

The Police Force needs reorganisation and new management practices. Police officers must be trained in management and also given adequate manpower to address problems - it is a matter of balance. The organisation must be examined. Great distances must be travelled in this State. Older metropolitan police stations are contributing to the serious inefficiencies in the Police Force. This is a good point raised in the report and indicates that the consultant got it right. In offering solutions the consultant does not say that no further personnel are needed; he recommends that the priority should be for equipment and management practices. Officers from the liquor and gaming squad, the criminal investigation bureau and general duty branches are located in country areas, but they are not coordinated well enough. The report indicates that police training is directed towards prevention, detention and solution of traffic offences and crime, but officers receive little training in the techniques of management, and they have little opportunity during their careers to obtain these skills. The report reads -

The consultants' review of police management methods revealed considerable scope for the application of modern management techniques which would greatly assist senior police officers in their management of operations and would release a substantial number of police officers from duties which do not bear directly on the poor functions of policing.

How true! Police officers are sworn to protect life and property and to keep the general peace in this State, not to conduct routine administration. Officers should not be orderlies for prisoners in lockups; they should be out protecting the people of Western Australia. This is the view expressed by the consultant. We must think further about how we manage police resources.

An idiotic policy implemented by the previous Government was that accumulated long service leave should be cleared by 1994, a deadline extended twice from 1991. This created staff pressures which added to overtime costs. The report reads -

The police leave provisions are such that they will always create organisational difficulties.

That is correct also. That policy should not have been implemented; it is causing problems for different squads within the Police Force. Another good point raised in the report reads -

Over the last few years, the number of non-police personnel has been reduced, with their positions being filled by additional sworn officers. This is an expensive way to run the operation as sworn officers cost more than public servants and they are not necessarily skilled at the administrative support functions they are taking over.

It continues -

There is no planning and communication between courts and police.

I know from experience of giving evidence in court that this is true. I sat around, sometimes for days, unable to give evidence. This lack of coordination leads to a waste of manpower and taxpayers' money. I emphasise the point that is made in the McCarrey report that many police officers are tied to duties that could be handled by a different category of staff or marshals. Sworn officers are on court, lockup and detention duties, clerical duties, and issuing warrants for fines. It is nonsensical to have trained police officers who are sworn to protect lives and property guarding public buildings at times when we could have private sector security guards. The paperwork keeps police officers off patrols. The McCarrey report states that the result is additional costs in overtime in the office. I thought a good idea was the way in which the Road Traffic Authority ran a few years ago when typists were available to type police briefs for those officers who brought in arrests or summons actions.

Mr Hill: When I was Minister for Police and I tried to provide for public servants in the Budget in order to undertake the office work and clerical work in which police officers were engaged, the police union came out strongly in opposition to my stance.

Mr W. SMITH: The conflict there was most probably that the public servants would not have been under the authority of the Police Force. These people would have to be placed under the same award system. Merely placing public servants in those positions does not solve the problem. It needs to be addressed by placing additional staff under a similar award system. Police officers are also working in the evenings which would give rise to a communications problem. I support the member in the way in which he endeavoured to have more administration. I think that proposition must be investigated now. The McCarrey report also suggests that the feasibility of contracting out the licensing and administrative functions should be examined objectively with firm safeguards for police on-line access to the database.

All of the evidence in the McCarrey report are options to be considered, and we should look at it in that way. There is a way in which this State's mismanagement can be turned around: The people of Western Australia can take up the vision and challenge provided by our Government's initiatives. As I move around my electorate I am convinced that Western Australians are ready to enter into full partnership with our Government and enter a new era where this State will regain its greatness once again. I endorse the McCarrey report as a beginning to examine options for the betterment of this State. They are not final conclusions. They are here to be debated seriously. We should not just be knocking the people who were involved in putting the report together, we should be looking at the total issues.

Mr Riebeling: Do you support the conclusions of the report that they needed the police officers as promised?

Mr Pendal: He has already answered that about five times.

Mr W. SMITH: I repeat: We need to look urgently at the priorities in the Police Force and not simply throw more staff at a problem that will continue to exist. There is a limitation to how many officers can be provided in any public sector service area.

Debate adjourned, on motion by Mr Cowan (Deputy Premier).

MOTION - SELECT COMMITTEE APPOINTMENT

Heritage of Western Australia Act, National Trust of Australia (W.A.) Act

MR PENDAL (South Perth) [10.04 pm]: I move -

That -

- (a) A select committee of the Legislative Assembly be appointed to inquire into and report on -

- (i) the operation and effectiveness of the Heritage of Western Australia Act 1990; and
- (ii) the operation and effectiveness of the National Trust of Australia (W.A.) Act 1964;
- (b) That the committee have power to send for persons and papers, to sit on days over which the House stands adjourned, to move from place to place, and to report from time to time; and
- (c) That the committee finally report on 30 September 1994.

The coalition was elected to office in February 1993 with an impressive array of policies, not the least being a strong commitment to set the pace in preserving our built heritage. Past coalition Governments, like their Labor counterparts, have at best had patchy records in attempting to come to grips with preserving that heritage. Western Australia had a long wait between the time when the coalition Government sought to introduce a Bill in 1976 and when the Labor Government finally sponsored, and had passed with Liberal and National support, the Heritage of Western Australia Act in late 1990.

This 1990 Statute and its timing had some of its origins in a Bill introduced into the upper House by the then Opposition in 1989, which sought to break the 13 year impasse by passing a limited Bill to get Government owned heritage properties onto a register before they fell victim to the demolition hammer. The Swan Brewery stables, the historic St George's Hall and the old crematorium chapel were among these victims, while places like the old Cottesloe police station were saved, and restored, by the direct intervention of the then Opposition.

Labor deserves credit for having achieved the Heritage of Western Australia Act. However, none of us can feel all that proud of the Statute, given that almost everyone secretly conceded that it was something of a legislative nightmare that we were unleashing on an unsuspecting public. The 1990 Bill, after key amendments, was described by the upper House Standing Committee on Legislation as capable of becoming "workable" and providing "... long overdue protection for heritage places ..." but one got the feeling that it was being damned with faint praise.

That committee took the view, that I have certainly shared, that it was better to have imperfect legislation than none at all. Put another way, as Opposition members, we were not going to wear the odium of rejecting the Bill - albeit a fearsomely complicated piece of work - and the Labor Government of the day was not about dropping the Bill because it, too, feared the electoral consequences. Thus, we got a Bill that no-one wanted but to which everyone was outwardly committed. The saving grace was that we inserted a three year review clause through which we could all breathe a collective sigh of relief. The time is now upon us for the three year review. More precisely, the time is February next year.

In its heritage policy the coalition made a twin commitment: To review the heritage Act and what we described as the State's first heritage legislation, the National Trust of Australia (W.A.) Act. It is the Government's intention, consistent with the announced policy, to set up a select committee of the Parliament to carry out a parallel review of both Statutes.

Let me first deal briefly with the National Trust Act. We make no apology for stating, without ambiguity, that it is Government policy to preserve and enhance the role of the National Trust. We do not see its role being subsumed by the Heritage Council. However, we take the view that the National Trust, now almost three decades old, is well overdue for reappraisal. The Government's view of the trust, as expressed in its policy, is that it will seek, firstly, to enhance its role and, secondly, ways to increase Government funding to it. This should be seen in light of the fact that its grant from the State has remained largely unaltered for a long time.

It is also worth bearing in mind that the funding component is crucial. On the last count Government funding accounted for only about 68 per cent of the trust's outgoings. One can only speculate what would happen if all statutory bodies created by this Parliament

were required to raise 32 per cent of their recurrent funding. In seeking to enhance the role of the trust, the select committee will be asked to examine the functions of the New South Wales and New Zealand historic homes trusts to see whether these functions can be given to the Western Australian body. It may well be that with the advent of the Heritage Council certain of the roles of the trust can be discontinued while at the same time enhancing the trust's role as a manager of heritage property.

I see a huge, exciting and profitable role for the National Trust in Western Australia's cultural tourism. Those who say we have nothing to offer in this regard are clearly unaware of whole units of our built environment that can make for outstanding attractions: The Fremantle Prison complex - one of a mere handful of its kind in the world - New Norcia; Cossack; and the heritage component of the Midland Workshops to name but a few. It may well be that all these places, and others in addition, can be organised as separate, generally autonomous regional trust authorities operating under a rewritten National Trust of Australia (W.A.) Act.

Whatever destinations the select committee arrives at, it is Government policy to preserve the volunteer ethic on which the trust relies so heavily. The trust boasts about 2 700 members, a significant number of whom are readily available to it with their professional or technical advice and skills. As already outlined, the select committee will also be charged with reviewing - I would hope substantially rewriting - the Heritage of Western Australia Act.

Whatever else observers say, no-one has ever levelled the charge that the Heritage of Western Australia Act is simple to understand; thus it is that Government policy provides for an examination of other States' Statutes. We will pay special regard to the South Australian Act, which is generally seen as simpler, less legalistic and more effective than ours. If we do nothing more than produce a "plain English" Statute we will have done well. Most people in the heritage "industry" recognise the length and complexity of the 1990 Heritage of Western Australia Act provides real problems. It comprises 112 pages and 84 sections. The South Australian Statute, by contrast, runs to 20 pages and 28 sections. Other Statutes around Australia, including those of the Northern Territory and the Australian Capital Territory, are not dissimilar to the South Australian model.

The State and the Parliament should aim this time around to fulfil some of the requirements set out by Dr Avril S. O'Brien in her May 1990 publication "My Ideal Heritage Legislation . . ." in which she advocates the need to identify a set of criteria, parameters and mechanisms that will enable society to do two things. These are spelt out as determining, firstly, which sites in our environment are considered to have permanent heritage value for generations to come; and, secondly, how new developments can be planned to integrate with the heritage sites we conserve to ensure that the National Estate we create and modify is enhanced and not degraded. Dr O'Brien also makes the point that we cannot save everything, but we must retain selectively and wisely.

It is interesting that in the two and a half years since the Heritage Act received assent, 216 places have been registered. These comprise 150 State Government places, 19 National Trust places, 23 local authority places, 10 Commonwealth places and 16 in private ownership. I find it astonishing that with all the resources at its disposal the Australian Heritage Commission has been so lacking in resolve as to see only 10 of its properties in Western Australia placed on the register. This is despite the fact that the Australian Heritage Commission has spent much of its time in WA taking an interest in properties beyond its control, while studiously ignoring its real responsibility of preserving Commonwealth properties. Its unwelcome intrusion onto south west farming properties - where even it concedes it has no constitutional powers - contrasts markedly with its tardiness in registering its own properties, either on its own register or the Western Australian register.

The small number of privately owned properties on the Western Australian register - a mere 16 in 30 months - says a number of things, not the least being that there continues to be deep resistance to the registration of private properties. I hope the select committee will look at ways of showing Western Australian owners what people in other countries

have known for decades - that the listing of a private property actually enhances its value rather than detracts from it. In places like the United Kingdom, the United States and South Africa, a National Trust symbol fixed to a building conjures up positive images. In Australia, and especially in this State, such a listing or symbol is seen defensively and negatively. We must help change that perception. Education, I suspect, is the key.

I hope we could also look to rewrite the "anti-heritage" provisions of our Heritage Act. Here I refer to the absurdity that we currently have at the old Railway Hotel site in Barrack Street where a man has been charged with demolition of a reputed heritage facade. The merits or demerits of the charge are not for me to discuss. What is open for discussion is that the whole streetscape and associated development has now been put on hold, and the backlog in the courts means that the case and any subsequent appeal will not be dealt with inside possibly two years.

The coalition policy also envisages that we should see heritage in its broadest sense; that is, not merely the built environment but other forms as well. Preserving and protecting our non-material heritage is part of the Government's policy document. Our plans in this regard will be the first of their kind anywhere in Australia. We are officially committed to recognising folk life - or folklore as it is sometimes called - as a legitimate part of our heritage. We envisage this heritage form being represented on a revamped Heritage Council. Many people remain to be convinced about the value of good heritage laws. To those who are in that category let me say that, in my experience, no-one has ever said he was going to Newcastle on his holidays to watch coal being mined or to Detroit to see cars being assembled.

Cultural tourism will be one of the great money spinners of the twenty-first century. It will be one of the biggest employers, but these things will only eventuate if we have preserved our built heritage wisely and selectively. The City of Fremantle is a good example of that. Tourists from interstate and overseas now want to visit Fremantle for what it is: An authentic nineteenth century port town that has few peers internationally. Its attraction was never that apparent a mere two decades ago.

The select committee has an important job to do. It will have an important impact on efforts to preserve our cultural heritage and to stimulate economic activity in the State. We recognise there are problems in producing a good Statute, but none of them is insuperable.

I commend the motion to the House.

MR MCGINTY (Fremantle) [10.18 pm]: I apologise for the second time today for being in agreement with the member for South Perth.

A great number of matters need to be addressed. I agree with the comments made by the member for South Perth that our current Heritage of Western Australia Act, with its 112 pages, is cumbersome and unintelligible to most practitioners in the area, let alone to the ordinary person in the street. I certainly experienced during my two years as Heritage Minister in this State the frustrations of having a cumbersome and unrealistic piece of legislation with which to work. Perhaps the best illustration of that was the need for the Minister to exercise the power of directing the Heritage Council in order to achieve the registration of a heritage place. Even though the ministerial power of direction is, generally speaking, reserved for extreme cases, that was done because the standard procedures under the Act were unworkable. It was unfortunate we had to resort to that procedure. It was done effectively, but not within the original intent of the Heritage Act. I believe the 112 pages in the Heritage Act and the procedures contained therein are far too cumbersome and need to be overhauled in the interests of achieving a better heritage end result.

One need look only at the Australian Heritage Commission Act or, as the member for South Perth said, the South Australian legislation, each of which is some 20 pages long. Our legislation is some five and half times that length and does not cover as much of the subject matter as those two pieces of legislation. That leads me to one of the important issues I think the select committee will need to address; that is, the fact that here in

Western Australia we have the unusual situation where our heritage Act is confined to our built environment or our cultural heritage. The Australian Act, and in fact most of the Acts in the other States, extend to both areas of non-Aboriginal heritage; that is, the natural and cultural heritage. Part of the requirements of this committee will be to examine whether the Heritage of Western Australia Act or our general heritage Act should extend to matters covered by comparable legislation elsewhere in Australia. In deciding the scope of the heritage Act we will need to examine whether it should extend to moveable heritage. The best example of that is the collection of old steam engines by the railway historical societies. As they are not a heritage place, but a heritage item, they cannot be covered by the Heritage of Western Australia Act. The question of moveable heritage as well as our folklore heritage, as raised by the member for South Perth, should be considered, although they do not presently fit the definition of a heritage place.

It is of some interest to note that in Australia, 10 sites have been awarded the ultimate heritage accolade of World Heritage listing. All of those are places of natural heritage; in other words the natural environment, and they include the Great Barrier Reef, Uluru, the Tasmanian rain forest and the like. Not one place in Australia which is regarded that high up the heritage ladder to warrant World Heritage listing fits within the current definition of heritage in our Heritage of Western Australia Act. That is another reason we need to look at the question of natural heritage.

Private property is a matter on which the coalition and the Opposition may have some philosophical differences. I recall the debate held three years ago in this place on the impact of heritage on private property rights. It was about whether the general community interest in heritage places overrode the individual title or narrow property right of the owner. I think there is something of a divide between the two sides of this Parliament on that question. However, we need to come to grips with it. I will be recommending that we take into account the community interest in heritage as something which overrides individual property rights, if I can put it that simply, although I appreciate the issue is far from being that simple. Nonetheless, it certainly needs to have greater weight in the future.

The next issue which needs to be addressed is demarcation between the National Trust of Australia and the Heritage Council. Those two statutory bodies are each charged with responsibility in the heritage area. The National Trust, as has been pointed out, has operated for some decades in Western Australia and the Heritage Council is some two and a half years old. There is scope for these two bodies to compete and their functions to overlap, both in the registration of properties and the education function. We need to ensure that the limited heritage protection resources in Western Australia are spent not by those two agencies competing, but by their cooperating. One of the great problems with heritage is having sufficient money to restore heritage places. There will never be enough. The current incentive provisions in the Act have not been used to the extent to which they could and should have been used.

Mr Lewis: They have not been used at all.

Mr McGINTY: They have, but in a very limited way. Rate concessions were offered with respect to the old Grand Central Hotel in the main street of Bunbury because the owner wanted to demolish it. In other circumstances, offers have been made to use concessions, but their use has been so minimal as to be inconsequential.

Mr Lewis: None of the professions has come to grips with it.

Mr McGINTY: Part of the problem is the educational element, particularly in respect of inner city properties and the capacity to transfer lot ratios and things like that.

Mr Lewis: None of them wants to work up a property. I have been trying to encourage them, but it is too hard for them.

Mr McGINTY: It is too difficult because the proposal is new. A few demonstrations are available of how incentives can work. However, it is certainly too difficult for people at the moment, the old Grand Central Hotel at Bunbury being an exception. We need to look at some ways to make incentives simpler so that they will be used more often in order to achieve the end result of heritage preservation.

I agree with the member for South Perth that we need to retain the volunteer culture or the community ethos that so far exists in the heritage preservation area and to consider ways in which incentives can be given to private property owners to enter into covenants to preserve their places in the long term. That would certainly be a preferred first option to the more punitive provisions in the Act which should be seen only as a last, nonetheless necessary, resort in the case of a recalcitrant developer. We need to encourage a culture in the development industry which considers innovations and alternative uses to which a heritage building can be put. I am not that wedded to the notion that because a place had a historical use it must continue to be the sole or major use of that building. We should encourage people to think laterally and to create different ways of attracting appropriate funding to ensure that a building is preserved, if not in accordance with its former use.

Although the old Swan Brewery on the shores of the Swan River was an absolute eyesore when it was decided to restore it, as restoration work takes place and its proposed restaurants, offices and other community facilities take shape, increasingly its preservation is being appreciated and some years after the event its restoration will be seen to be a very wise decision. It will be a magnificent feature and provide a superb gateway at that entry to Perth. It emphasises the point of a change in use from the old, derelict building, which it had been for many years, into a place which will also attract people back to the river. I believe a significant shift in community attitude towards that building has occurred, notwithstanding the great difficulties encountered when the decision was made to save it. Heritage preservation is about the difficult cases, not the easy cases. It is very easy to enter onto the register of heritage, places like Government House and the houses of our rich and famous forefathers. No-one would suggest that Government House, Tranby House or places like that should be demolished. I put the old Swan Brewery in that "hard" category as a place which presented seemingly insurmountable obstacles to its heritage restoration.

I will briefly touch on a number of other heritage cases, because each of them makes a very important point. The Railway Hotel in Barrack Street to which the member for South Perth has referred is a good example of the conflict which can arise and the need for the Minister for Heritage to take a very strong pro-heritage stance in resolving such conflicts. In the case of the Railway Hotel, that part of Perth in Barrack Street drastically needs to be revamped and done up; it is a derelict, rundown part of town. However, how can we allow an unscrupulous developer to move in and demolish the building contrary to the demolition permit from the local government authority and contrary to the Heritage Council order to preserve the facade? Fortunately, the penalty which the magistrate can impose when the matter ultimately comes before the court includes an order to rebuild the building. That must be kept open as an option because that is the strongest possible action which can be taken in that case. It may well be the last illegal heritage demolition in Western Australia, but it will take a certain amount of courage by the Minister for Heritage to hold the line over this period. I know it is a difficult issue but it is one of the difficult cases about which, in the long term, people will say when they look back that it was a wise decision to hold the line to ensure that the prosecution was seen through and that the punishment was handed out to those guilty of that illegal act. At the end of the day, heritage will be the winner.

A similar problem exists with the Railway Hotel in Kalgoorlie. It is a difficult matter because the hotel is privately owned and if it remains in private ownership it will be demolished. It was burnt out five or six years ago. It is the first building people see when they get off the train at Kalgoorlie. I believe that innovative ways should be found to ensure that at the end of the day that building is saved. I acknowledge that it is an extremely difficult issue, but it is an issue about which people must put their heads together and come up with a solution which will result in that building's being preserved.

Mr Taylor: It is simply a matter of the Minister sitting down and sorting it out with the owner with a bit of goodwill.

Mr McGINTY: I tried to do that over two years as the Minister; it is easier said than done.

Mr Taylor: Don't make excuses for the Minister; it is his responsibility.

Mr McGINTY: It is the Minister's responsibility, but it fits into the very difficult category. I hope that at the end of the day the Minister will be able to see his way clear to ensure that the building is preserved by whatever means.

I refer briefly to some of the controversies which resulted in decisions which some people say were contrary to the best interests of heritage. The Emu Brewery was one such building which was caught by the non-existence of strong heritage legislation in Western Australia when it was demolished. The owners of the building had obtained demolition permits. The building was a public health threat because of its derelict condition; fires had occurred in the building. Had the then Government intervened to prevent the demolition of that place, which was argued strongly by the Art Deco Society, it would have exposed the State in an unrealistic way to claims for damage under the Act. All of those factors must be taken into account in that case, and in the case of the St John of God Hospital chapel in Subiaco, to determine whether the correct decision was made to allow demolition to occur. I am not saying that on every occasion one must fall on the side of preservation; however, one must take into account all the factors with a strong preservation bias in what one does. The nuns at St John of God Hospital invited me there earlier this week to look at where the chapel was once situated, about which the controversy reigned. A number of old nuns who are suffering various forms of dementia are able to be accommodated in familiar surroundings. That as a social end must also be taken into account, particularly when one bears in mind that the chapel was constructed in only 1956 and would have been struggling for heritage recognition. In any event, if people are interested an almost identical church is situated across the road which is a representative sample of that sort of architecture in the area.

The Cottesloe flour mill is a problem with which the Minister will no doubt have to deal. The local government authority did not measure up to its responsibilities to ensure that one of the great industrial heritage buildings in the town of Cottesloe was not allowed to be demolished. It was necessary for the Heritage Council and me as the Minister for Heritage to intervene in the demolition in mid-course. We were successful in ensuring that the tower section of the old Cottesloe flour mill was retained. When it is properly redeveloped it will add diversity to an otherwise fairly sterile suburban streetscape in the town of Cottesloe.

Those are the sorts of issues with which we will have to deal. They were difficult issues because they involved conflicting values and conflict between private property rights and the broader interests of heritage; they also involved financial clashes. They illustrate that the Minister for Heritage must be given much support and power under the Act to make a decision which in the long run will be appreciated by the people of Western Australia, because the end result will be the preservation of this State's heritage. That does not simply involve the rose gardens in front of the houses of the rich and famous, but includes the humble cottages and places where tens of thousands of Western Australians work. Those sorts of places should be given as much priority, if not more, because the natural inclination of people will be to conserve what they regard as historically important buildings rather than places which are seen by the mass of people in Western Australia to be buildings of great historical importance to themselves. In the interests of arriving at a strong Heritage of Western Australia Act, this select committee has an important function ahead of it, one which will be appreciated by generations of Western Australians to come. I second the motion.

MR LEWIS (Applecross - Minister for Heritage) [10.35 pm]: It is not my intention to speak for long, but to add a few points as an overview as the incumbent Minister for Heritage. One of the areas which must be addressed and which was not touched on by either of the speakers in this debate is where a building is listed for the intrinsic sake of the heritage of the building without due regard for how that building will be preserved. For example, currently six or seven buildings have been listed with good intention and placed on the register without much consultation with their owners. To the extent that the requirement of the listings was that the buildings be used for a useful purpose, it is somewhat difficult. The economics of the use of those buildings resulted in their needing

to be boarded up, with the consequence that they fell into disuse and were subsequently vandalised. Five out of the six or seven have been burnt out because they were not used, principally because they were hastily listed without due regard for the economics and the impact of listing. I say to members who will form this select committee that due regard must be given not only to the need to recognise the significance of listing, certainly in our built heritage, but also to the great need to respect the proprietary rights of people. The select committee must ensure that listing does not make a heritage site a place that will eventually be burnt out because of the conditions of the listing which make that building uneconomic or unviable to be used for purposes that will allow its conservation.

I correct the member for Fremantle because he said that the Act does not provide for the protection of heritage places, albeit those which may be natural heritage places. The Act does, although I think that is debatable the way it has been drafted. The reason natural heritage is not embraced by the Heritage Council is that the former Government in the second reading of the Bill emphasised that the Bill was not to be used for the purpose of preserving the natural heritage and it has not been used in that way.

Mr McGinty: I think it needs to be a cultural heritage place so it can include land. However, there needs to be a human influence.

Mr LEWIS: There certainly does. The committee has to work on that. It has to identify the powers and the parameters of a new consolidated Act. I say that because there are deficiencies in the existing legislation.

I can only endorse the comment by the member for Fremantle and the member for South Perth that the legislation is convoluted. It is extensive in the extreme, it is hard to read and it is certainly hard to administer. I commend the motion to the House.

MR PENDAL (South Perth) [10.43 pm]: I thank the Opposition for its support. Obviously, I am also grateful that the Minister entered the debate and raised several matters.

The member for Fremantle - I think the wider community has also raised the same point - asked whether we should have two separate heritage Acts in Western Australia, one being the Heritage of Western Australia Act and the other being the Aboriginal Heritage Act. It has been argued that we should amalgamate those two Statutes on the ground that it is almost racism in reverse that we should have parallel and separate Acts, one for the white or European community and the other for the black or Aboriginal community. That may be something that the Select Committee should look at. However, I believe it would take a brave person to take that on. I recall a year or two ago when I was the Opposition spokesperson on heritage matters putting out a joint statement with the then Opposition spokesperson on Aboriginal affairs, the current Premier, which floated the idea of a consolidated heritage Act. Great resentment was expressed by sections of the Aboriginal community. Although I think the suggestion was largely misunderstood, it reminded me that only a brave person would suggest removal of the Aboriginal Heritage Act from the Statute books. That has been suggested again by the Minister for Heritage and because of that the select committee will have to give it consideration.

Mr Court: You should take evidence from Bill Grayden on that.

Mr PENDAL: Yes, indeed. That might take us down other paths also. The Act's extension to places other than the built environment was covered largely by the Minister for Heritage a few minutes ago. The Act sets out to protect cultural heritage significance which is described as "the relative value which that place has in terms of its aesthetic, historic, scientific or social significance for the present community and future generations". The point made by the Minister is that that is such a wide definition that, frankly, it could pick up almost any form of heritage. I agree with him in saying that I am not sure that we should go down the path of having a fresh heritage Act that extends to the natural environment given that we have adequate Statutes already.

The member for Fremantle referred also to world heritage listings. It might come as a surprise to some members of the House to know that the coalition has never had any trouble with the concept of world heritage listings. What we have trouble with is the

unilateral imposition of world heritage listing by the Commonwealth without reference to the States and the use of the external affairs powers of the Constitution which can often deactivate a State Statute. However, as I said, we do not have any difficulty with world heritage listings, which can bring enormous tourist and other advantages to the State. It is the unilateral application of it by the Commonwealth authorities to which we object.

Finally, the Minister for Heritage referred also to the fact that it is one thing to list buildings, but quite another to list them in isolation without knowing whether one has the resources to preserve or conserve those buildings. In the end, that really depends on the incentives offered. Frankly, since the Heritage of Western Australia Act came into force in 1990, I do not think we have gone anywhere near to addressing the question of proper incentives to make it worthwhile for a private property owner to have his or her property put on the heritage register. The day is coming when the Commonwealth Government will have to offer some serious Commonwealth taxation incentives. One can envisage, for example, that if society says a house, shop or corner store must be preserved, in return any moneys expended by the owners on preserving and conserving those properties may well have to be supported with full taxation benefits by the Commonwealth. I think the State has to get serious about that too. It will have to waive land tax on a heritage property. I spoke to a property owner at the antique centre at North Fremantle a day or two ago about waiving things like land taxation and local government rates and about the transferring of development rights to a property. In concert with local government, that may well be the key to successful incentives being offered to property owners.

I thank the Opposition for its support in getting the matter attended to speedily and I am grateful for the support given to the motion by the Minister for Heritage and Government members. I commend the motion to the House.

Question put and passed.

Appointment of Select Committee

On motion by Mr Pental, resolved -

That the following members be appointed to serve on the select committee - The member for Roe (Mr Ainsworth), the member for Jandakot (Mr Board), the member for Pilbara (Mr Graham), the member for Fremantle (Mr McGinty), and the member for South Perth (Mr Pental).

HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 24 June.

MR GRILL (Eyre) [10.50 pm]: I indicate at the outset that the Opposition supports this Bill and hopes to give it a fairly speedy passage through this House.

The domestic market for horticulture in this State is small because of the nature of the State. In 1988 when I was Minister for Agriculture I introduced legislation which is now known as the Horticultural Produce Commission Act in recognition of the fact that if the horticulture market was to expand it would need to expand into exports both interstate and overseas. The legislation which was passed provided for the setting up of growers' committees to raise funds not only for marketing, but also for quality control and research into the horticultural industry. The Act provided for a growers' committee to be set up if part of the industry so desired. That desire was to be tested by polls and it was indicated in the Act that 75 per cent of eligible growers must take part in the poll with 70 per cent of that 75 per cent agreeing to the proposition to set up a growers' committee.

The Act also provided for the establishment of a Horticultural Produce Commission whose role was to coordinate and supervise the functions of the growers' committees, particularly the fixing of charges - mandatory levies were applied under the Act by the growers' committees - and to supervise the expenditure of that money. I understand there has been some success in the setting up of the growers' committees, but that there has been some difficulty in implementing the provisions of the Act. The Minister's

second reading speech indicates that those difficulties have revolved around the ability to ascertain the growers in a particular part of an industry who might be eligible to vote on the setting up of a growers' committee and the way in which the poll would be conducted.

A more flexible process needs to be put in place for the conduct of the polls because of the size, complexity and diversity of the horticulture industry in this State, especially the geographical diversity. It is more appropriate that the polls be conducted by virtue of the provisions within the regulations rather than the provisions within the Act. This would allow a much more flexible process and it is tailor made to suit the industry. I understand this Bill will allow this more flexible process to be enshrined in the legislation and will result in a much easier process in the setting up of growers' committees. The process will have to be monitored. It is appropriate that a more flexible process be put in place. However, the Government and the commission must be careful that, with the additional flexibility in setting up growers' committees and the additional powers placed in the hands of the committees, the powers are exercised in a proper and effective way. With that slight warning I reiterate that the Opposition does not oppose this Bill. In fact, it welcomes it and wishes it a speedy passage through the Parliament.

MR TAYLOR (Kalgoorlie) [10.55 pm]: Having earlier this evening had a cup of tea with the Minister for Primary Industry and having exchanged pleasantries with him, I am sad that I now have to launch a premeditated attack on him. The Minister's second reading speech outlines the proposed amendments which will allow complex and diverse horticultural industries to more easily comply with the intent of the legislation to raise funds for services such as product promotion, quality control and research. It is hypocritical for the Minister to bring this Bill before the House and talk about product promotion, quality control and research when Western Australians must put up with bananas like these I have in my hand. I ask the Minister to look at them.

Several members interjected.

Mr TAYLOR: They are Queensland bananas and they are not even nice, curly ones. They are an awful yellow colour with tinges of green. I ask one of the attendants to pass the rest of the bananas to the Minister, who has fallen down in his duty. Western Australians should be eating Carnarvon bananas. The Minister is not in the business of promoting Carnarvon bananas. Who can call the thing I have in my hand a banana? It is obviously a Queensland banana.

Mr House: How do you know?

Mr TAYLOR: I will tell the Minister. It does not peel properly when I try to take off the skin. There is no peel quality to the banana.

Mr House: Do you know another thing? If you listen quietly you will hear squealing Joh.

Mr TAYLOR: If the Minister bothers to taste this banana he will find it has a floury taste and has absolutely no quality. However, he has introduced a Bill to this House which allows him to tackle these issues while Western Australians must put up with this quality of banana. It might look good, but it does not taste good.

Dr Turnbull: Will you assure the House that you will allow this Bill to pass so that the Minister can promote Carnarvon bananas?

Mr TAYLOR: That is the challenge that confronts the Minister. He should forget about the crayfishing industry and the problems facing the wool industry. The challenge he faces is to properly promote the banana of Australia, the Carnarvon banana. I have the full support of the member for Northern Rivers because he is right behind Carnarvon bananas and he is breaking his neck to get the Minister to visit Carnarvon to promote Carnarvon bananas.

Mr House: Would you like to eat the banana?

Mr TAYLOR: The standing orders do not allow me to eat the banana. However, the Minister and I can share one behind the Chair at a later stage of this day's sitting. It is

not only bananas which are being imported into this State. Lemons are being brought in from California.

Mr House: With the record your mob has I would not look too much further into that brown bag.

Mr TAYLOR: I will not do that and I will not let the Minister put me off. We all know that when a person has a cold he likes to have a hot lemon drink before he goes to bed. The problem now is that we cannot get any juice from the lemons and they contain many seeds. We are importing these lemons from California and other places. The Minister must accept the challenge before him and promote good, juicy, nice, succulent Western Australian lemons in the same way that he must promote Carnarvon bananas. With due respect to the member for Kimberley, the bananas produced on the Ord River do not come up to scratch compared with the Carnarvon bananas. The Minister must focus on these issues and change the situation. He must make these the bananas of the world, take on the multinationals and flog these bananas around the world. He must push these imported lemons out of Western Australia so that people eat the lovely Western Australian lemons. I challenge the Minister to do this. The Bill provides an opportunity for the Minister to get into the lemon and banana market and show Western Australia what he can do as Minister for Primary Industry. For those who in the years ahead may read *Hansard*, I should say that my first remarks in relation to the Minister were made in jest and were not serious.

MR GRAHAM (Pilbara) [11.01 pm]: It is a well known fact in this place that the Minister for Primary Industry comes from the socialist left in the rural rump of the National Party. The aim of the Horticultural Produce Commission Amendment Bill is to introduce industry unions into the horticultural industry. There are no workplace agreements and no individual contracts, but the Minister is trying to introduce industry unions. In his second reading speech he said -

The proposed amendments will enable complex and diverse horticultural industries to comply more easily with the intent of the Horticultural Produce Commission Act . . .

That is not a bad mouthful. I dug out the said Act and took a squiz at it. It states -

An Act to provide for the constitution of a Horticultural Produce Commission for the purposes of encouraging initiative among growers of horticultural produce to form growers' committees for the purposes of providing services to growers of horticultural produce, . . .

I will tell members about my background. In the past I was a research officer in the trade union movement, and one of my jobs was writing the rules and constitutions and running them through the commission. That is the sort of stuff we wrote for the mining union association to get it registered because we had to show commonality of interest. That is the type of language we used to establish industry unions.

Let us consider the second agenda in this Bill. The Minister said in the second reading speech -

and so be able to raise funds for services such as . . .

What is that by any other name but guild fees? The Minister is introducing guild fees into the horticultural industry. Two of the great shibboleths of this Government are being introduced by stealth by the Minister for Primary Industry. The agricultural left strikes back!

I will not take much more of the time of the House other than to make two suggestions to the Minister. I know he will take them in the spirit in which they are meant. Those suggestions are, firstly, that he deal with the industry union question by referring it to the Minister for Labour Relations and allowing him to apply his random truth test, which he sometimes applies to his own speeches, to see whether the industry union situation stands up in the horticultural industry. Secondly, I ask the Minister for Primary Industry to pass the question of guild fees in the horticultural industry to the Minister for Education - that

chap who survived the world's most successful personality bypass - to see whether he will apply the same set of rules that he applies to guild fees.

MR HOUSE (Stirling - Minister for Primary Industry) [11.05 pm]: It is quite obvious that the next time I share a cup of tea with the Deputy Leader of the Opposition and the member for Pilbara I should stay until they have finished and not leave early. I think they have set me up.

I thank the Opposition for its support for this legislation. The member for Eyre made a very important point about monitoring the progress of these groups as they are formed and as funds are raised for the promotion of horticultural produce. I take that on board and I accept that they must be monitored in future. This legislation will form a very important part of future horticultural produce promotion in Western Australia and the points made by the Deputy Leader of the Opposition are very relevant, although made somewhat in jest. Horticulture has a great and sound future in Western Australia. There is no doubt it is an expanding industry and, for the member's information, I advise it is expanding not just in Carnarvon but also on the Ord River in Kununurra where good bananas are produced.

Mr Taylor: Not as good as those in Carnarvon.

Mr HOUSE: We shall be very reliant in future on the export of our produce because we shall produce far more than we can consume in Western Australia, and in some cases far more than we can consume in Australia. The Asian market is one area in which we must promote our product and it will be necessary to finance that promotion. I thank members opposite for their support of the legislation.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr House (Minister for Primary Industry), and transmitted to the Council.

VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS AMENDMENT BILL

Second Reading

Debate resumed from 6 July.

MR GRILL (Eyre) [11.08 pm]: As with the horticultural Bill, the Opposition supports this legislation. I have a suspicion that this legislation was drafted while the former Government was in power.

Mr House: It was, but you were unable to get it up on the Notice Paper and it sat there for months.

Mr GRILL: We have had a few tries in the past few weeks to get this Bill before the House. Everybody seems to have difficulty with it.

Dr Turnbull: You had difficulty with your priorities.

Mr GRILL: So has this Government. I have been promised on numerous occasions over the past few weeks that I would have an opportunity to speak on this legislation and somehow that opportunity has not arrived. It has now arrived and the Opposition will support the legislation because the people on this side of the House are a cooperative group.

The Veterinary Preparations and Animal Feeding Stuffs Amendment Bill deals with the beef industry and hormonal growth promotants in Western Australia and Australia. This is a cooperative form of legislation which has been agreed upon by all the States and Territories and the Commonwealth. In truth, the protocols which this Bill formally puts

into place have been in effect from 15 February 1993, on a cooperative basis once again. This sort of measure is necessary because the European Economic Community has banned the use of hormonal growth promotants. It had some unfortunate experience with a fairly early form of hormonal growth promotant some years ago and as a result has banned all growth promotants, notwithstanding the fact that the ones used in Australia today are completely safe and do not have a deleterious effect on either the animal or the human beings who eat that animal.

In 1988 this problem was tackled by the Government and a set of certification regulations was put in place. Those regulations have operated until fairly recently. The EEC had a look at the certification or "declaratory system" as it was called set up by the 1988 Act and found it deficient. As a result an enhanced control system for hormonal growth promotants has been put in place and has operated in Australia since 15 February 1993. That enhanced system includes a declaratory system for freedom from hormonal growth promotants, registration of sellers of hormonal growth promotants, identification of treated cattle and regular audits of all aspects of the system by State departments administering agricultural matters.

The Bill provides for the control of the sale and use of hormonal growth promotants, control of cattle and carcasses that have been treated with the product and also the control of cattle and carcasses that have been declared as not treated with hormonal growth promotants. Those cattle that have not been treated are still free to be sold in Western Australia and most of the rest of the world outside the EEC. This Bill puts in place provisions to police the regulatory system to which I have referred. The Opposition supports the Bill and wishes it a speedy passage through both Houses.

MR HOUSE (Stirling - Minister for Primary Industry) [11.13 pm]: The member for Eyre correctly identified the reason for this legislation. The Government is formalising a process already agreed to and cooperated in by industry. It is necessary for the Parliament to formalise this arrangement by way of legislation as has been done in other States and Territories. I thank the Opposition for its support.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr House (Minister for Primary Industry), and transmitted to the Council.

PLANNING LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 12 August.

MR KOBELKE (Nollamara) [11.15 pm]: The purpose of this Bill was explained by the Minister for Planning as providing an opportunity for committees to perform tasks for the State Planning Commission rather than having subcommittees perform those tasks. This is a somewhat technical matter because on my reading of the Bill - and this was also suggested by the Minister - it would be possible for such committees to operate under existing legislation. However, to ensure no uncertainty arises, or an ability to question the process, this amendment will provide that such committees can undertake the public consultation required under major amendments.

The Minister indicated that he intends introducing eight or nine major amendments using section 33 of the Metropolitan Region Town Planning Scheme Act. Such public hearings would take a considerable time. Given that the membership of the State Planning Commission and the Metropolitan Planning Council is part time, it would not be possible to have those amendments dealt with expeditiously using the present appointees and the existing structures. The Opposition will support the Minister in having such amendments processed. For that reason the Opposition will be supporting this amendment.

During his second reading speech the Minister spoke of the appointment of independent persons to these committees. I would like the Minister to elaborate when he responds on what he means by "independent" because obviously various interest groups will be represented on these committees. I am unsure of the extent of the definition of the word "independent" as used by the Minister in his second reading speech. The committees would obviously have people on them representing various interest groups such as local government, the development sector, and the conservation movement. One hopes that the Minister when making appointments will ensure a broad representation of all interest groups on those committees, particularly local government and conservation interests. I am unsure whether that is what the Minister meant when he used the word "independent". I ask him to give further detail about that later. The Minister obviously has the prerogative to approve the appointment of people to these committees. The Opposition does not question that, but I place on record the fact that it assumes that when making those appointments the Minister will ensure that the appointees are representative of the broad cross-sectional interests involved and have a standing in the community that will ensure that their work is widely accepted.

The Minister has said that he has eight or nine amendments to introduce. However, he has already brought forward three of those amendments, which I am aware of because they have already appeared in the *Government Gazette* and which referred to the foothills, the south east corridor and the recent one centred on Alkimos. These areas have generally fitted in with the work done by the previous Government in this area. I ask the Minister to give a clear indication of where those eight or nine major amendments will apply and whether they will follow the work of the previous Government, which had already put Metroplan in place and had commenced working up areas which would have come forward for major or minor amendments covered under the four major corridors. The progress on that work varied from one corridor to another. Some proposed amendments to the metropolitan region planning scheme were completed and others still had some way to go, but the work was well under way. It appears that the Minister is continuing with those proposals. I hope he responds to this genuine request and indicates the actual areas to which those amendments will apply. I understand that this is an ongoing process and that the Minister's answer to my question may not be absolutely definitive. However, he should be able to indicate clearly where those amendments are likely to apply.

The Minister seemed unwilling in his second reading speech to recognise the fact that the previous Government had done particularly well with Metroplan. Metroplan may not have had the future life that the Minister wished for a metropolitan region scheme, but in his speech he only mentioned the establishment of such a scheme and made no mention of Metroplan. He did indicate that it limped along a little ahead of demand and said that, contrary to his belief about the intentions of the Act, the previous Government used the minor amendment procedure extensively to reclassify land on an ad hoc basis. That is really colouring the matter a little too much in respect of the Minister's perspective. What does it mean when the Minister says "on an ad hoc basis"? They were minor amendments, but those minor amendments were part of Metroplan, and were hardly ad hoc. As to whether they were just ahead of demand, that is a matter of judgment. I know the Minister has a clear view that there is likely to be a shortage of lot supply. I do not think that view is widely shared in the industry. Certainly some developers see the potential for a shortage; but from my discussion with people in the industry, they think that while supply may have dropped a little too low for comfort, there is certainly not a shortage and, therefore, there is no need to see all of these major amendments as meeting that shortfall. I believe one must see them as meeting good planning principles rather than any immediate demand for the development of new lots.

In making no mention of Metroplan, is the Minister indicating that he is moving completely away from the general structure which has been put in place for the metropolitan area, is he adapting it, or are we simply looking at a change of name? I hope the Minister will answer that question, because it seems from the amendments that he has proposed that he is really continuing on with the work that was started by the

previous Government. He is making input into it and adapting it, but basically he is following on with what has been put in place for the broad structure plan for the metropolitan area. However, his comments in the second reading speech and in other places make no recognition of that. I hope the Minister will let us know whether he is following Metroplan and making minor amendments to it, or throwing out the whole thing and looking at a new arrangement. If that is the case, there should be some process of public consultation to ensure that the broad structure plan meets with general acceptance, because we certainly must have a big picture for the future of the Perth metropolitan area.

The major amendments proposed in this Bill will not provide the necessary building lots on the outer fringe. It will obviously be necessary to provide the infrastructure in order for those lots to be developed, and that raises a range of issues about which this Government has not clearly stated a policy. I am giving the Minister the opportunity to make a few comments about this, because he has made a range of comments, but they do not always fit together. What will be the level of Government involvement, given the Government's wish to cut back on expenditure? If the Government's major thrust will be to continue to advance the urban fringe, as is obviously necessary, that will involve the Government in a heavy cost commitment. The Minister has stated many times that he is not too happy with the previous Government's program for urban consolidation. Our objective was that there be 20 per cent urban consolidation and that the other 80 per cent be in new development on the urban fringe. If there is an even greater percentage of development on the urban fringe, that will involve a great cost to Government. Will the Government ensure that those developments are quality developments and that the necessary infrastructure is put in place, whether it be roads, schools, hospitals or police stations, or the community facilities which are often left to local councils to develop later?

What is the Minister's point of view in regard to allowing local government to meet those costs? I know that is a very contentious point now with local government and that the Minister has indicated that he does not like condition setting by councils which will enable them to derive from developers a percentage of the costs of providing the infrastructure in their area. Without answers to those questions, the planning process of putting in major amendments will not be effective in providing the lots where they are needed.

The Minister indicated in his second reading speech that major amendments are the proper way to go. That again is a matter of opinion, because while we certainly support major amendments, the approach of bringing on eight or nine major amendments in one go can defeat the objective of providing thorough and open public consultation and comment on the proposals. That is the case because, with so many coming on at once, people will not have the time to get involved, and it is likely that they will not receive the media attention so that local interest groups may not be aware of some of the consequences of the changes that the major amendments will bring about. While minor amendments may not require the approval of Parliament, during the life of the previous Government they tended to receive a great deal of media attention. Many people were involved in making submissions to Government or in putting forward their point of view in opposition to those amendments. There was certainly thorough public consultation in regard to the amendments which were carried through by the previous Government under the minor amendment process.

The process at which we are looking assumes that this Government will address issues which will produce quality in planning. We on this side of the House have a genuine hope that planning will be a bipartisan issue, that the proper process will be followed, that there will be full consultation with all interest groups, and that we can meet, in a logical and rational way, the difficult and complex problems that arise. Hopefully, in that way we can enhance the facilities and beauty of our fair city. We have a city of which we can be proud. Many people come here from other parts of the world and recognise that the structure of our suburbs, the road layout and the general amenities are of a high standard. We hope that the Minister will continue and further advance that through this

process. However, in order to do that, we are relying upon the Minister to ensure that this process works well, that there is not a cutting off of the process, that people are given every opportunity to make input, and that the final results are representative of the broad needs of the Perth metropolitan area. The Opposition is willing to support these amendments.

MR D.L. SMITH (Mitchell) [11.28 pm]: I rise in this debate on the Planning Legislation Amendment Bill because of the role that I formerly had as Minister for Planning and because I still regard planning as one of the essential elements of encouraging commercial and social development in a way which resolves all of the conflicts which can arise when we begin to change what is put there by nature and start to provide as an alternative a built environment. I might say in passing that earlier tonight we had a debate about the McCarrey report. It is interesting that the agencies which were not examined by McCarrey include the Department of Planning and Urban Development, the State Planning Commission and the Department of Local Government. The one thing that is common about those departments is that I was the former Minister for those departments, so I am pleased to see that they escaped examination by McCarrey.

Mr Kierath: Are you claiming the credit for that?

Mr D.L. SMITH: No. I am just presuming that they are all in good order and McCarrey did not feel that there was any need to examine them. Indeed, the only ones on which he chose to comment for which I was responsible were the Public Trust, which he gave a fairly clean bill of health, and the South West Development Authority, which would take a much longer period to discuss because it involves the area of regional development.

The Minister in his second reading speech was correct when he stated about the metropolitan region scheme that -

The scheme itself was subsequently developed by the Metropolitan Region Planning Authority and was derived from a report written by Professor Gordon Stephenson and Mr Alistair Hepburn, then Town Planning Commissioner. The report, entitled "Plan for the Metropolitan Region - Perth and Fremantle", was a visionary document based on a 30 year planning horizon. The first metropolitan region scheme, approved in 1963, adopted its provisions in almost every respect.

I agree that that was a visionary document, for two basic reasons. Firstly, it adopted, rather than a philosophy of urban sprawl, a philosophy of development along urban corridors. It chose two coastal corridors and two inland corridors situated more or less north and south of the core of the metropolitan region. By accident, it turned out that the areas which were left vacant in between are occupied in the main by the Gnangara and Jandakot mounds. It was a visionary document almost by accident because it actually preserved for posterity the use of both the Gnangara and Jandakot mounds and as a result it preserved most of the wetlands and parklands that sit across those two areas. It also envisaged that with the growth of Perth there would be a problem in providing services as the metropolitan region grew and they were best provided along the corridor of development as we provide them along the face of the corridor development rather than having it sprawled out in all directions.

The Minister said correctly that it was a 30 year plan. It was adopted in 1963 and it was appropriate that it be regarded as coming to the end of its useful life at the end of 1993. However, the Minister said that the former Government allowed that scheme to limp along a little ahead of demand. That is simply not the case. Emphatically it is not the case because the plan had a 30 year life which does not expire until this year. The planning for the new Metroplan to replace the metropolitan region scheme began in 1988 and resulted in the release of, firstly, a broad Metroplan released for public comment. Progressively, we were working through the various regions of the metropolitan area over the past four years beginning with the north west corridor, the foothills and the north east corridor, and we were about to release the south west corridor, and the south east corridor would have come along later.

The dramatic change that has occurred in planning between 1963 and 1993 is that in 1963 almost everybody was pro-development. Everybody really looked at planning in

simple terms: That the population would grow and that population growth would require new areas of land to be zoned for residential, commercial and other purposes. Everybody was really trying to attract development to particular areas. They all welcomed it. The planning scene has changed dramatically with the deterioration of the world's environment and the consequent arousal of environmental groups both on a worldwide basis and in every local area where new developments are proposed. The situation now is that, contrary to everyone welcoming development, many people oppose development for a variety of reasons, especially when it results in changes in people's backyards. This has meant that the community at large really will not allow the Government to approach planning in a very simple way. They will not allow the Government to say in broad brush terms that we will have large-scale major amendments, and as a result we will be able to expedite development in the areas covered by major amendments. If the Minister has that view, and I suspect he has, he is in for a rude shock. The developers who promote that view to him are also in for a rude shock. Major amendments and broad brush planning in these terms do not get us very far at all because when we go from the metropolitan region scheme to the local schemes the local authorities, before they will adopt the major amendments into their schemes, now want to see structure plans overlying the area covered by the major amendment. The structure plans, as the Acting Speaker (Mr Johnson) well knows, very often highlight for the population at large the problems created with the implementation of a major amendment because they identify the areas where roads will go and where services and schools will be located; they identify all the costs and infrastructure problems we will face to make sure adequate services are provided to those areas. The structure plans ensure also that the costs are reasonably apportioned between the State Government, local government and the developers and by the general community subsequently.

I suspect that behind this approach by the Minister is really an approach that says we can revert to the broad brush amendments and somehow that will achieve the changes to local planning to meet future demands. Quite to the contrary, all it does in the main, especially where the structural work has not been done, is provide windfall profits for the owners of the broad acres at the time the major amendments go through, and transfers the risk involved with the development of the land from those who take the windfall profits to those who pay the high prices generated by the broad brush amendments. They then need to hang on and go through the detailed planning process and infrastructure developments required to bring land on stream.

I know that the Minister has created a great deal of concern for authorities in local government circles because they fear the next stage is that the Minister anticipates that local government will not receive the major amendments very well and will not immediately adopt them into the local schemes for the reasons I have outlined. They understand that the Minister intends to amend the planning legislation and the metropolitan region scheme legislation to ensure that Ministers can take these issues out of the hands of local government if local government is unduly confrontational about it. I know from experience at Leda and Thomsons Lake and elsewhere that there are means by which the Government can overcome some of the problems in the current legislation. They were hard enough to effect, however, when dealing with minor amendments; that is, whether at the Mundaring Shire, the Cockburn Shire, Wanneroo City or elsewhere major problems are faced when utilising those provisions. Planning no longer can be approached in this broad brush way. We must go through the process that the previous Government had been going through under the Metroplan; that is, to consider what is possible and do the detailed demographic and other research required.

Mr Kierath: It was a disaster!

Mr D.L. SMITH: To the contrary. I want to run through the history of the party that is now in Government, as it relates to land supply and the like around the metropolitan area.

Mr Kierath: We will do far better than you.

Mr D.L. SMITH: I wonder. If the Minister reads earlier debates he will find my prediction this time last year. I was told by the experts that we could expect 12 000

construction starts in the metropolitan area in the forthcoming year. I was far from satisfied with that and asked them to prepare plans which would produce at least 16 000 construction starts. There has not been a land crunch in the metropolitan area as a result of the boom, primarily because land was available to come on stream in the northern suburbs, including Hepburn Heights, and it was a result of the land available for development at Leda. The Minister will remember in relation to Leda that there was a problem in the process adopted which required validating legislation to be brought to this House for a range of developments. Leda was one of those cases which members opposite refused to accept. The Minister for Labour Relations in particular, along with the City of Cockburn and a range of other people, was also opposed to LandCorp's proposals at Thomsons Lake and the Gold Estate development there. Their opposition was overcome and, as a result of the amount of land involved with the developments, they are both playing a vital role in land provision. They are LandCorp first and second releases. Also, Helena Valley offers extremely attractive land to buyers, who are lining up for it. Thomsons Lake, Helena Valley and Cedar Woods are having a very good effect on availability, even though the proposals were opposed by the member for Riverton.

In the northern suburbs we moved a major amendment regarding Ellenbrook and Neerabup, for which members opposite moved disallowance motions.

Mr Lewis: No we didn't.

Mr D.L. SMITH: Members opposite did so here and their colleagues did so also in another place.

Mr Kierath: Your attitude was all or nothing with no compromise.

Mr D.L. SMITH: That is not true. If members read the papers today they will discover that the Hepburn Heights group is saying that it seems to have worked out. We have preserved 30 per cent of the land and LandCorp is providing the money to fence an area to ensure it is preserved for posterity.

Mr Lewis: That was because of the decision of Minister Cash to increase the open space!

Mr D.L. SMITH: Not in the least! The Minister knows that the area of land added by Minister Cash was only the land set aside for public community development facilities and was already devoid of most of its vegetation. Frankly, it does not fit in with the rest of the land. Pinnaroo Cemetery was to become part of the regional estate. To claim that that land and the Cash decision were beneficial to the overall regional open space preservation is wrong. More importantly, it deprived the northern suburbs of a great deal of community development sites. Therefore, the community groups which were looking to provide facilities on that land will be permanently deprived of the opportunity to do so. We made our proposals by way of the minor amendment procedure.

Mr Lewis: That was to your shame.

Mr D.L. SMITH: The Minister for Planning said that the previous Government used minor amendments extensively to reclassify land on an ad hoc basis. However, every time that a minor amendment was challenged in the courts on the basis that it should have been a major amendment, the decision was upheld. On every occasion that the State Planning Commission was challenged, its decision was upheld.

Mr Lewis: That is not true. Don't you remember the validation Act?

Mr D.L. SMITH: I am surprised at how often members opposite will mislead the public.

Mr Lewis: It involved 150 amendments.

Mr D.L. SMITH: The Minister for Planning is introducing a Bill dealing with the matter of committees and the power of the commission to appoint committees.

Several members interjected.

Mr D.L. SMITH: The Minister for Labour Relations should listen for a moment as he appears to be not very well informed on this matter either. Some of those court

challenges were upheld not because of any doubt about whether they should have been minor or major amendments, but because of a procedural defect; namely, whether the State Planning Commission or the Metropolitan Planning Council had made the decision and whether a committee had power to make such a decision. The Minister should not mislead the people of this State by claiming that any of those decisions support the notion that the previous Government misused the minor amendment process.

Mr Kierath: You sure did!

Mr D.L. SMITH: Every time any of the previous Government's minor amendments went to the courts regarding whether the use of minor amendments was valid, the decision was upheld.

Mr Day: I have an important question: Why was the Helena Valley proposal not done by way of major amendment?

Mr D.L. SMITH: For the reasons outlined in the court case examined by the Supreme Court in which the decision was found to be valid: Regarding the size of the land and its impact on the metropolitan regional scheme overall, it was not a major amendment.

In response to public concerns, we released guidelines for the commission to use to determine whether a proposal was a major or a minor amendment. As far as I am aware, those directions have received no real criticisms. The current Government is very good at misleading the Parliament and the public. It promotes misstatements such as that the previous Government allowed the metropolitan region scheme to limp along when in fact for the past five years we were developing the successor to the scheme. Also, it is misleading to claim most of the current amendments as the achievement of this Government when they are primarily the work of the previous Government. This attitude is typified with the Alkimos announcement. Although it is welcome, it was claimed that it was a Government proposal when it actually purely reflects the work of the previous Government.

Mr Kierath: You cannot be serious.

Mr D.L. SMITH: I am absolutely serious. I will be more than happy when the freedom of information provisions come into play because if the public do some research they will identify that most of the credit claimed by this Government should go to the previous Government. The foothills plan and the Alkimos proposal are both the result of the good work of the previous Government conducted in the face of spurious activities by members opposite.

Mr Kierath: You did not have the courage to bring in major amendments.

Mr D.L. SMITH: The Minister for Labour Relations has accused me of many things, but he could not accuse me of a lack of courage in planning circles.

Several members interjected.

Mr Kierath: I do; you introduce 55 amendments for convenience.

Mr D.L. SMITH: This is the core of what I want to discuss tonight; namely, whether the major amendment process is actually a better process for the types of groups the member for Swan Hills might be interested in representing.

Mr Kierath: Why not do the right thing?

Mr D.L. SMITH: It is not a matter of doing the right thing; the requirement is to ensure that proper public consultation occurs. This must involve all the special interest groups, which must have an opportunity to understand the amendments and to make proper responses to them.

Mr Kierath: And someone must listen to them.

Mr D.L. SMITH: The Minister is dead right. Under a minor amendment one has the advantage of the focus on one amendment.

Mr Kierath: Have you ever put in an objection to a minor amendment? Have you ever been through the process and felt the frustration?

Mr D.L. SMITH: I have not done so personally; however, I have discussed with numerous people the frustrations they have felt. A minor amendment always focuses on a certain small area and the local authorities always insist when minor amendments are proposed that they understand precisely the structural detail that will follow to enable them to be slipped into their local scheme. Because we adopt the approach that it is a minor amendment, we are obliged to do that for them. Let us take Swan Hills as an example. If we had tried to approach Swan Valley and its surrounds in a broad brush major amendment process, we would have slipped it through almost without difficulty. Only when we shift from the major amendment broad brush approach to applying the structural plan so people can see from it the impact on their piece of land, the public open space and vegetation areas which they are interested in, does it become a concern.

The Acting Speaker (Mr Johnson) well knows that in terms of the north west corridor the problems arose when we released the structural plan, when people were able to identify precisely what would happen in their own locale and to their own land. Under a major amendment quite often people do not perceive what will happen because at the major amendment stage we do not have to go into structural detail. More importantly, instead of dealing with 100 hectares, in some cases we are dealing with thousands of hectares. When we are dealing with thousands of hectares, a couple of problems develop. One is that the capacity of community groups - the sorts of people the Minister is purporting to be concerned about - to respond to all of the concerns in one document is almost impossible. There are so many issues which arise that local individuals and local concerned action groups simply cannot respond to it in the sort of detail that is required. When the decision comes they find it very difficult to argue about one particular piece when a great swag of land is being approved. They get swamped by the mass and size of it.

Mrs van de Klashorst: I don't agree. Special interest groups have a special interest. They know their own area.

Mr D.L. SMITH: They cannot see the detail. They will find that when land is zoned as residential, urban or deferred urban and they come along and say, "We object to this development", we get the committee, the landowner, the commission and the local authority saying, "We are very sorry about that but this has been zoned urban or deferred urban for a very long time." An expectation has been created that development can occur. The fact that people have moved into a particular area and now value that differently because things have changed since the major amendment went through is too bad.

There is an even more important defect with the subcommittee system; that is, the subcommittee will receive the submissions, deliberate and provide a report to the commission. Under these amendments its report will not have to be adopted by the committee. Whether the report is adopted is not a decision for the subcommittee but for the full committee. That means that, as a result of these amendments, when local interest groups make their submissions to a subcommittee they can have no confidence at all that their submissions will get onto the desk of the commission or, if they do, will be nothing but a footnote to a report of the subcommittee. If the submissions are upheld by the subcommittee, there is no guarantee that they will also be upheld by the central committee.

I predict now that the major amendment process being adopted will not expedite land development or make more land available in the metropolitan area because of the problems that will occur in converting them into amendments in local authority planning schemes. The local authorities will insist on structural plans being developed. They will insist on all of the infrastructure being worked out and a contribution by the developers similar to that being attempted at Wanneroo will be levied on all of the development before it will be approved. My prediction is that this Minister will have to move to overcome that by giving himself greater power to override local government in these circumstances. In the end all the Minister will deliver by this is windfall profits. That people will have paid vendors who have made windfall profits for this land on the basis that it is urban or urban deferred will result in many community groups later having their

concerns overruled on the basis that the land has been zoned in the metropolitan scheme as urban or deferred urban for quite some time.

However, we are not opposing this Bill. At this stage with the work that we have done in the past under Metroplan there are areas in the north west corridor and the foothills area - and to a lesser extent, although it requires legislation to come to this place in relation to the north east corridor to protect the Swan Valley - which could easily be moved quickly under major amendments. Some single land holdings, like the combined holdings of The Vines and Homeswest at Ellenbrook, are where the major amendment practices can work in a reasonably satisfactory way. Let members not kid themselves, especially those on the Government side who came to this place on the basis of some planning issue. This method will ensure no greater security for local interest groups.

My prediction is that it will leave many special interest groups very dissatisfied about the fact that they have not been heard or they have been swamped because of the size of the amendment on which they have to make their submissions. Despite this, we are not opposing this Bill, because land supply must proceed in a orderly way. We will be watching the use of these major amendments to try to make sure that people's rights are not swamped in the process.

MR LEWIS (Applecross - Minister for Planning) [11.57 pm]: I thank the Opposition for the contribution of its members and also for its support of the Bill. In doing so, it is appropriate to make some comments, albeit I do not want to get into a major debate on the pros and cons of substantial amendments compared with minor amendments and a lot of the substance of the debate by the member for Mitchell which I think was not germane to the Bill.

The member for Nollamara asked about the independence of the persons who would be empanelled on the committee to hear the various submissions. It is not the intention, albeit that there is the power that would reside with the State Planning Commission, to appoint independent people from whatever walk of life. The intention of this legislation is to allow the commission to appoint members who have some skills in and understanding of the planning process. It is my intention to recommend to the commission that the existing panel that comprises the town planning appeals committee be used for the various hearings that will probably be forthcoming and ensue out of the various amendments. The previous Minister would probably agree - bearing in mind that 17 of those people were operating under his ministry - that they are good people and true. They are fair-minded and I have no question about their integrity. I hope their expertise will be utilised by the planning commission.

Mr D.L. Smith: I hope that will be so, and I also hope that they consider the representations of the conservation and other interest groups.

Mr LEWIS: That is not the intention. Rather than involve interest groups it would be better to get experts without any preconceived bias, either from the development or conservation side. I wanted an independent panel who had no axe to grind, no bias one way or the other. I thought the people currently on the panel would be more appropriate.

Mr D.L. Smith: Planning should be about more than planning skills. It should encompass local knowledge, conservation, and heritage issues. The representation of these groups enables those views to be not just put but also understood and valued.

Mr LEWIS: The purpose of the panel is to sit in judgment on the oral submissions that are made to the State Planning Commission. I am of the opinion that it is better for people without preconceived bias to sit on the panel. They can then make independent decisions on the veracity of submissions made to the State Planning Commission.

The member for Nollamara asked about the major amendments program. He rightly identified the foothills, the south east and north west amendments which have been gazetted.

Mr D.L. Smith: I am worried about the south east amendment. As far as I know the south east structure plan was never released.

Mr LEWIS: Only five minutes ago the member for Mitchell was boasting that we had based all our amendments on the work that his Government had done. He is now saying that is not the case. The member cannot have it both ways.

Mr D.L. Smith: The only amendment that worries me is the one proposed for the south east because the structure proposal has not been done.

Mr LEWIS: During the 10 years of the member's Government only three major amendments came to the Table of this House. In that 10 years the supply of vacant urban lots in the Perth metropolitan region ran down from 33 000 to 18 000.

Mr D.L. Smith: You understand very little.

Mr LEWIS: The member's Government did not have the courage to process the amendments to the metropolitan region scheme in the way in which was originally intended in the Act. The Labor Government wanted to do it through the back door with 60 days' advertising and no submissions. Most importantly, it did not want to bring them into this Parliament and put them on the Table for scrutiny. The member for Mitchell has the hypocrisy to say that we are not doing this properly. We are operating in complete accordance with the original intention of the Act. The Labor Party in Government destroyed planning in Western Australia and this Government is putting a little bit of credibility back into the system.

Mr D.L. Smith: In fact, it is quite the contrary. We have maintained Perth as an attractive city while maintaining development.

Mr LEWIS: Like hell you did!

There will be two amendments in the south west corridor, and a further amendment to the north of Alkimos. The Mundaring amendment is in train to replicate the intents of the Mundaring district town planning scheme. An amendment will proceed by way of Act of Parliament for the Swan Valley, and a couple of others for Armadale and Byford. Members opposite say that everything we are doing now is based on the great work done during their time in Government.

Mr D.L. Smith: Except for the south east corridor, that is right.

Mr LEWIS: I will correct the record. This must be understood. Unfortunately, neither the member for Mitchell nor his Government understood the planning function and the intention of the original legislation. Members opposite were so nervous about processing planning in the statutory sense - that is, the way it is laid down in the Act - that they thought they would get smart and do it by way of policies that did not need the scrutiny of Parliament, public exhibition and submission. Members opposite wanted to do what they liked and hook a little minor amendment here and there, where they had their mates. If their mates wanted some land brought on, away they would go and hook in an amendment. They got themselves into a great deal of trouble. They were so scared to do anything that there was no land left in the region scheme. Now the member for Mitchell has the gall make accusations about this Government, which is doing things properly - the way the Statutes intended - by putting land zoned in the region scheme back to a 10 year horizon rather than at that negative six or nine month horizon.

Mr D.L. Smith: You are carrying on what we had already done.

Mr LEWIS: The member for Mitchell will see. He did not have the courage to do it.

Mr Kierath: That is what he cannot stomach.

Mr D.L. Smith: Not at all, we took all the public umbrage.

Mr LEWIS: The member's Government tried to do it by minor amendments. It slipped up. It tried to put through Cedar Vale and Thomsons Lake. It had two challenges in the Supreme Court and it slipped up to the extent that the court found the Government had mucked up the system. The Labor Government had been improperly processing amendments to the metropolitan region scheme to the extent that it had to bring in a special Bill to this Parliament and crawl to the Opposition to validate 156 amendments. The member for Mitchell messed it up and he jolly well knows it.

I will explain the fundamental shift in direction between the previous Government and this Government. We are planning by Statute as laid down in the metropolitan region town planning scheme.

Mr D.L. Smith interjected.

Mr LEWIS: We are not doing it by stealth but according to the Statutes. In six months four major amendments, including the Mundaring amendment, have gone before the public.

Mr D.L. Smith: I said three out of four came from the previous Labor Government.

Mr LEWIS: The facts are that within six months this Government has advised the community of the major amendments and its intention to release 10 000 ha of urban land to create 90 000 housing lots as well as zoning 5 500 ha of reservation for conservation.

Mr D.L. Smith interjected.

Mr LEWIS: This Government is trebling the amount of green area in the metropolitan region town planning scheme, over what the Labor Government zoned. In 1988 the member for Mitchell became brave and thought he should pass a major amendment to conserve the Anstey Swamp situated between Mandurah and Rockingham. The other day I signed an Executive Council minute for that amendment to lie on the Table of this House. The member for Mitchell was not brave enough to move an amendment for the reservation of 250 ha of green; I had to finish that off for him. Yet, four years on he boasts in this place how good he was.

Mr D.L. Smith interjected.

Mr LEWIS: I will continue my remarks -

Dr Watson: You said you would take three minutes.

Mr LEWIS: I could not allow the hypocrisy of the member for Mitchell to go unchallenged. The member for Mitchell referred to the need to have structured plans and district town planning schemes to replicate the strategic intentions of the metropolitan region scheme. That is true; local government has that responsibility. The Government and I have been concerned that some local authorities are using the provisions of the Town Planning and Development Act to coerce and blackmail proponents into making completely over-the-top payments before being granted conditions of rezoning. I unequivocally believe it is immoral and improper for a local authority to use town planning Statutes to blackmail or coerce proponents on the basis of zoning being granted according to how much gold they are prepared to pay.

The planning decisions on land use should be based purely on the principle that if land is suited for its purpose it should be zoned, rather than on how much money a developer is prepared to pay. I have no problems with local authorities bargaining with proponents for the provisions of infrastructures within developments. However, that should be done at the development stage when the capacity exists for the Minister or the Planning Tribunal to arbitrate and when everyone is on a level playing field. I have made the point very strongly to local government that that kind of coercion is not a proper use of planning legislation.

Mr D.L. Smith interjected.

Mr LEWIS: Does the member for Mitchell think that a local authority should refuse to process rezoning requests by a proponent until he pays a certain amount of gold? The member for Mitchell is not brave enough to admit that I am right.

Mr D.L. Smith: You should have the courage to name them rather than blacken all local governments in that way.

Mr LEWIS: The member knows I am right, but he does not have the guts to admit it. I thank the Opposition for its support of this legislation. It will facilitate the processing of the major amendment program which this Government was very happy to initiate, and which will release sufficient land and once and for all put aside the fear in the public's mind that future land shortages will occur. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Lewis (Minister for Planning), and transmitted to the Council.

House adjourned at 12.18 am (Thursday)

QUESTIONS ON NOTICE

PREMIER AND CABINET, OFFICE OF - FULL-TIME EQUIVALENTS

118. Mr D.L. SMITH to the Premier:

- (1) How many full time equivalents were there in the Office of Premier and Cabinet as at 10 June 1993?
- (2) What were the aggregate levels for each level of classification for the Public Service including Senior Officers' classification?

Mr COURT replied:

- (1) The member's question is not clear. However, in response, the following FTE figures are submitted from the pay period immediately prior to 10 June 1993 -

Ministry of the Premier and Cabinet including electorate and ministerial staff	459.64
Department of the Cabinet including Government Media Office	71.13
On 22 June 1993 the Department of the Cabinet was abolished by the Governor in Executive Council.	
Other agencies on the ministry payroll	<u>116.27</u>
TOTAL	647.04

- (2) I would refer the member to the Public Service Commission's publication of a staff census as at 31 December 1992. This includes a demographic profile of the Public Service at that date and a number of comparative indices, including the percentage of officers employed under the Public Service Act according to their levels. If the member is interested, below is a list of the actual numbers of officers employed at each level. Another census will be taken on 30 June 1993 updating these figures.

Broadbanding Level 1	6 655
Broadbanding Level 2	3 456
Broadbanding Level 3	2 290
Broadbanding Level 4	2 415
Broadbanding Level 5	2 524
Broadbanding Level 6	1 410
Broadbanding Level 7	870
Broadbanding Level 8	464
Broadbanding Level 9	206
Over Level 9	189

TOTAL 20 479

TAX REFORM - INDEPENDENT TAX REFORM GROUP

550. Dr CONSTABLE to the Premier:

- (1) Does the Government intend to establish an independent tax reform group?
- (2) If so -
 - (a) who will be the members of the group;
 - (b) what will be the group's terms of reference;
 - (c) to whom will they report and when?

Mr COURT replied:

- (1) The Government is currently considering the establishment of an

independent tax reform group although no final decisions have been made on terms of reference, membership and reporting procedures.

(2) Not applicable.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - FAMILY CRISIS PROGRAM

Visually Handicapped Children Assistance

563. Mrs HALLAHAN to the Parliamentary Secretary representing the Minister for Education:

What provision is the Minister proposing to assist children from disadvantaged families, who are not eligible under the Government's new guidelines for the family crisis program which now preclude optical assistance for children unless there is serious handicap?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

Children whose vision impairment is sufficient to affect their educational progress may be considered for special needs assistance under the Government's new guidelines for the family crisis program.

OMBUDSMAN - COMPLAINTS, STATISTICS 1992-93

Police Complaints; Main Areas; Unresolved

579. Mr CATANIA to the Premier:

- (1) How many complaints has the Parliamentary Commissioner for Administrative Investigations received in 1992-93?
- (2) How many relate to police complaints?
- (3) What are the main areas of complaint?
- (4) How many of the following complaints remain unresolved -
 - (a) general complaints;
 - (b) police complaints?

Mr COURT replied:

- (1) 2 040 complaints containing 2 332 allegations.
- (2) 1 073 complaints containing 1 203 allegations.
- (3)

Police Department and Police Force	1 203 allegations
Local government authorities	224 allegations
Department of Corrective Services	159 allegations
Homeswest	100 allegations
- (4) As at 30 June 1993 there were 867 allegations on hand. These comprised 375 allegations against police and 492 allegations other than against police.

ELLIOTT, MR RICHARD - GOVERNMENT EMPLOYMENT CONTRACT, TABLING

599. Dr LAWRENCE to the Premier:

When will the Premier table the employment contract of Mr Richard Elliott?

Mr COURT replied:

I refer the Leader of the Opposition to replies given to questions on notice 77 and 363 which disclose the details of Mr Elliott's contract.

**MABO HIGH COURT DECISION - SUBURBS, SUBDIVISIONS UNDER
THREAT OR CLAIM, LIST TABLING**

600. Dr LAWRENCE to the Premier:

When will the Premier table in Parliament and lodge in the Parliamentary Library a copy of the list of suburbs and/or subdivisions allegedly under threat or claim as a result of the High Court's Mabo decision?

Mr COURT replied:

I refer the Leader of the Opposition to my response to parliamentary question 327.

**McNAMARA, MR JOHN - GOVERNMENT MEDIA OFFICE DIRECTOR,
SEVERANCE PAYOUT**

607. Mr RIPPER to the Premier:

- (1) What was the size of the severance payout to the former Director of the Government Media Office, Mr John McNamara?
- (2) For what period was Mr McNamara employed?

Mr COURT replied:

- (1) Mr McNamara was paid three months' salary in lieu of notice.
- (2) Mr McNamara was employed as Director of the Government Media Office from 27 April to 16 June 1993.

**WOOD, DR MIKE - PUBLIC SERVICE COMMISSIONER
*McCarrey Report Criticisms***

610. Mr TAYLOR to the Minister for Public Sector Management:

- (1) In reference to the circumstances surrounding the departure of Dr Mike Wood from his position as Public Service Commissioner following his highlighting of deficiencies in the McCarrey report, did the Minister or his office receive any written or verbal advice from the Public Service Commissioner on the findings of the McCarrey commission?
- (2) If so,
 - (a) when was that advice received;
 - (b) what was its content?
- (3) When did the Minister first become aware of the commissioner's criticism of the McCarrey report in the July edition of *Executive News*?

Mr COURT replied:

(1)-(3)

Dr Wood forwarded to me a copy of a letter he wrote to Mr McCarrey dated 16 July 1993 in which he commented on the report of the Independent Commission to Review Public Sector Finances, Volume 1. This correspondence was received by the Ministry of the Premier and Cabinet on 19 July 1993 and I would have sighted it some time either on or after that date. The matter was not discussed between Dr Wood and myself.

**COLLEGES - KALGOORLIE, KARRATHA, HEDLAND, PUNDULMURRA
*Council Chair, Qualifications; Council Appointment Process***

652. Mr GRAHAM to the Parliamentary Secretary representing the Minister for Education:

- (1) What are the educational qualifications of the council chair of -
 - (a) Kalgoorlie College;

- (b) Karratha College;
 - (c) Hedland College;
 - (d) Pundulmurra College?
- (2) What is the process by which a member of the public can seek to be appointed to a college council?
- (3) What are the steps the Minister will take to ensure appointments are made in an equitable manner?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

- (1) (a) Accountant; registered tax agent; justice of the peace; retired businessman; councillor, Kalgoorlie Shire Council - 22 years; Mayor of Kalgoorlie - 16 years.
 - (b) Diploma of metallurgy, Bendigo School of Mines; assayers certificate, Bendigo School of Mines; diploma of business administration, Institute of Business Administration.
 - (c) Graduate diploma industrial relations, Charles Sturt University.
 - (d) Registered and licensed plumber and member of the Master Plumbers Association of Western Australia. Mr Kneale has held a part time voluntary teaching position in the environmental health workers course since the inception of the college.
- (2) By expression of interest to the current college council.
- (3) I will continue to appoint people as college chairs who have an empathy with and understanding of the educational and administrative needs of the respective colleges.

TELEPHONE NUMBER 008 FREECALL - GOVERNMENT DEPARTMENTS, AGENCIES, INSTRUMENTALITIES

661. Mr GRAHAM to the Premier:

- (1) Which departments, agencies and instrumentalities have 008 toll free telephone numbers?
- (2) What are those numbers?

Mr COURT replied:

(1)-(2)

Two lists compiled by the Library and Information Service of Western Australia's INFO LINK service are tabled. [See paper No 305.]

The first is a directory of State Government agencies - 008 telephone numbers are recorded where appropriate. The second directory contains details of all 008 telephone numbers held by the information service and includes State and Commonwealth agencies, and some community based organisations.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - GYNAECOLOGIST, PILBARA REGION

695. Mr GRAHAM to the Minister representing the Minister for Health:

- (1) Is there a gynaecologist based in the Pilbara region of Western Australia?
- (2) If not -
 - (a) what actions has the Minister taken to ensure this service is based in the region;

- (b) what actions has the Health Department taken to ensure this service is based in the region?
- (3) If yes, what is the name and location of that gynaecologist?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Yes.
- (2) Not applicable.
- (3) Dr John Ives
Edgar Street Medical Centre
10 Edgar Street
Port Hedland 6721
Telephone: (091)73 1144

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - STREET
LIGHTING, ALL NIGHT ALL AREAS**

701. Dr GALLOP to the Minister for Energy:

Referring to the answer to question on notice 511 of 1993, why does the State Energy Commission of Western Australia "prefer all night street lighting in all areas"?

Mr C.J. BARNETT replied:

- SECWA strongly supports all night street lighting. It is perceived as a community benefit from road safety and neighbourhood security viewpoints.
- All night street lighting would eliminate the need for control circuits. Control circuit faults cause widespread street lighting outages in storm conditions.
- SECWA now uses aerial bundled cable for all new overhead low voltage work. This cable does not have provision for street light control circuits.

GOVERNMENT INFORMATION - LEAKS

704. Mr RIPPER to the Premier:

- (1) Is the matter of leaks of Government information of serious concern to the Premier?
- (2) If so, will the Premier ask the Commissioner of Police to investigate specific instances of leaks which occurred prior to 6 February 1993?

Mr COURT replied:

- (1) Yes.
- (2) No.

MINISTERIAL TRAVEL - UNDER TREASURER, OVERSEAS TRIP COSTS
Premier, Trip Breakdown

709. Dr LAWRENCE to the Premier:

- (1) In reference to question on notice 270 of 1993, what were the costs incurred by the Under Treasurer on his overseas trip?
- (2) What were the costs associated with the component of the trip when he accompanied the Premier?
- (3) What is the breakdown of travel, gifts, accommodation and expenses incurred by the Premier and the Premier's party?

Mr COURT replied:

- (1) \$7 876.
- (2) The Under Treasurer's expenses in Tokyo amounted to \$2 372.30. It is not possible to break down the airfare for the Tokyo section of the trip as it was a discounted ticket. However, the total cost of all airfares was \$2 785.
- (3) In addition to the costs incurred by the Under Treasurer while in Japan, the costs for the remainder of the participants of the trip are as follows -

	\$
Diplomatic passports	400.00
Departure tax	40.00
Airfares	21 615.98
Hotel accommodation and sundry expenses	44 884.56
Train fares	2 921.99
Interpreter fees	4 832.06
Receptions	14 656.88
Hire charges	10 441.84
Gifts	6 920.25
Total	\$106 713.56

MINISTERIAL TRAVEL - PARLIAMENTARY RECESS

719. Dr LAWRENCE to the Premier:

- (1) Which Cabinet Ministers are travelling outside Western Australia during the parliamentary recess commencing Friday, 20 August 1993?
- (2) To where are each of these Ministers travelling?
- (3) For how long will each of these Ministers be absent from Western Australia?

Mr COURT replied:

(1)-(3)

Premier	Melbourne/Sydney/Canberra 25-29 August 1993
Deputy Premier	Canberra 2-5 September 1993
Minister for Resources Development; Energy	Japan/Korea 30 August - 11 September
Minister for Mines; Lands	Vietnam/Malaysia 21 August - 3 September 1993
Attorney General	Auckland/Wellington 24-28 August 1993
Minister for Community Development	Sydney/Canberra/Melbourne 30 August - 7 September 1993

DEPARTMENTAL STAFF - PREMIER

Staff Numbers, Classifications; Programs Funded - Port Hedland, South Hedland, Tom Price, Paraburdoo, Telfer, Shay Gap, Marble Bar, Nullagine

726. Mr GRAHAM to the Premier:

What are -

- (a) the number of departmental staff in departments under the Premier's control located in the following towns -

- (i) Port Hedland
 - (ii) South Hedland
 - (iii) Tom Price
 - (iv) Paraburdoo
 - (v) Telfer
 - (vi) Shay Gap
 - (vii) Marble Bar
 - (viii) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Premier's control?

Mr COURT replied:

(a)-(c)

Two officers are employed in South Hedland, at level 3, as electorate officers. The Ministry of the Premier and Cabinet funds the program relating to staffing for members of Parliament.

DEPARTMENTAL STAFF - MINISTER FOR COMMERCE AND TRADE
Staff Numbers, Classifications; Programs Funded - Port Hedland, South Hedland, Tom Price, Paraburdoo, Telfer, Shay Gap, Marble Bar, Nullagine

727. Mr GRAHAM to the Minister for Commerce and Trade:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
- (i) Port Hedland
 - (ii) South Hedland
 - (iii) Tom Price
 - (iv) Paraburdoo
 - (v) Telfer
 - (vi) Shay Gap
 - (vii) Marble Bar
 - (viii) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr COWAN replied:

- (a) (i) Three.
- (ii)-(viii)
Nil.
- (b) Regional officer - level 5
Executive officer - level 4
Personal assistant - level 2
- (c) Port Hedland - Business Enterprise Centre.

GOVERNMENT CONSULTANTS - DEPUTY PREMIER; MINISTER FOR COMMERCE AND TRADE

747. Mr RIPPER to the Deputy Premier, Minister for Commerce and Trade:

- (1) What consultants have been retained by the Minister and the Minister's departments or agencies since 6 February 1993?
- (2) What amounts have been paid to each consultant?
- (3) What services were provided by these consultants?

- (4) For what period were these consultants engaged?

The answer was tabled.

[See paper No 306.]

ABORIGINAL SOCIAL JUSTICE - TASKFORCE, MEETINGS

764. Dr WATSON to the Premier:

- (1) How often has the Premier's Aboriginal social justice committee met?
- (2) On what dates were these meetings?
- (3) What are the terms of reference?
- (4) When will the committee report?

Mr COURT replied:

(1)-(2)

The first formal meeting of the Taskforce on Aboriginal Social Justice was on Friday, 3 September.

- (3) To review the activities of the Government of Western Australia in relation to the social conditions and development of Aboriginal people and to recommend a strategy for implementation of the Government's program.
- (4) The committee has been requested to produce a comprehensive report within six months, although it may also produce interim reports if appropriate.

MABO - CABINET SUBCOMMITTEE, MEETINGS

765. Dr WATSON to the Premier:

- (1) How often has the Cabinet subcommittee on Mabo met?
- (2) On what dates were these meetings?
- (3) What are the terms of reference?
- (4) When will the committee report?

Mr COURT replied:

- (1) 11 meetings.
- (2) 29 March, 5 April, 19 April, 3 May, 17 May, 14 June, 21 June, 28 June, 12 July, 2 August and 9 August 1993.
- (3) This is a subcommittee of Cabinet. Terms of reference are not applicable.
- (4) An exchange of views takes place at each meeting.

MABO - COMMITTEE OF SENIOR OFFICIALS, MEETINGS

766. Dr WATSON to the Premier:

- (1) How often has the Premier's Mabo advisory committee met?
- (2) On what dates were these meetings?
- (3) What are the names of the members?
- (4) What are the terms of reference?
- (5) When will the committee report?

Mr COURT replied:

(1)-(5)

There is no committee by that name. A committee of senior officials meets as required to coordinate the State's response to Mabo matters and to assist with the preparation of advice to the Premier.

MURDOCH UNIVERSITY - UNI QUEST APPLICATIONS

778. Mr M. BARNETT to the Parliamentary Secretary representing the Minister for Education:

- (1) How many Uni Quest applications did Murdoch University receive for the 1994 program?
- (2)
 - (a) How many of these were single or sole parents;
 - (b) how many were accepted?
- (3) How many single or sole male parents were accepted into the program?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

- (1) Murdoch University received 125 Uni Quest applications for the 1994 program of which 54 were accepted.
- (2) Information on whether or not applicants were single or sole parents was not collected.
- (3) This information was not collected.

WITTENOOM - FUTURE AGREEMENT

780. Mr GRAHAM to the Minister for Commerce and Trade:

- (1) Has the Minister reached an agreement with the Shire of Ashburton and/or the residents of the Town of Wittenoom regarding the future of that town?
- (2) If yes -
 - (a) what are the terms of that agreement;
 - (b) what commitments has the Minister made on behalf of the State Government regarding the Fortescue Hotel;
 - (c) what is the impact of that agreement on the public health issues in Wittenoom;
 - (d) are there any legal ramifications to the State as a result of the agreement reached by the Minister?
- (3) If the Minister has not reached such an agreement, when does the Minister intend to do so?

Mr COWAN replied:

- (1) No.
- (2) Not applicable.
- (3) When all information requested regarding levels of blue asbestos contamination and clean-up options are determined, further discussions with the Shire of Ashburton and the residents of Wittenoom will take place.

WITTENOOM - NEVILL REPORT, GOVERNMENT CONSIDERATION

783. Mr GRAHAM to the Deputy Premier:

- (1) Has the Government or any Minister considered the Nevill report into Wittenoom?
- (2) If so, what has been the result of those considerations?
- (3) If not, why not?

Mr COWAN replied:

- (1) Yes, I have read the Nevill report.
- (2) I have received advice from the interdepartmental committee on Wittenoom with respect to the Nevill report. I visited the town on 25 August 1993 and sought the views of residents and representatives of the Shire of Ashburton on Wittenoom. I am currently seeking further detailed costings for a clean-up of the town.
- (3) Not applicable.

WITTENOOM - SERVICE CENTRE FOR HAMERSLEY RANGE AREA

784. Mr GRAHAM to the Minister for Commerce and Trade:

What are the steps being taken by the Minister or departments under the Minister's control to honour the coalition's election commitment to "Allow Wittenoom to remain open as a service centre for the Hamersley Range area"?

Mr COWAN replied:

None. However, I have informed the residents of Wittenoom that they will be permitted to remain. In addition, the Shire of Ashburton has been advised that funding is available for an independent assessment of the merit of its proposal to clean up the town.

THE WESTERN AUSTRALIAN ECONOMY - JUNE 1993 - GOVERNMENT VIEWS

797. Mr GRAHAM to the Minister for Commerce and Trade:

In what way do the views of the Government differ from the views expressed in the report *The Western Australian Economy - June 1993*?

Mr COWAN replied:

The Western Australian Economy is a departmental publication. The Government's view of the Western Australian economy will be presented in the Budget papers released in mid September.

THE WESTERN AUSTRALIAN ECONOMY - JUNE 1993 - PRODUCTION COST

798. Mr GRAHAM to the Minister for Commerce and Trade:

What was the total cost of producing the report *The Western Australian Economy - June 1993*?

Mr COWAN replied:

The total cost of producing the publication *The Western Australian Economy* is estimated at \$13 796. Component cost estimates are as follows -

Printing	\$3 855
Human resources (estimate)	\$8 208
Distribution (maximum estimate)	\$1 733
Other administrative overheads	not available

THE WESTERN AUSTRALIAN ECONOMY - JUNE 1993 - PRODUCTION PURPOSE

799. Mr GRAHAM to the Minister for Commerce and Trade:

What was the purpose of producing the report *The Western Australian Economy - June 1993*?

Mr COWAN replied:

The Western Australian Economy is produced to inform local and overseas investors, persons engaged or who wish to be engaged in trade with Western Australia and business and industry managers of current conditions for the Western Australian economy. The coverage of the publication includes the economy in general and conditions within the major sectors. It also provides a short term outlook for the major sectors of the State economy.

THE WESTERN AUSTRALIAN ECONOMY - JUNE 1993 - NEW PRIVATE INVESTMENT, \$4.6b, PROJECTS

800. Mr GRAHAM to the Minister for Commerce and Trade:

With reference to page 5 of the report *The Western Australian Economy - June 1993*, which contains the statement "New private investment in Western Australia is estimated at \$4.6b for 1992-93", what are -

- (a) the specific projects that will be funded;
- (b) the dates these projects were advised to the State Government;
- (c) the actions taken to ensure the projects receive the appropriate approvals without any undue delay?

Mr COWAN replied:

(a)-(c)

The estimate for new private investment for 1992-93 was obtained from table 11 of the Australian Bureau of Statistics publication "State Estimates of New Capital Expenditure, December Quarter 1992, ABS Catalogue Number 5646.0". The published estimate consists of actual expenditure for the six months to December and expected expenditure for the following six months to June as reported by businesses in the December surveys conducted by the ABS. Specific projects are not identified in the ABS business survey.

GOLDSWORTHY - CLOSURE, MINISTRY OF EDUCATION'S SAVING

801. Mr GRAHAM to the Parliamentary Secretary representing the Minister for Education:

In dollar terms, what was the saving to the Ministry of Education of the closure of the town of Goldsworthy?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

The full year saving to the Ministry of Education due to the closure of the town of Goldsworthy in 1992 was in the order of \$119 000.

SHAY GAP - CLOSURE, MINISTRY OF EDUCATION'S SAVING

802. Mr GRAHAM to the Parliamentary Secretary representing the Minister for Education:

In dollar terms, what is the anticipated saving to the Ministry of Education of the closure of the town of Shay Gap?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

The anticipated saving to the Ministry of Education due to the closure of the town of Shay Gap is in the order of \$168 000 in a full year.

**PILBARA WATER CONSERVATION ADVISORY COMMITTEE -
MEMBERSHIP**

Hedland College, Horticulture Course; Water Conservation Forum

811. Mr GRAHAM to the Minister for Water Resources:

- (1) Who are the members of the Pilbara Water Conservation Advisory Committee?
- (2) When did the committee last meet?
- (3) When is the committee next scheduled to meet?
- (4) What organisations do the members of the committee represent?
- (5) Has the committee had any discussions with Hedland College regarding a general interest course on horticulture in the Pilbara?
- (6) If so, what has been the outcome of those discussions?
- (7) If not, why not?
- (8) When and where will a public forum be held to promote awareness of water conservation within the Pilbara?

Mr OMODEI replied:

- (1) Mr Kevin Richards - chairman.
Mr G. Donnes
Mr M.F. Woosnam.
Mr Peter Best.
Ms I. Marshall.
Mr R.S. Harris
Regional Services Engineer, Water Authority of WA.
Regional Manager, CALM.
Assistant Director, Pilbara Development Commission.
Principal, Karratha Primary School.
Environmental Officer, EPA.
Assistant Regional Manager, Homeswest.
Town Clerk, Town of Port Hedland.
Shire Clerks -
 Shire of Ashburton
 Shire of East Pilbara
 Shire of Roebourne.
- (2) 29 April 1993.
- (3) 15 September 1993.
- (4) Proprietor, Jones & Paul Plumbing Service.
BHP Iron Ore Ltd, South Hedland - was Goldsworthy Mining.
BHP Iron Ore Ltd, Newman - was Mt Newman Mining.
Hamersley Iron Pty Ltd.
Woodside Offshore Petroleum.
Government departments -
 Water Authority of WA.
 WA Iron Ore Industry Consultative Committee.
 Department of Conservation and Land Management.
 Pilbara Development Commission.
 Karratha Primary School - Ministry of Education.
 Environmental Protection Authority.
 Homeswest.
Shires -
 Town of Port Hedland.
 Ashburton.
 East Pilbara.
 Roebourne.

- (5) Yes, discussions were held in 1990.
- (6) No action resulted from the discussions held in 1990. At the meeting of 29 April 1993 a working party was formed to review all previous actions that had been initiated and formulate an action plan to advise Karratha and Hedland Colleges on the course content for a general interest course on horticulture.
- (7) Not applicable.
- (8) No specific details are available at the moment, but the committee is considering ways, within the constraints of current resources, of increasing the community's awareness of water conservation. This may involve a public forum.

PILBARA WATER ADVISORY CONSULTATIVE COMMITTEE - ACTIVITIES, INCREASE

812. Mr GRAHAM to the Minister for Water Resources:

- (1) Does the Minister have any plans to increase the activities of the Pilbara Water Advisory Consultative Committee?
- (2) (a) if not, why not;
(b) if so, what are those plans?

Mr OMODEI replied:

- (1)-(2) The member is referred to question 665.

PILBARA DEVELOPMENT COMMISSION ACT - AMENDMENTS

813. Mr GRAHAM to the Minister for Commerce and Trade:

- (1) Does the Minister have plans to introduce legislation to amend the Pilbara Development Commission Act 1992?
- (2) If so -
(a) when will the legislation be introduced;
(b) what is the intention of the legislation?

Mr COWAN replied:

- (1) Yes.
- (2) (a) At the earliest opportunity.
(b) To standardise the legislation relating to the development of all regions. All existing Acts relating to regional development commissions and authorities will be repealed as part of this process, including the Pilbara Development Commission Act 1992. The new legislation called the Regional Development Commission (Administration) Bill will enable regional development commissions for the South West, Great Southern, Geraldton Mid West, Goldfields-Esperance, Pilbara, Kimberley, Gascoyne, Wheatbelt and Peel to operate on a standardised Statewide basis.

PILBARA DEVELOPMENT COMMISSION - MINISTERIAL DIRECTIONS

816. Mr GRAHAM to the Minister for Commerce and Trade:

- (1) Has the Minister made any directions to the Pilbara Development Commission since the Minister took office?

(2) If so, what were those directions?

Mr COWAN replied:

(1) No.

(2) Not applicable.

QUESTIONS WITHOUT NOTICE

MORGAN, MR HUGH - PREMIER, GOLDFIELDS GAS PIPELINE PROJECT DISCUSSIONS

223. Dr LAWRENCE to the Premier:

- (1) Is it true that the Premier discussed with Western Mining Corporation Ltd's disgraced managing director Hugh Morgan the goldfields pipeline project some time before 7 July this year?
- (2) If so, how does the Premier reconcile his answer with his explicit denial in State Parliament on 7 July that he had ever discussed this project with Mr Morgan?

Mr COURT replied:

- (1) How despicable to accuse Mr Morgan of being a disgraced person! The answer is yes, as I have done with most members of the mining industry.
- (2) I wish the Leader of the Opposition would tell the whole story, because this was the line she put out to the media today; she should put it in context. On 7 July, to which date the member referred, I was asked about the current negotiations taking place.

Dr Lawrence: You were not.

Mr COURT: The answer to which the member referred clearly mentioned the current negotiations and I said in the answer that I had had no involvement in those negotiations. I did not have any discussions with Mr Morgan or anyone from Western Mining on the negotiations. That is the answer to the Leader of the Opposition's question. What a remarkable performance from the members opposite today. The Government announced today another step along the path to getting a major new energy project off the ground in this State. However, what have we heard from the Opposition?

Dr Lawrence: You have misled the Parliament.

Mr COURT: Members opposite have misled the media with those comments. What a picky little group members opposite have become. Members opposite ran around and told the media that the consortium which has been chosen does not have any expertise in pipelines. That is the other line they are running around the media. Members opposite are talking about Broken Hill Proprietary Co Ltd which, in case members opposite have not heard, is now one of the largest petroleum operators in the world. Three organisations - BHP, Western Mining Corp Ltd and Normandy Poseidon Ltd - have agreed to put up a consortium to build a major new gas pipeline but all members opposite can do is knock it. I make it clear to members opposite that they are judging the Government by their standards; however, the Government does not do business that way. The Government knows what the standards of members opposite were like in this State, with midnight meetings and backroom deals. In this case, the Government is proposing a major project where everything has been done completely in the open. The Government has called for expressions of interest and it has had an independent panel within Government. Are members opposite disputing that the panel did a professional job?

The panel made a recommendation. In the end, three consortia have remained involved in the process, and members opposite are trying to cast aspersions on that process. However, they should not judge the Government by their standards. More serious than their knocking this project, members opposite are trying to damage new investment in this State. When they were in Government they damaged this State's reputation. The Opposition can carp all it likes and can make defamatory statements. Would the Leader of the Opposition outside this House call Mr Morgan a disgraced businessman?

Dr Lawrence: A number of journalists have already done so.

Dr Gallop interjected.

The SPEAKER: Order! The member for Victoria Park.

Mr COURT: The Leader of the Opposition would not have the courage to go outside this House and call Mr Morgan a disgraced businessman. Members opposite are absolutely desperate to make this project fail because if it succeeds it will make them look pretty ordinary. Members opposite had 10 years in Government, but could not put together one major new resource project. The best they could do was to knock the North West Shelf project. The last thing they want to see is success. The Government has been driving this project hard and will continue to do so. I hope that within a year it will reach the stage where this great project -

Dr Gallop: You can't have it both ways.

Mr Grill interjected.

The SPEAKER: Order! The member for Victoria Park and the member for Eyre.

Mr COURT: I know that the members for Victoria Park and Eyre support the project. I also know that the member for Kalgoorlie supports it. Leaving politics out of the matter, it will be the best thing to happen to the goldfields since the C.Y. O'Connor water pipeline.

McCARREY REPORT- RECOMMENDATIONS *Trades and Labor Council Opposition*

224. Mr PRINCE to the Premier:

I refer the Premier to today's media reports about a Trades and Labor Council meeting held last night at which calls were made for Statewide action to oppose implementation of recommendations made by the McCarrey commission. Does the Premier consider such action to be against the interests of all Western Australians?

Mr COURT replied:

Yes, it is against the interests of Western Australians. As I said yesterday, the members opposite and the Trades and Labor Council have become the modern day high Tories. They have become the reactionaries; they are opposed to any progressive change.

Dr Gallop interjected.

Mr COURT: The member for Victoria Park does not like being put in the category of a group of people who will not accept change.

Mr D.L. Smith: You are going back 100 years. Things haven't changed much in 100 years.

Mr COURT: The member for Mitchell is going back more than 100 years. Frankly, I do not know why the Trades and Labor Council does not support the progressive changes taking place inside the Public Service.

Dr Lawrence: They don't want you to take their jobs.

Mr COURT: There were no new jobs under the Leader of the Opposition's Government. If we have an efficient Public Service and an attractive investment climate, the members of the TLC will be much better off under this Government than they ever were under the former Government.

MORGAN, MR HUGH - PREMIER, GOLDFIELDS GAS PIPELINE PROJECT DISCUSSIONS

225. Dr LAWRENCE to the Premier:

I draw the Premier's attention to his statement to the Parliament on 7 July when he responded to an interjection by the Deputy Leader of the Opposition. Before the interjection, the Premier was referring to the proposed gas pipeline in the Pilbara and he said -

We will table all the correspondence for members opposite.

Mr Taylor: That has not been done.

Dr LAWRENCE: No, it has not. The Premier continued -

In the current negotiations we are encouraging a number of companies to participate in that project. One of the consortia is still prepared to do that part of the project and to participate in the project to the goldfields.

Mr Taylor asked by interjection, "Have you discussed the project to the goldfields with Hugh Morgan?" to which Mr Court replied -

I have not. I can assure the member that the Minister for Resources Development has a team of people who are working on this project.

The Premier said in answer to the interjection, "I have not." In answer to the question that I asked earlier, "Is it true that the Premier discussed it with Hugh Morgan before 7 July?" the Premier said yes. There is a clear discrepancy in his answers. He misled the Parliament on 7 July because he has now said that he discussed the matter with Hugh Morgan before 7 July. I ask again the second part of the earlier question -

If yes, how does he reconcile his answer with his explicit denial to the State Government on 7 July that he had never discussed the project with Mr Morgan?

Mr COURT replied:

How incredibly petty can one get?

Opposition members interjected.

Withdrawal of Remark

The SPEAKER: Order! The member for Fremantle will withdraw that remark.

Mr McGINTY: I withdraw, Mr Speaker.

Questions without Notice Resumed

Mr COURT: That was not an answer to a question; it was an answer to an interjection. I was talking about current negotiations taking place on a project.

Mr Taylor: Obviously you can say what you like in answer to interjections.

Mr COURT: The Deputy Leader of the Opposition should not be so petty. That remark was taken out of context and if this is the best that the Opposition can dish up, it will stay on that side of the House for a long time.

McCARREY REPORT - FREEDOM OF INFORMATION ACT,
DOCUMENTS EXEMPTION

226. Mr TAYLOR to the Premier:

I refer the Premier to a report in this morning's *The West Australian* that the Premier's spokesman claimed that the consultants' reports to the McCarrey Independent Commission to Review Public Sector Finances were exempt from the Freedom of Information Act because they had been provided to the Executive arm of Government. I ask -

- (1) How does the Premier reconcile that approach with the high principles espoused by his mentor and quoted in this House by the Attorney General when he said last year in this place -

Freedom of information legislation is an instrument of democracy and accountability because the fundamental aim of the legislation is to increase the rights of citizens at the expense of the Executive and of Government's claim to secrecy and its further claim to the right to secrecy. Freedom of information legislation is directed to enhancing and increasing the powers of the individual as against the State in the battle for openness and accountability in Government.

- (2) Was the Premier's spokesman correct in his statement that these documents should be exempted because they were provided to the Executive arm of Government?
- (3) If the McCarrey documents are exempt for some reason, will the Premier act in accordance with the Freedom of Information Act which states -

Nothing in this Act is intended to prevent or discourage the publication of information, or the giving of access to documents (including documents containing exempt matter).

Mr COURT replied:

(1)-(3)

I do not know where the Deputy Leader of the Opposition was yesterday when this issue was debated. The situation is that this Government commissioned an independent review into the operations of Government and it made the report of that review public as it said it would.

Several members interjected.

Mr Taylor: It has not been made public.

Mr COURT: It has been made public. To illustrate the hypocrisy of members opposite I inform members that when the Opposition was in Government it established the Functional Review Committee to investigate the operations of Government, but it never made that committee's reports public. This Government made public the McCarrey report.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The point is that the Government said it would make the McCarrey report public and it did, but when the Opposition was in Government it did not make the reports of the Functional Review Committee public. As far as the consultants' reports which were recommended by the independent commissioners to be made public are concerned, the consultants were asked to prepare their reports for publication and that has occurred.

Several members interjected.

The SPEAKER: Order!

Mr COURT: This Government has been completely open in this exercise, but when the Opposition was in Government it was the exact opposite.

Yesterday the member for South Perth demonstrated the hypocrisy of this Opposition when he said that this Government has made its reports open, but the Opposition, when in Government, wanted to destroy the information relating to the Royal Commission into Commercial Activities of Government and Other Matters, not keep it.

VICTIMS OF CRIME - SUPPORT SERVICE, NORTHERN SUBURBS EXTENSION

227. Mr JOHNSON to the Attorney General:

What steps have been taken to expand the victims' support service to the northern suburbs which was promised by the coalition before the election?

Mrs EDWARDES replied:

I congratulate the member for Whitford and the member for Wanneroo for their continued interest in this initiative and their strong support for victims of crime.

I am pleased to inform the House that a support service for victims of crime will be extended to the north metropolitan area by the end of next month. Already volunteers have been recruited to provide the service and shortly they will undergo training in working with victims. Volunteers will operate under the supervision of an officer from the victims' unit within the services branch of the Ministry of Justice. The extension of this service is another commitment by the coalition Government to increase the support and services available to victims of crime in the community.

WORKERS' COMPENSATION AND INDUSTRIAL RELATIONS - CHANGES *Promotions Contract, Public Tender*

228. Mrs HENDERSON to the Minister for Services:

I draw to the Minister's attention his department's policy in relation to tenders and I quote -

A public authority intending to either purchase goods or services not covered by the provisions of a Common Use contract, or dispose of public property, shall call for public tenders where the estimated value of the goods or services exceeds \$50,000 per line item . . .

I remind the Minister of the Government's punitive action against public servants over perceived breaches of tender processes and I cite as an example the removal of the Chief Executive of the Fremantle Hospital.

- (1) Why is the Minister failing to observe his department's public tender and contract practice in relation to the several hundred thousand dollar campaign to promote the Government's draconian workers' compensation and industrial relations changes?
- (2) Will the Minister now publicly commit himself to putting the contract out to public tender or will he continue to exercise the double standards for which this Government is becoming renowned?

Mr KIERATH replied:

(1)-(2)

It appears that one cannot win whatever one does.

Several members interjected.

Mr KIERATH: Members opposite have been complaining about the length of my answers to questions. When they ask me a question they do not like my answer. I tried to give the member for Thornlie a concise answer, but it appears she misunderstood me. The problem is that members opposite have selective memories. They choose to ignore the facts of which they should be aware. If the member had bothered to ask the shadow Minister for Services this question she would have been made aware that there is a contract called the master media contract, which is a Government contract. In fact that contract has just been through the process -

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: Members do not understand me. The failing of the Leader of the Opposition when she was Premier was that she was a poor administrator.

Dr Lawrence: What is the answer to the question?

Mr KIERATH: The Leader of the Opposition accepted advice without questioning it. I repeat that there is a contract called the master media contract.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: It is interesting that when the Leader of the Opposition was Premier she flicked that contract from her department to the Department of State Services less than two months before the election.

Several members interjected.

The SPEAKER: Order! The Leader of the Opposition's interjections are far too long and she knows that I accept brief interjections. One of the problems is that the interjectors are having to fight off the other interjectors. The situation is intolerable.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Fremantle for the second time today. It is not appropriate for him to interject immediately I sit down. The practice of this House is longstanding: No interjection takes place when such a rebuke has been made, at least until the person has begun to speak again and even then it is disorderly to interject.

Mr KIERATH: I am blamed for the interjections made by members opposite. They ask a question, I give the answer, and they do not like it because they have not done their homework properly. I cannot help their incompetence and I cannot help it if they do not understand what they are doing. If they will contain themselves for a minute, I will explain the situation. There is a master media contract -

Mr Taylor: You are the Minister responsible.

Mr KIERATH: Does the member want to listen to the answer?

Mr Taylor: You have let the tender.

Mr KIERATH: That illustrates the stupidity of some members opposite. I will come to the member for Kalgoorlie in a moment.

Mr Taylor: No, you can come to me now.

Mr KIERATH: With regard to Government advertising of any description, whether through the Premier's office or any other office, there is a master media contract. It came from the Premier's Department two months

before the State election, so the Leader of the Opposition knew the contract existed when she was Premier, but she flicked it over to the Department of State Services, just as she did the airlines contract.

Dr Lawrence: You have not answered the question.

Mr KIERATH: I have answered the question. All the advertising by this Government, even the small amount of newspaper advertising we have done -

Dr Lawrence: You have slipped up comprehensively.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: It is difficult to continue when I must deal with the pack of barking dogs opposite.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr Graham: That is the least of your worries.

The SPEAKER: Order! The member for Pilbara.

Mr KIERATH: All Government advertising goes through the master media contract which has just been through the tender process and has been awarded.

Dr Lawrence: You have no standards and no morals.

The SPEAKER: Order! I formally call to order the Leader of the Opposition.

Mr KIERATH: I would have expected better from the Leader of the Opposition.

Dr Lawrence: No standards and no morals. We do not expect better from you.

The SPEAKER: Order!

Mr KIERATH: I am waiting for a break in the interjections, before I continue.

Mr Catania: Just sit down.

The SPEAKER: Order! The member for Balcatta will cease interjecting.

Mr KIERATH: Members opposite ask a question but they do not want to hear the answer. All the advertising the Government has done so far has been through the master media contract. That is a contract tendered for, that goes through the Department of State Services which awards the contracts. The master media contract has been through the scrutiny of that process, and all the advertising has been done on that basis. I also sought quotes from three public relations companies but the cost of that work was less than \$50 000. I even publicised the name of the consultant and the amount of money involved.

Dr Lawrence: You are misleading the House.

Mr KIERATH: It annoys members opposite that the company which was successful in tendering previously did work for the Labor Government. Members opposite feel as though there has been a change of heart.

Dr Lawrence: You lied to the House.

Withdrawal of Remark

The SPEAKER: Order! I call on the Leader of the Opposition to withdraw the remark she just made.

Dr LAWRENCE: Which remark?

The SPEAKER: That "You lied to the House".

Dr LAWRENCE: I did not say it to the Minister -

The SPEAKER: Order! I do not care who you said it to, I ask you to withdraw the remark without qualification.

Dr LAWRENCE: I withdraw, but I draw to the attention of the House -

The SPEAKER: Order! The Leader of the Opposition will resume her seat.

Questions without Notice Resumed

The SPEAKER: I assume that the Minister for Labour Relations is about to draw his answer to a conclusion.

Mr KIERATH: All the advertising to date has been through the master media contract which has been through the proper processes.

Dr Lawrence: You cannot have it both ways.

Several members interjected.

Mr KIERATH: The Leader of the Opposition misunderstands. It is very difficult, Mr Speaker, to bring my answer to a conclusion with so many interjections.

The SPEAKER: I advise the Minister to do so.

Mr KIERATH: Three quotes have been received under the proper guidelines for contracts worth less than \$50 000. Everything has been done according to the policy of the Department of State Services.

COMMON LAW - WORK PLACE SAFETY, ACCESS COMMENTS

229. Mr OSBORNE to the Minister for Labour Relations:

- (1) Is the Minister aware of comments made recently by the Deputy Leader of the Opposition regarding access to common law and workplace safety?
- (2) Will the Minister again inform the House of the actual situation?

Mr KIERATH replied:

On Friday, 3 September the Deputy Leader of the Opposition made a comment on the Sattler radio program about changes to common law access for injured workers during which he referred particularly to the fact that when a threshold is imposed because of the loss of common law access it causes an increase in unsafe workplaces.

Mr Taylor: No doubt about that.

Mr KIERATH: He said that it relieves some of the pressure on employers to make sure workplaces are safe. He repeated that statement despite knowing the exact opposite was true.

Mr Taylor: Prove it!

Mr KIERATH: I gave an answer about this previously. The Deputy Leader of the Opposition has some difficulty coming to grips with what occurs in the workplace.

Mr Taylor: Why don't you -

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order.

Mr KIERATH: It is probably a long time since he did any work, so I can understand that. Most employers realise that a safe workplace is productive for all parties. When one looks at the figures I gave the House previously, one sees that the assertion made by the Deputy Leader of the Opposition was simply wrong. I will give an example of this; that is, although there has been an increase in manual handling injuries the common law has gone hand in hand with that increase. Therefore, as common law claims have increased manual handling injury claims have

also increased, yet the Deputy Leader of the Opposition seeks to paint an opposite picture. If his statement were correct, as common law claims increased the number of manual handling injury claims would decrease. The number of manual handling injuries has increased by 70 per cent in the past 10 years while common law claims have increased by 600 per cent. I draw the attention of the House to an answer to a question given by me on 18 August -

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: This was a week before the Deputy Leader of the Opposition went on radio saying that. He knew that was wrong and what he did was disgraceful!

Mr Taylor: You are the one who's taking it off the -

The SPEAKER: Order! I formally call the Deputy Leader of the Opposition to order.

Dr Watson interjected.

The SPEAKER: Order! I formally call the member for Kenwick to order. Obviously her memory is shorter than I thought.

Mr KIERATH: On Wednesday 18 August I gave those details to the Deputy Leader of the Opposition so he cannot plead ignorance about this matter as he has the facts. The statement that the Deputy Leader of the Opposition made on that radio program is typical of the campaign he is running.

Several members interjected.

Mr Taylor: You are -

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order. Questions without notice is concluded.
