

Legislative Council

Thursday, 3 November 1994

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

BILLS (7) - ASSENT

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

1. Fish Resources Management Bill
2. Fishing Industry Promotion Training and Management Levy Bill
3. Companies (Co-operative) Amendment Bill
4. Collie Coal (Western Collieries) Agreement Amendment Bill
5. Fire Brigades Amendment Bill
6. Fisheries Adjustment Schemes Amendment Bill
7. Mining Amendment Bill

MOTION - AGRICULTURE, DEPARTMENT OF

Annual Report 1993-94, Substitute Report Tabling

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.35 pm] - by leave: I move -

To table a substitute report for the 1993-94 annual report of the Department of Agriculture tabled in this House on Tuesday, 18 October 1994.

This is due to an error on page 8 which does not affect the thrust of the report but nevertheless needs to be corrected.

Question put and passed.

[See paper No 362.]

MOTION - URGENCY

TAFE, Restructuring and Workplace Agreements

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter dated 3 November 1994 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25, 1994 for the purpose of discussing the debilitating effect the restructuring of TAFE and the including the introduction of workplace agreements, has had on the morale of the workforce of TAFE and their ability to deliver effective educational and vocational programmes to the youth of this State at a time when there is an increasing demand for skilled workers in the workplace.

Yours sincerely

John Halden MLC

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

[At least four members rose in their places.]

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [2.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1994.

This State is witnessing the Minister for Education, and Employment and Training not only presiding over the decay of our training system, but also actively pursuing the demise of that system. Even a cursory examination of what has taken place in the past few months shows there have been a number of managerial and service delivery changes affecting the Department of Training and technical and further education colleges. The most amazing thing is that seemingly the Department of Training has a course in Orwellian doublespeak. What the department says is the exact opposite of what it does. We have heard the Department of Training talk about working closely with industry. We have discussed its concept of realignment. The department proposed that concept to reduce the number of courses at certain institutions and place them at other institutions. It did so on the basis that it consulted widely with industry. Has anyone spoken to the automotive industry about the closure of the apprenticeship course at Carine TAFE and its transfer to Carlsile? The industry says not. Did the department speak to the apprentices? No. Did the department speak to the lecturers? No. Was the industry training council contacted? No. This issue is typical of what is happening in this area. The department realigned - whatever that means - the carpentry and joinery department from Leederville to Balga TAFE. Was the building industry contacted? No. Were the building apprentices contacted? No. Were the building trades told? No. It is an interesting situation. Seemingly, the department is rushing headlong down a path of rationalisation and rearrangement, but the key players are not being consulted. That is not an isolated incident.

A classic example of the arrogance of this department and its Minister occurred yesterday. At several TAFE colleges lecturers employed on a temporary basis were issued with a letter setting out their workplace agreements. They were told to sign them by 8 November - within six days - or their jobs would be advertised and they could choose to apply for them.

Hon N.F. Moore: You do not understand anything. You are a silly man.

Hon JOHN HALDEN: The Minister will have his chance to speak. Of course, people in that situation feel betrayed by this act. Many of them have worked on a temporary but continuous basis for long periods. They feel they have no choice in the matter. On the subject of Orwellian doublespeak, do members recall the meeting of the minds, flexibility in the workplace and the ability to negotiate with the employer? Two lecturers went to their employer, the director on the campus, and wanted to negotiate with him. They were told to sign the agreement or to go. That is exactly what the Opposition said would happen with workplace agreements; no power to the worker. It is not an industrial relations debate; it is a debate about education. It must be remembered that the morale of members of this department is falling through the floor. Certainly, there would not be so many people outside this place on a Thursday afternoon from so few institutions if everything in the garden were rosy.

Hon N.F. Moore: Most people are actually working.

Hon JOHN HALDEN: These people would like to be shown some decency from the department administered by the Minister. These are not isolated examples.

A further incident relates to the Technical Extension Service. It decided to amalgamate and push schools into various departments. More than 8 000 people have enrolled at that centre. Lecturers at that centre specialise in education by correspondence. Were they consulted about the changed employment situation? No. Were they consulted about the amalgamation? No. Were the 43 people who were transferred almost immediately told what would happen? No. One would expect some consistency in this position. If the department planned to put the Technical Extension Service in colleges, one might expect it to choose the best college - the college of excellence as it has been described - in which to place that fragmented part of the formerly centralised service. The department could not get that right.

Hon N.F. Moore: Which college of excellence?

Hon JOHN HALDEN: I am talking about the management and accountancy sector of the

Technical Extension Service, which is on the Perth campus of the Central Metropolitan College of TAFE. I understand that the lecturers from TES were transferred to Midland and Carine. The department did not check whether sufficient physical space was available to accommodate these staff. Apparently there was none. Therefore, the osmotic process, which the department claimed would occur with the breaking up of the TES and transfer to the school of excellence, will not happen. It is planning on the run, and indicates the decay in the system.

It does not end there. A situation has arisen in which staff at the Advanced Manufacturing Technologies Centre in East Perth, who transferred from Mt Lawley to establish that institution, run courses and develop curriculums, have been told their jobs have been spilled. If they are not appointed to those jobs, they will be redeployed. After being asked to move from Mt Lawley to establish the centre, their permanency has been lost. No consultation took place with the staff. It is part of the same pattern.

The management of this department is arrogant in the extreme, but that is not the point. The point is that the TAFE lecturers are so annoyed and affronted by the actions of this department and the Government, that they are on strike. They do not often strike; in fact, they are a particularly conservative bunch of people. However, they are affronted by the way they have been treated. The consequences will be felt in the standard of education delivered to our children.

A remarkable situation occurred when the TES was decentralised. Part of that service was called the education development department, in which courses put together by the lecturers were amended so that they could be read and followed very easily. It is a fairly important stage in the development of any sensible and reasonable curriculum. People have been doing that work for the past 20 years and they have developed considerable skills in that area. That section has been disbanded. Were the staff consulted? No, they were not. I understand that it is proposed to give unskilled, level 4 clerks some basic responsibility in that area. Again, we are dealing with the education provided to more than 8 000 people in this State.

There may well be a need for realignment and for changes within the system; however, if any changes are to be made, it is absolutely essential that it be done with some degree of cooperation with and regard for the dignity of the professional staff in that department. No dignity is apparent in the actions of the department or the Minister over the past three or four months. The Minister could be at arm's length, and I am prepared to concede that point at this stage. However, it is incumbent on him to stop this absolute disregard for people who, in many cases, have committed their lives to the department. Their permanent employment is in question and the previous arrangements for those employed on a temporary basis no longer exist. There is no suggestion that they can remain within the award system. The proposal is: Sign this document or go. The Minister should remember how, when we got up his nose, he said, "It will not be like that." That is exactly what he has premeditatedly instituted. It was done quite deliberately. It does not stop there. Training does not necessarily occur only in TAFE centres. One has to remember that in this year's Budget both state and federal contributions to training increased by 6.7 per cent. The Government and the Minister should not be criticised for that.

There has been restructuring and assaults on the wages and conditions of workers in the system. My understanding from very reasonable and reliable sources of the scuttlebutt around is that this Government now faces a great problem, and a crucial factor is that, despite the increase in funding, the number of student places and student hours is falling. It has been suggested to me - this may be an exaggeration - that it could be up to 10 per cent. When there are skills shortages -

Hon E.J. Charlton: Do you have any problem with it being off the wall?

Hon JOHN HALDEN: - and when there is demand for skilled labour, we cannot have a department that has not geared up for next year's traineeships. The situation is at absolute crisis point. I spoke to middle and senior management within the department about Netforce, which is supposed to commence next year.

Hon N.F. Moore: Nettforce has already started. I do not think you know anything about it.

Hon JOHN HALDEN: It is due to commence in February next year and is not geared up to go. Where are the 4 000 traineeship places? Provision has not even been made for 1 000.

Hon N.F. Moore: You do not even know how it works. Your ignorance of training is unbelievable.

Hon JOHN HALDEN: I know more than the Minister. More people talk to me about this issue than talk to the Minister. This department, one that is crucial for the economic security and prosperity of this State and its people, is in crisis because it cannot come to grips with how to deal with its internal administrative functions and its employees. It is a disgrace. The letters the people received yesterday are a disgrace. The most damaging thing is that the changes to the system itself are not progressive changes to advance education or training. The changes are made by bureaucrats and are not well worked out. The difficulty is that if we keep going down that road, we are left to wonder what will happen to the Australian National Training Authority funding, the growth funding. Will we ever get it?

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [2.53 pm]: Hon John Halden has just demonstrated how little he understands the training sector in Western Australia, indeed, in Australia. If he is prepared to stay in the Chamber and hear what I say, I will tell him that the agenda is being largely driven by his federal colleagues. I suggest to him and his colleagues that they look at what the Australian National Training Authority is all about and what his federal colleagues are doing about it.

I am trying to save the technical and further education sector. If TAFE does not change, it will simply disappear off the face of the earth. The competition will take over from it. In Australia we have a very changing market for training. The Commonwealth, along with every State Government, is encouraging anybody who wants to deliver training, provided those people have the expertise to do so, to get into the business. There is a very big and growing sector for training. Those people are in competition with TAFE. Unless TAFE changes, it will not be able to compete.

I will explain the matter that has caused this degree of concern. Within the TAFE system are 700 lecturers who are on 12 month contracts. That has been the case for many years, including 10 years of the previous Labor Governments. At the end of every year, these people lost their jobs and they waited around in the hope of getting re-employed the next year. That has been going on for many years.

Hon Derrick Tomlinson: Certainly without any negotiated agreement.

Hon A.J.G. MacTiernan: They had an award.

Hon N.F. MOORE: We are offering those people an alternative to being put off at the end of every year: A three year workplace agreement. They do not have to take it; they can stay on the same system they are under now. There has been one change: They have to be appointed on merit. That is a result of the public sector management legislation. Anybody being appointed to a position must be appointed on merit. Even the Labor Party will agree that is a good thing. We are saying: If these people want to stay on the existing award arrangements, on a year by year basis, they will be appointed on merit; or we will provide a real alternative - a three year workplace agreement which is accompanied by a 5 per cent increase in salary upon signing up, 6 per cent on 1 January 1995, 4 per cent on 1 January 1996 and 4 per cent on 1 January 1997. This is all about a 19 per cent pay rise over three years. However, they do not have to take it; they have a choice. The trade-off for that 19 per cent pay rise is that these people will have a reduction in their annual leave from 12 weeks to 6 weeks. Is that so terrible?

Hon T.G. Butler: Yes.

Hon N.F. MOORE: Hon Tom Butler should tell everybody who gets four weeks annual

leave how terrible it is. The people who take this alternative have also to work 37.5 hours a week instead of 30. What a terrible thing that is! Everybody in the workplace works those hours and we are asking that those in TAFE do the same. They have to be available from 8.00 am to 10.00 pm.

Hon T.G. Butler: Will you go out the front and tell the demonstrators that?

Hon N.F. MOORE: I am here because I have to respond to an urgency motion. If a mob of people turn up on the doorstep, they must wait until I am ready. My obligation is to the House.

Several members interjected.

Hon N.F. MOORE: At present TAFE lecturers are required to work 30 hours a week with 22 hours of face to face lectures with students. If they go beyond 5.30 pm, they must be paid overtime. Many of them organise their time so that most of the 22 hours is provided after 5.30 pm and they get paid time and a half. It is costing the system a fortune. If they accept the workplace agreement, these people will have to be flexible about the hours they work. There is no overtime outside of normal working hours.

Hon John Halden: The award does that.

The PRESIDENT: Order!

Hon N.F. MOORE: It does not do that. That is the way it works.

The PRESIDENT: Order! Order! For goodness' sake the Minister should come to order when I call order. I am trying to stop Hon John Halden from constantly interjecting and he cannot hear me because the Minister will not acknowledge my call for order.

Hon N.F. MOORE: I apologise, Mr President. I did not hear you. I was trying to make a point that a number of lecturers within our TAFE system have a nice little arrangement to the point where in some colleges 60 per cent of them have another job because there is enough time to allow that to happen. The TAFE system must be flexible, to provide for training when people who are working want and need it outside of normal working hours - not between 9.00 am and 5.00 pm. We are saying that we will deliver that 52 weeks a year, 24 hours a day, seven days a week. However, we cannot afford to pay the teaching staff time and a half every time they work past 5.30 pm.

Hon John Halden interjected.

Hon N.F. MOORE: Will the member be quiet? He has had his go. He had five minutes more than I am allowed, and he can have another go.

We are changing TAFE so that it meets the needs of its clients. If we do not meet those needs, TAFE will simply disappear. It will not be relevant. People will not use it because it will not be able to deliver what people need. That is what it is all about. The Leader of the Opposition spoke about the Australian National Training Authority arrangements, but TAFE in Western Australia cannot deliver the training needs in this State under the current arrangements. That is why we have a problem.

Hon John Halden: Why?

Hon N.F. MOORE: Simply because it does not have the flexibility or capacity to meet the needs of people who want training. We will make TAFE responsive to its clients; that is what the world is all about. The member should ask Mr Crean and Mr Free; they will tell him what it is all about. They will give the member a lesson about the changes, if he wants one.

If TAFE does not survive it will be its own fault. We are offering temporary lecturers a choice. They can stay with the existing arrangements - with the change that they will be appointed on merit, which is what everyone must do in the public sector these days - or they can change to a three year contract with trade-offs including a 19 per cent pay rise over three years. That cannot be called a bad deal. They do not have to take that offer; they can continue to do what they do now; that is, take their chances on a year-by-year basis. There is no threat or coercion. That claim is absolute nonsense. The temporary

lecturers are being offered an incentive to move to workplace agreements; that is, a three year contract and a 19 per cent pay rise, in exchange for working conditions that the average bloke would say is a damn good offer. They will work 37.5 hours a week. They will have six weeks' annual leave, and some flexibility in the hours they work. They will be able to negotiate the hours of work. They will be able to sit down with the college director and say, perhaps, that they will work between seven and nine o'clock at night. Therefore, there will be no need for them to be at work in the mornings. That sort of flexibility will be part of the agreement reached by individual lecturers and the colleges.

Also, we are making colleges more autonomous to allow them to make decisions at the college level. Hon John Halden has complained about our decentralising the system; giving people some empowerment over their lives. That is what it is all about. All the Leader of the Opposition ever does is, in the typical union fashion, hide his head in the sand. He ignores the world and pretends nothing is changing; and he hopes like hell that everyone will vote for him at the end of the day. It is imperative that we change the training system in Western Australia. The member's federal colleagues and even some of his ACTU colleagues are up front about this change.

We are offering people a choice. It is a very simple choice: People can stay with what they have now, and take their chances every year - that happened under the Labor Government for 10 years. Each year they did not have a job, then they put in for the next year and hoped they were offered a job. There was no certainty. The same situation will apply now, except the lecturers will be appointed on merit. The member cannot disagree with that. If lecturers want, they can have a three year contract; they will receive more money, but they will be expected to work longer hours. That is a fair and reasonable proposition. If they do not want that choice, they do not need to do anything. Things can stay exactly the way they are.

I cannot work out why people are marching in the streets over an offer like this. I wish someone would offer me a 19 per cent pay rise to work a few more hours a week. I would be the first to put up my hand, as would most people in this House. Under this arrangement, a top lecturer will receive about \$58 000 a year, which is not bad money considering it will mean he will lecture about 26 hours a week.

HON A.J.G. MacTIERNAN (East Metropolitan) [3.03 pm]: When workplace agreements were introduced in this place, we were told a range of things about them. We were told, for example, that the essential theme of the workplace agreements system was that it would enable better cooperation and communication between employers and employees, and it would establish greater protection for individual rights. That does not seem to have happened in this manifestation of the workplace agreements system. We were told also that the effect of the legislation would be to provide for the first time a real choice for employees and employers as to the industrial relations system governing their relationship. We were told any attempt at coercion of a person by threats or intimidation to enter into a workplace agreement would be an offence.

Hon N.F. Moore: That is not what happens. Did you listen to what I said?

Hon A.J.G. MacTIERNAN: I listened to every word, Mr Moore. It was entirely unconvincing.

The PRESIDENT: Order!

Hon N.F. Moore: I could not convince you of anything.

Hon A.J.G. MacTIERNAN: The point here is not the content of the agreement. We could have some arguments about whether this is a fair agreement but if this agreement, about which Mr Moore spoke, is so absolutely fabulous -

The PRESIDENT: Order! I listened to Hon Alannah MacTiernan several times yesterday on several debates, and I did not call her to order. I will today, because she is persisting. The method of addressing the member in this Chamber is not by the term "Mr Moore". The member knows that. The correct way to address a member in this Chamber is by the title that every member has. I suggest that the member do that.

Hon A.J.G. MacTIERNAN: Thank you, Mr President. I did note that there had been many examples in *Hansard* where people -

The PRESIDENT: Excuse me. Most of the examples are examples in speeches that the member has made. I have been very lenient with the member.

Hon A.J.G. MacTIERNAN: I appreciate that leniency, Mr President, but I think Hon Joe Berinson was someone who quite often used the more modern nomenclature - if *Hansard* has been accurate in its report.

The PRESIDENT: Order! The member is using up her time by entering debate with me about the way in which members are addressed. I repeat that I let the member go yesterday because I did not want to interrupt what she was saying. However, because she is intent on persisting, I must bring the matter to her attention. I noticed on one occasion yesterday that Hon Alannah MacTiernan's speech was followed by a speech by Hon Mark Nevill who proceeded to address people in the correct manner, time after time. What someone has done on isolated occasions previously is not the point I am making. On many occasions I have said that I do not make the rules in this place. My job is to see that people conform with them. If the member thinks this is an old-fashioned, non-modern method, she may be right, but members have an easy solution. They can change the rules; but while they remain as they are, the member cannot bend them.

Hon A.J.G. MacTIERNAN: Thank you, Mr President. Given your position, I accept your ruling but I think that the language we use brings this Chamber into disrepute.

Hon P.H. Lockyer: Rubbish!

Hon A.J.G. MacTIERNAN: It certainly does.

The PRESIDENT: Order! The member is arguing the point. I suggest that she not do so. I would prefer to hear her views on the motion.

Hon A.J.G. MacTIERNAN: Thank you, Mr President. I will certainly take steps to see what we can do to change the rule.

I listened carefully to what the Minister said. He said that the agreement that has been offered unilaterally to the TAFE teachers is a fabulous deal. The argument is not whether it is a fabulous deal; it is the whole way the Government has approached this issue. As the originator of the workplace agreements system, surely the Government has an obligation not only to the people it employs but an obligation to be some sort of model to the rest of the community of how to implement the workplace agreements system.

The workplace agreements system was sold in this place on the basis that it would afford great opportunities for employers and employees to sit down together and forge an arrangement that would be to their mutual benefit and satisfaction. That has not happened. No attempt whatsoever has been made to ensure that happens. It is not the precise content of the agreement that I seek to talk about; it is the extraordinarily bad faith in which the Government has set up this agreement.

I want to talk about the way in which the Government is attempting to coerce the TAFE teachers to sign the agreement. The Minister for Education has found himself in a difficult situation. He says he is introducing for the first time some sort of merit selection.

Hon N.F. Moore: I didn't say that at all.

Hon A.J.G. MacTIERNAN: The Minister did. He said there would now be merit. Interestingly, there will not be merit for those who are offered workplace agreements. The issue of merit can easily be put aside.

Hon N.F. Moore: I didn't say that at all.

Hon A.J.G. MacTIERNAN: I suggest the Minister read *Hansard*; he will find I am right.

Hon N.F. Moore: If I said that, I said the wrong thing.

Hon A.J.G. MacTIERNAN: The Minister has an opportunity in a few minutes to use the standing order and tell us where he was wrong. The Opposition will be happy to compare what he said.

Hon N.F. Moore interjected.

The PRESIDENT: Order! I suggest Hon Alannah MacTiernan does not encourage people to do things.

Hon A.J.G. MacTIERNAN: The fundamental problem with the Minister's line, and what really exposes him for the charlatan and the complete puppet of Mr Kierath he is -

Hon N.F. Moore: That is rubbish.

Hon A.J.G. MacTIERNAN: It might be that this is not what the Minister wanted to do and that he finds himself in the same position as the Minister for Health found himself in relation to various agreements of Royal Perth Hospital, and in the same position other Ministers have found themselves in their portfolio areas. They are being forced by the rabid ideology of Mr Kierath to adopt a strategy that is counter to the interests of the government organisations for which these Ministers have responsibility. What really shows the complete fallacy that undermines the Minister's argument is the issue of merit. The Minister says the Government is introducing merit, and that merit applies only to those lecturers who do not sign workplace agreements. These lecturers have had one year contracts. We all know that. However, they have been temporary lecturers for many years; in some cases for up to 15 years.

Hon N.F. Moore: Ten years of which your party was in government.

Hon A.J.G. MacTIERNAN: The majority of them have worked in the system for between three and 10 years. Generally, that employment has been rolled over, without any requirement to alter their conditions.

Hon N.F. Moore: For merit.

Hon John Halden: There is no merit in this.

Hon N.F. Moore: You don't understand what is going on. It is important.

Hon A.J.G. MacTIERNAN: The Minister thinks merit is important: Merit would come in whether the lecturers sign the workplace agreement or not. The Minister is holding this supposed merit over these teachers like the sword of Damocles. He is saying that the Government will ignore merit; that it will accept they are good enough for a three year agreement as long as they sign a workplace agreement.

Hon N.F. Moore: Do you think they should go through merit selection too?

Hon A.J.G. MacTIERNAN: However, if they do not sign a workplace agreement, merit suddenly becomes relevant. It is relevant if they are going to have a one year job, but not relevant if they are going to have a three year job! It is a very thin veneer.

Hon N.F. Moore: Should we advertise all the jobs?

Hon A.J.G. MacTIERNAN: The Opposition believes merit is an important principle. The Government has not indicated that these TAFE teachers are already not meritorious.

Hon N.F. Moore: We can advertise so everyone goes through it, right?

The PRESIDENT: Order! I do not want to tell the Minister again to stop his interjecting.

Hon A.J.G. MacTIERNAN: This pretence that there has been some sort of freedom of choice is a thin veneer. Even the most naïve and susceptible person could not believe there has not been a highly improper attempt to coerce TAFE teachers into signing these agreements.

The Minister has said that no longer are these teachers simply employed for one year, now they are employed for three years. It is important everyone understands that although these teachers are told these workplace agreements are for three years, and that that is one of the great advantages they will get, these agreements make it clear that only one month's notice is necessary for their employment to be terminated. They do not find the prospect of this supposed three year security attractive. They believe it is illusory. If the Minister believes this is a good package which will advantage the TAFE system, the students, those teachers, and the public, will he withdraw that letter and persuade the

teachers that this proposal will give them an opportunity - as we were told the Workplace Agreements Act would - to move into bona fide negotiations between employer and employee? If the Minister is interested in TAFE and in the future of those people, we urge him to negotiate a decent agreement and use the opportunity to forge something worthwhile to advantage the teachers.

HON J.A. SCOTT (South Metropolitan) [3.15 pm]: I am mainly concerned about the way in which this so-called agreement has been presented. I agree with Hon Alannah MacTiernan that these people have been given no real choice, except to work or not work.

Hon N.F. Moore: That is not true at all. You don't understand what is going on with the existing arrangements. They terminate every year.

Hon J.A. SCOTT: I understand that the Minister for Education is interjecting a lot. This is my turn to put my point of view. What I and the community find offensive about this agreement is typified by Hon Norman Moore's statement that if this opportunity came his way and he was in their position for this much better deal, he would put up his hand.

Hon N.F. Moore: I said I would put up my hand for a 20 per cent pay rise.

Hon J.A. SCOTT: That is right. However, the problem is that these people have their hands tied behind their backs; they have no choice. The Government tends to forget it is dealing with adult people -

Hon N.F. Moore: Who have the capacity to make their own decisions.

Hon J.A. SCOTT: - who do have the capacity to make their own decisions, which they have just made. In this instance they have made the decision that they do not want to be forced into situations in the way this agreement has been presented. Surely the bottom line is that if the Minister is confident about the agreement - I am not commenting on what it contains, but just the *modus operandi* - and confident that people will accept that as a good deal, they should have the opportunity to take the agreement, or not take the agreement and remain under the old system. That would be the fairest test of all. Any coercion strips away people's dignity in their profession -

Hon Reg Davies: And their rights.

Hon J.A. SCOTT: - and their rights, as Hon Reg Davies rightly puts it. Many of the people I know who work in the TAFE system went into that system because they prefer a more dignified occupation, as they see it, than teaching in schools.

Hon N.F. Moore: More dignified! I am sure the teachers in the school system would love to hear you say that.

Hon J.A. SCOTT: They are often people who like to relate to adult people who are there because they want to be there.

Hon N.F. Moore: That's dignity, is it? You have just insulted every school teacher in Western Australia. That is a pathetic comment.

Hon J.A. SCOTT: I am trying to get through to the Minister, which is a little difficult sometimes, that the most common comment I have heard from tertiary lecturers is that they go into that system because the people who attend their classes are there by choice, not because they have been sent there by their parents. The lecturers enjoy the interrelationship they have with those people who want to learn. They believe in a quality of education. They do not believe in the paternalism which was evident in the way the Minister presented the agreement; that is, sign or else, basically.

Hon John Halden: It is not basically; it is.

Hon J.A. SCOTT: If I were told that I must do a certain thing or I would be out -

Hon N.F. Moore: They are not out.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! I am getting fed up with members ignoring my calls for order. I keep telling members they do not have to like what members say in this place and they do not have to believe it, but they do have to listen to it.

Hon J.A. SCOTT: People should be treated with more dignity than to be given such short deadlines on such important issues. Further negotiations should take place with those people to ascertain whether they agree with the so-called agreements. An agreement with which people do not agree can hardly be an agreement - it is a total nonsense. Some TAFE employees may find that the proposed system will be better for them, even though they will have to forgo certain benefits. However, they should have a choice in the matter and I do not believe they have had a choice in this instance.

HON BOB THOMAS (South West) [3.22 pm]: Five years ago members in this House debated the State Employment and Skills Development Authority Bill. The now Minister for Education and Hon Derrick Tomlinson showed that they had no understanding of TAFE by abusing the power the coalition then had in this House and rejecting that legislation. The Bill had to be brought back to this place and the then government members were directed by the then Leader of the House, Hon Joe Berinson, to shut their mouths and not provoke Hon Norman Moore or Hon Derrick Tomlinson. The then Leader of the Liberal Party, Barry MacKinnon, forced these two members to reverse their stance and allow the Bill to be passed. At that time the need for a quantum change to technical and further education in this State was becoming evident. Mr Moore did not understand that the legislation was a step in the right direction.

Members recognise that there are problems within the TAFE sector and that morale is low. We also recognise that the structure of TAFE needs to be changed to give it more flexibility. The TAFE sector must be able to respond more readily to the needs of industry to take a prominent place in vocational training in this State. However, the Minister has failed to recognise the situation and to show any leadership. He cannot recognise the problems experienced within TAFE and he has tried to bludgeon through a workplace agreement without properly negotiating with the people concerned and demonstrating to them that he appreciates their concerns. It would have been better had the Minister and the TAFE management - the Department of Training - negotiated this properly with the TAFE lecturers rather than adopt a sledgehammer approach.

Hon N.F. Moore: You cannot negotiate with the teachers' union.

Hon BOB THOMAS: That is a defeatist statement and it shows that the Minister has not attempted to negotiate with TAFE in a conciliatory way.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [3.25 pm]: Members have concentrated far more on the issue of workplace agreements than on education in this debate. In spite of increased funding, the number of student places and hours is falling. In an attempt to rectify that and the financial problems within TAFE, the department and the Government have started to institute changes to the TAFE system. The Opposition is not anti change, but it is anti the process that is going on right now. Hon Alannah MacTiernan was right: There has been no merit selection in this process. The only merit selection was whether a person had the ability to sign a workplace agreement. If he did, he would get the job and if he did not, out he went.

The arrogant approach adopted by the Government to this issue is the same as the approach adopted to the dismantling of the Technical Extension Service college, with the spilling of all positions at the advanced manufacturing technology colleges -

Hon N.F. Moore: That is not a regular college. Look at it sometime. It was your Government which set it up.

Hon JOHN HALDEN: The same arrogance has been displayed not only to TAFE lecturers, but also to industry and students in regard to the realignment process. It is interesting to note that the cost of salaries of teachers and lecturers is no longer the most significant cost of TAFE; it is the administration costs which have increased since the introduction of autonomous colleges. I have told the Minister that when we start to push the system out -

Hon N.F. Moore: You don't have them yet.

Hon JOHN HALDEN: I know, but the structures are there.

Hon N.F. Moore: Nothing has changed and there has been no legislation.

Hon JOHN HALDEN: I know, but the system is burgeoning at the administrative level. The Minister knows that; it is evident from the job vacancies that the administrative costs have increased. The Minister knows it is happening, but the problem is not being addressed. The new structures are causing a blowout in that area.

Hon N.F. Moore: What new structures?

Hon JOHN HALDEN: The new college structures.

Hon N.F. Moore: What has happened?

Several members interjected.

The PRESIDENT: Order!

Hon JOHN HALDEN: There are a whole range of new people at the top.

Hon N.F. Moore: New directors.

The PRESIDENT: Order! I will name the next member who interjects.

Hon JOHN HALDEN: There are new directors and for that reason there must be new resources to disseminate the services provided by TAFE colleges. That is where the costs are increasing.

I am not criticising the need for change. The Minister asked whether the Opposition opposes change. Of course it does not, because there is a need to look at the system. However, people should not be treated in the way that the Minister has treated them. The workplace agreement exercise of yesterday was one of a number of examples where this Government has treated people with disdain and believes they are not worthy of any formal interaction to discuss their future. These are the people who must try to retain their motivation to lecture and teach. Is the Minister creating a good working environment? Of course not.

The Minister might say that the teachers' union has got it wrong. I advise him to talk to the members of that union and tell them how they have got it wrong and give them the contrary view. They might then believe him, but they do not at this stage. That is the difficulty with this issue.

[Motion lapsed, pursuant to Standing Order No 72.]

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from 2 November.

HON B.M. SCOTT (South Metropolitan) [3.30 pm]: I support the Bill and bring to the attention of the House a matter which is of growing importance to many people in the community. I refer to the need for a good quality physical environment for young children in child care centres; the impact of the need for space on young children in their environment; and the impact of a poor environment on the welfare and development of young children.

Members on both sides of the House will appreciate that the major changes that have been occurring in Australian society markedly changing the pattern of early childhood development and family life. The need for places in child care centres so that children can be looked after while parents are working or studying has dramatically increased. As a result some young children in the community are spending 12 000 hours of their formative years in child care centres. A period of 12 000 hours is a significant number of hours in a child's life in the most formative period of their lives, and research is unsubstantiated as to the long term effects. However, one effect is very clear and agreed

upon: If the provision of good quality child care is ensured the child's ability to play and develop through play is taken care of. The physical environment which covers the location, such as the neighbourhood, allocation of space and design of buildings and particularly the provision of outdoor playground space, obviously impacts on the child's quality of play. Most of us in this Chamber would not have had a restricted childhood, in that we would have been free to play in the street, backyard or, for some of us, in 5 000 acres of farmland.

We need to address the serious matter of the growing trend of putting young children into child care. When it comes to the physical playground, environmental experts across Australia must seriously consider the child care Acts in place around the country and whether they ensure that sufficient and adequate space is provided for play for young children. I must acknowledge the fact that the Minister for Education in Western Australia established an inquiry into primary education and other matters concerning young children and that a very good report was produced. It highlighted in the development of young children the need for the planning of buildings. Be it in child care, preprimary, preschool or kindergarten areas, that space needs to be considered. However, this is not the case all round Australia. I warn the Chamber today that Western Australia should not follow the example of the Queensland Government. When that Government wrote its 1991 Child Care Act the intent was to enhance the number, range and quality of child care services provided in Queensland and to increase their capacity to respond to a variety of needs. These lofty expectations have not been met. This is really of national concern.

Anybody looking at care and education of young children should be very concerned that legislation around the country should protect the space in which young children are allowed to play. These children are not at school from nine o'clock with an hour of play in a very big playground and then go home at three o'clock. We are looking at little children being placed in care, sometimes from eight o'clock in the morning until five or six o'clock at night. Over five or six years that accounts for 10 000 hours and upwards of 12 000 hours. It appears to have been forgotten that for legislation to be truly effective it must be based on concrete knowledge rather than ad hoc opinion or political expediency. For instance, the legislation in Queensland covering physical environment is poorly researched; it lacks definition of what is an adequate space for children's needs, and as a consequence their needs are not being fully met. The industry is being capitalised for profit and gain. Issues like shape, topography and adjoining land use have not been fully covered. Therefore, we are entering an era of poorly designed child care centres, poorly sited on major thoroughfares, with hard to supervise playgrounds often on three sides of the building. We have children in tight spaces, exposed to pollution and with traffic constantly in the background.

Evidence is increasingly mounting of the negative impact that these conditions have on children in the long term. Some people suggest that the cause of psychiatric illness in children bordering on personality disorders rests with chronic and severe disruption of the play of preschool children, and concern has been expressed about how children develop themselves through play and that serious disruption of a child's play can lead to serious psychiatric illness. Those of us who have had a part to play in early education, or any education of children, will realise that children's work is their play and they work very hard at it and learn an enormous amount through it. To be constrained in a space can cause a sense of frustration and anger, which can result later in learning or personality disorders, the cause of which can be traced back to their being constricted in confined spaces as small children. It can impede their physical, social and intellectual development. Research has repeatedly indicated that a lack of space is a major cause of stress in children and in staff at child care centres, resulting in a breakdown in children's behaviour and the teachers' handling of them.

This leads to a more marked pattern with more antisocial behaviour. If any member in this Chamber were to handle up to 20 children aged three or four years in a confined space for eight or nine hours a day, his or her patience would be tested and stress levels would increase dramatically.

Children need to interact with their environment. Most of us had the opportunity to play on safe streets, in backyards or in 5 000 acre paddocks in which we could kick a football, build a cubby and generally play. The effect of physical environment upon development has been well documented as an essential dimension in the normal development of childhood. Research has produced strong evidence that children need a natural environment to explore as a challenge within their development - they need sand, water, trees and space generally. The National Association of Education of Young Children in the United States of America says that the provision of adequate indoor and outdoor space allows an environment to be created to foster optimum growth and development through the opportunity of exploration and learning.

We have seen a trend of a changing mix of private and public ownership of child care centres. I shall cite some figures relating to Western Australia. However, the warning I bring to Parliament is that we must be very aware of the growth in child care centres through a push in Queensland resulting in what has become known as the "child care industry". This has been opened up by developers and real estate agents who promote this as a profitable industry. Also, this was effected in part by the new national child care rebate from the Federal Government. When planning for young children, we must be careful that profiteering is not the driving force. The overriding principle of any responsible government is that if a need exists - I recognise that it does - for more child care places, the most important consideration is the needs of the children.

The figures have changed rapidly: In 1991 we had 143 community-based child care centres catering for 11 300 children. We also had 217 private centres catering for 19 052 children. In 1993 the figure moved to 140 community-based centres and 400 private centres catering for approximately 40 000 children. Some of the private and community-based child care centres are shining examples of careful planning and dedicated commitment to the care and development of young children. I could take members to any number of private child care centres in Western Australia which exemplify this adequate approach to meeting the needs of young children.

However, other well intentioned parties in Queensland committed their life savings to develop child care centres which comply strictly with the requirements in legislation; however, some of these people have been alarmed by the reality that their centres are not working. These people are expressing concern about the problems created in the restrictions in space and the negative impact this has on both children and staff. The Queensland example has resulted in a proliferation of centres up and down the coast, and these must now be retrofitted to accommodate the children and the staff in them.

The facilities were sold on as profitable centres, but the level of stress experienced by the staff and children provides a warning to all of us involved in the planning stages regarding anticipated growth in Western Australia. More child care places will be needed. Speaking from a child centred view, we must make legislation which contains safeguards to protect children's interests. In Western Australia today we have 150 private child care centres, 90 subsidised centres, and approximately 19 government centres.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon B.M. SCOTT: Across Australia in the past two years the number of child care centres has doubled, along with the number of children being taken care of in such centres. The number of private child care centres has also doubled. Some of these centres are very good examples of careful planning and dedication to the needs of sound early childhood practice, and show a commitment to the care and education of young children. Other parties are well-intentioned and have committed their life savings to the development of centres and, although they comply strictly with the regulations set down in legislation, they are alarmed that in reality their centres are not working. They are now expressing concern in Queensland that the problems created by the restrictions in space have a negative impact on the children and staff. From the number of calls to my office by solicitors and people interested in establishing child care centres, I am concerned that

the legislation in this State will allow people to establish centres that may be strictly in accordance with the regulations, but may not be backed up by sufficient knowledge about the notion of adequate space provided in the right place. Of more concern is the rapid increase in what accountants and real estate agents call the child care industry, heralding an era of unprecedented development in child care centres, where the primary motive has been financial gain. In Queensland this industry has developed to the stage at which accountants, real estate agents, builders and solicitors - people with no expertise in child care - are establishing chains of child care centres with a notable lack of reference in the planning stages to the requirements of young children.

The warning is there for Western Australia that local government authorities must heed the legislation, which should be reinforced with proper expertise. Governments must be aware that with the increasing population in Western Australia, we may follow the trend in Queensland. The Australian Early Childhood Association recommends that expert opinion and input be sought for further debate on regulations for the appropriate design of centres. I support that recommendation and suggest that Governments around Australia should look closely at the legislation covering child care centres. It is time parents around Australia realised that, although the intent of the Federal Government towards looking after their children is perhaps well-founded, the effective use of the money to ensure quality care for children has been restricted and misused due to the shortfalls of some legislation in some States.

Recently an Australia-wide early childhood conference was held in Western Australia, and a visiting expert in playground design from Queensland noted that the Western Australian Government's recent report into early childhood education, which was set up by the Minister for Education, was an important benchmark in moving towards meeting common goals in quality care and education for our young children.

Hon John Halden: Who chaired that?

Hon N.F. Moore: A very excellent person who did a fine job.

Hon B.M. SCOTT: The expert from Queensland said that Western Australia must learn from the mistakes made in Queensland, and that Queensland's rash development of substandard child care centres in recent years was an area of concern from which we must all learn. These basic lessons apply as much to the expansion of preprimary and preschool places being planned, as they do to child care centres.

In summary, my call today is for sufficient space for children to play in. It is essential and critical for their proper nurturing and development. Very few people in this Chamber grew up in a restricted space, but some of our children today and in the future will be condemned to that. As legislators, although we support the changed social pattern of more children going into child care centres, the interests of children must be paramount in the design of those centres. Western Australia has a benchmark document that alerts us to the fact that the design of buildings and playgrounds is critical. There are good examples in Western Australia, particularly in preprimary, preschool and child care centres, and we must maintain those standards. We do not want to add to the pressures on very young children, which are apparent across the world. Very often that pressure comes from staff and children in child care centres being confined to small areas. Very few people in this Chamber, with our big homes, large gardens and safe streets were exposed to that sort of restriction. I caution the Parliament that my voice is raised in favour of adequate space for our children. Although some regulations state that 7 square metres is adequate space for a child, the Australian Early Childhood Association recommends that the minimum space for each child should be 18.5 square metres.

In Western Australia we should be very conscious about what has happened in this State and not let the Federal Government's latest child care cash rebate see in Western Australia a proliferation of child care centres which are profit orientated, rather than child centred. We have a document in Western Australia that sets out standards to follow.

I commend the Minister for Education for his response to the report into early childhood education in Western Australia. I had the privilege to chair the committee which

produced that report. The Minister has made the positive step of putting a person with early childhood expertise in a policy bureau to make sure there is an overview of the development of the early childhood centres in Western Australia. It is not something that has happened in many other States. On my visit in July to other States when I met with early childhood people in both Melbourne and Sydney, they not only commended the report but also the Government's response to it, acknowledging the merit of somebody from outside of the department saying, "This is what is good for young children and we must comply with these things." I urge the Government to be a careful watchdog of the implementation of the child care regulations and to ensure that in the construction of new facilities, the interests of young children and concern for their good growth and development are of major consequence. I commend the Bill to the House.

Debate adjourned to a later stage of the sitting, on motion by Hon George Cash (Leader of the House).

[Continued on p 6773.]

ACTS AMENDMENT (EXTENSION OF LIMITATION OF TIME) BILL

Introduction and First Reading

Bill introduced, on motion by Hon A.J.G. MacTiernan, and read a first time.

Second Reading

HON A.J.G. MacTIERNAN (East Metropolitan) [4.41 pm]: I move -

That the Bill be now read a second time.

This Bill has been introduced to remedy deficiencies in Western Australia's law in relation to limitations of time in civil actions where relief is sought for personal injuries, damage to property, and consequential economic loss. These deficiencies deny many Western Australians proper legal remedies for injuries and losses which they have sustained at the hands of others. The Bill amends the Limitation Act 1935 to provide the courts with the discretion to extend the six year limitation period in respect of personal injuries and in respect of latent and property damage and economic loss consequential to that latent damage. The discretion is exercisable only where the court believes it is just and reasonable to do so.

The matters which are to be taken into account in determining whether it is just and reasonable to exercise the discretion are set out within the Bill. They include the length of, and reasons for, the delay on the part of the plaintiff; the extent to which, having regard to the delay, there is likely to be prejudice to the defendant; and the conduct of the defendant after the course of action accrued to the plaintiff, including the extent to which the defendant took steps to make available to the plaintiff the means of ascertaining facts which may or may not have been relevant to the course of action of the plaintiff against the defendant.

The Bill contains nothing which is innovative or controversial. Indeed, the Bill simply aims to bring Western Australia in line with virtually all other western Commonwealth countries and, in doing so, to provide proper opportunities for Western Australians to receive justice in respect of injuries that they have sustained, either personally or to their property, which have been Statute barred regardless of what is just and reasonable in the circumstances.

The history of this matter began in 1963 with the House of Lords in the case of *Cartledge and Others v. E. Jopling and Sons Ltd.* In that case the plaintiffs, who were steel dressers, clearly had incurred substantial and progressive damage to their lungs as a result of the noxious dust they had inhaled. It was found that the statutory time limit on their action ran not from the time that the plaintiffs knew, or could reasonably have been expected to know, they had been injured, but from the time when the loss and damage actually began. The law lords, having made the decision, admitted that substantive justice had been denied to the plaintiffs and urged the Parliament to amend the limitation Statute so such circumstances could be catered for. In due course legislation was

introduced into the United Kingdom, and gradually legislation in Australian jurisdictions was changed. Amending legislation to give broad discretion in relation to personal injuries has been introduced into New South Wales, Victoria, Queensland and South Australia.

In 1985 the Australian Capital Territory was in the position of starting afresh and produced the most modern Limitation Act of any Australian jurisdiction. This Act contains broad discretionary provisions in relation to personal injuries actions and a more limited discretion for actions concerning latent damage to property and consequential economic loss. These are the provisions that have been adopted in the Bill presented here. It is important to emphasise that these proposed extensions of time are not extensions as of right but are available only at the discretion of the court, where the court finds it is just and reasonable to do so.

The matter was considered in a report in 1982 by Western Australia's Law Reform Commission. It recommended that all limitation periods in respect of personal injury actions, not simply those arising from latent injury or disease, should be subject to an overriding discretion to allow an extension of time. Successive Liberal and Labor Governments were concerned about the prospect of retrospectivity. Nevertheless, the Labor Government determined urgent action was needed in respect of asbestos related diseases and subsequently, in November 1983, it introduced provisions extending limitation periods for those suffering from asbestos related diseases which had been diagnosed prior to 19 January 1984.

The matter was referred to the Law Reform Commission again and a discussion paper was produced in 1992. That discussion paper found that the Act in all areas, not just the provisions relating to tort, was antiquated in substance and language and in many instances contained provisions that were mutually inconsistent.

In considering the question of extension of limitation periods for personal injuries, the commission endorsed the recommendations contained in the 1982 report that there be a discretion to extend the limitation period justice demanded it. The commission supported the notion that there also be some provision introduced to extend the availability of action for latent damage to property. It was generally conceded that the provisions in relation to latent injury to property could quite reasonably be confined in time. There are various alternative methods for so confining the scope of the discretion. The method that has been adopted in this Bill is not one that introduces a subsidiary event in which time begins to run, but one that simply provides for a discretionary period of an extra nine years from which time had traditionally run. This follows the ACT scheme, and is one that is pragmatic in its recognition that most latent property cases will come to light within that extended time frame while at the same time providing some reasonable finality to the prospect of a law suit.

We readily acknowledge the duality of the scheme proposed in this Bill, a duality which recognises priority for recompense for personal injury over that property damage. The ACT solution, which we have adopted in this Bill, was also embraced by the Western Australian Law Reform Commission in its 1992 discussion paper as the most appropriate way of providing a fetter on the discretion. I recognise that it would be desirable to rewrite entirely the Limitation Act, as was proposed by the Law Reform Commission in its 1992 discussion paper. However, our advice is that the Law Reform Commission has not been instructed to proceed with any work on this matter so it will be at least some years before such legislation sees the light of the day, and in the meantime there are important justice issues which must be resolved.

Recently, some former students of the Christian Brothers in Western Australia have been compelled to lodge in New South Wales and Victoria their applications for damages for psychological injuries for sexual and physical abuse because there is no capacity in Western Australia for discretionary extension of the statutory limitation period. There is also a need to provide relief for those who have suffered damage at the hands of others through their contracting other latent injuries and diseases such as silicosis, AIDS and hepatitis C. Such an extension of time would also provide the many other victims of

childhood sexual abuse with the opportunity of making substantial damages claims against the perpetrators of their injuries. Many Western Australian Aborigines have potential claims against Governments and other organisations which were involved in their forced removal from their parents. Indeed, test cases are currently being taken in other States. Home buyers would probably be the major beneficiaries from the proposed extension of time in regard to latent property damage. It is often the case that damage is indeed latent and does not become evident until after six years from the date of construction, and the proposed extension would provide a remedy.

Consequential amendments have been made to other legislation, particularly the Crown Suits Act 1947, the Fatal Accidents Act 1953 and the Local Government Act 1960. The need for immediate action has been increased by the introduction of the recent Choice of Law (Limitation Periods) Act, which will limit even further the possibility of Western Australians taking actions in other jurisdictions. That legislation reverses the common law and deems that questions of limitations are to be determined by the law of the substantive matter and not the law of the forum. Therefore, if a matter was adjudicated upon under Western Australian law, Western Australian limitation periods would apply, even if the case was heard in another State.

We will seek to have this Bill put before the community for debate and discussion. We also expect that it will be subject to some refinement as we have not had the benefit of Parliamentary Counsel in drafting this Bill. However, there is an urgent need for this Parliament to provide justice for many Western Australians, for whom it would be eminently just and reasonable to provide for an extension of time so that they could seek relief from the damage and injury which has been inflicted upon them.

Debate adjourned, on motion by Hon Muriel Patterson.

MARINE AND HARBOURS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon E.J. Charlton (Minister for Transport), and read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.54 pm]: I move -

That the Bill be now read a second time.

This Bill will facilitate the improved administration by the Department of Transport of boat harbour facilities. Following the successful challenge for the America's Cup in 1982, the then Government undertook an extensive program to develop and upgrade the maritime facilities necessary for the challenge. This program included the redevelopment of the Fremantle Fishing Boat Harbour and the construction of the Hillary's Boat Harbour. As is normal with small boat marina projects throughout the world, the development included the establishment of landside commercial developments such as restaurants, shops and other tourist facilities. These commercial developments are essential to help offset the capital and ongoing costs of the running of the facility. These facilities have been leased by successive Governments to private companies, which have invested considerable time and money in the operation of their businesses. In 1991, the Auditor General drew the Government's attention to possible deficiencies in the Marine and Harbours Act which cast some legal doubt on the Government's ability to lease land for purposes other than to "meet the needs of effective shipping and boating". As these lease arrangements were entered into in good faith, the Government is resolved to ensure that legislation is put in place to put beyond any question the validity of these, and any future, lease agreements. To this end, clause 6 of the Bill will authorise the Minister, subject to normal planning approvals, to lease departmental land for any purpose. Clause 6(2) will validate any existing lease agreement which may be found wanting under the existing legislation.

A major problem facing the department and its tenants is a lack of effective powers to

control simple day to day issues such as parking. In respect of parking, which is a major concern to small business operators in the Fremantle Fishing Boat Harbour, under existing legislation it would be necessary to put in place specific regulations which provided long technical descriptions of each area in which restrictions were to apply and the extent of those descriptions. Even then, the department would have to prove the identity of the driver and proceed by way of summons in the Court of Petty Sessions before it could prosecute an offender. I am sure members will acknowledge that such a procedure is bureaucratic and totally incapable of meeting the day to day needs of a facility which regularly hosts world class yachting events. In order to address these difficulties, the Bill provides the power to make regulations which will make it an offence to disobey signs which have been erected by the department pursuant to the regulations. The Bill also provides for "owner onus" in respect of offences involving motor vehicles and gives offenders the option of having offences dealt with by way of infringement notices rather than summons.

The Bill also addresses possible inconsistencies in regard to parking fees at the Hillary's Boat Harbour. Successive Governments have regulated for a charge for vehicles which are parked adjacent to the boat launching ramp at Hillary's Boat Harbour. These fees are intended to assist in meeting the day to day costs of maintaining the ramp. Recent advice indicates that some ambiguity exists in regard to which statutory authority shall levy the fee.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from an earlier stage of the sitting.

HON DOUG WENN (South West) [4.57 pm]: I thank the Government for its great support last night in giving me that extra 15 minutes. I probably would have wound up my speech, but the Government has now given me overnight to put together another speech.

Hon Mark Nevill: Punishment!

Hon DOUG WENN: They do not need it; they are bashing themselves hard enough as it is.

Last night, I addressed my concerns about waste management in this State, and particularly the concerns of people in the south west, which would also reflect the concerns of those in the metropolitan area. I spoke about my visit to Japan and how we can take advantage of what has been done in Japan over the past few years. I turn now to the report that I prepared on my return from Japan. My trip to Japan was from 17 to 27 May. I visited Setagaya, Bunbury's sister city, where I met the Mayor, Mr Keiji Ohba. Over a cup of green tea, which we got used to after the initial impact - I am sure Hon Murray Criddle would agree that it is something for which one must acquire a taste - we had fruitful discussions with him and other members of his office regarding the sister city relationship between Bunbury and Setagaya. On arrival at that meeting I was met at the door by Michio Harasawa and Yoko Saito. They were in Bunbury one week prior to our visit. The opportunity to speak to them personally before going to Japan was helpful. We had approximately 20 minutes of discussion with Mayor Ohba.

From there I was able to arrange to meet Kikuo Yamashita, the director of the recycling promotion division. Our discussion lasted approximately 45 minutes. It was fruitful and addressed recycling - not only the problems the Japanese had, but also how we could capitalise on some of their situations. At the outset I was given an opportunity to view a video of some of their recycling program. They have a major building with unloading facilities. The material is recycled from that stage, with the finished product going to a landfill, if one can call it that. The non-disposable material is taken by boat to a landfill

project in the middle of Tokyo Bay. Whatever is left after that is turned into fertiliser and given back to the people to fertilise their land. The material is dumped at a major factory where it is then sorted by people who remove plastics and glass. The remaining material goes into a 900 degrees centigrade incinerator which has gas scrubbers. The gas is eventually put into a powerhouse. This recycling program is starting to pick up around the world. Rubbish tips are used to gather the gases, which are diverted to the power stations, which extract ether. There is no reason we should not consider the same way of handling that material. It is then recycled through a dual cycle powerhouse system. Other remains are composted to a state where they can be placed back onto farmland as an alternative to using chemical materials. The City of Setagaya alone handles 4.7 million tonnes of waste per annum. That city obviously has a problem with its waste management.

It was made clear by Mr Yamashita that a major education program had to be put in place. Japan is an old nation. The older people do not even consider recycling within their lifestyle. An education program has been put into place aimed specifically at school children of all ages. They are taught the three Rs - reduce, reuse and recycle. I am about to correct myself with regard to the plastic bags the children collect. I underestimated what they did. Children are also encouraged to take along appropriate waste to school. For every 100 bags of waste they send off to the city they get 100 yen. That money goes towards covering parts of the school's expenses. Further to that, citizens' groups are put in charge of recycling within zones of the City of Setagaya's boundaries. These people are made responsible to see that the education of the older people in the society is enhanced. Public bins are placed around the city in strategic places. They use small pick-up trucks for waste management because they have pick-ups three times a week, instead of once a week as provided by our local shires. People are also encouraged to use their own composting facilities in their homes to fertilise their gardens. One thing I did notice about Japan was that it has very little gardens. Small gardens for fruit and vegetables are situated on every square piece of land available. Everyone knows that Japan is made up of a number of islands. They are not very big, but they contain a huge number of people. One of the major problems Setagaya has with waste management is that the city is totally under the control of the Federal Government. At this stage it is negotiating with the Federal Government to take on its own local program. It lets contracts for private enterprise to dispose of industrial waste products under strict government rules. Sewage waste is not a problem. An efficient sewage management program exists within the city.

The Japanese have one major problem; by the year 2015 they will have a serious lack of land. They have developed a means of going out into the Bay of Tokyo to dump land waste - waste that cannot be recycled - and over a period will construct islands in the bay. At the moment they are progressing quickly with an island that will carry an airport. As I said last night, a possibility exists for us to use this project system to create islands off the coast of Western Australia, because the southern part of Western Australia has no islands. This may be a way to create waste management and a tourism facility in the near future. A thorough study of how this could be done would be required. The Japanese could assist us greatly with information on technical facilities and how to progress with this recycling program. I was impressed with the way Mr Yamashita put forth ideas in our discussions. In time at his invitation I would like to return to Setagaya to continue my discussions with him on recycling.

Following those discussions I was introduced to the Chairman of the Setagaya City Assembly, Mr Kuniichi Udagawa, and to the Chief of the Secretariat of the Setagaya City Assembly, Mr Yukio Miyazaki. They showed me through the City Assembly House, as I will call it. I was very impressed with the way it is set up. Its layout may be something we could consider in Western Australia. As we all know, the Japanese are keen on cameras, whether they be videos or standard. I was honoured that after I arrived home they sent me a video of my entrance into the Chamber. They have in-house video of how the House operates which is kept as a record. I was able to sit in the Speaker's chair. From there we had further discussions with the Speaker. They also sent me a number of

photos. My family was quite impressed to see the courtesy the Japanese extended to me. There is a need for members in this place to bring together all the written information to help us set the pace with waste management in this State. I believe we can do it, from the rubbish in the bin at home to managing the recycling overall.

Members may remember that last year I proposed a motion that a select committee be appointed to inquire and report not later than 1 March 1994 on waste minimisation, storage and disposal in the State. It made four points and sought that the committee have the power to send for persons, subject to the right of the committee to hear evidence. Due to a lack of desire by the Government to go ahead with this motion, it fell off the Notice Paper when the House was prorogued. Only recently in the other place Dr Hames placed a motion on the Notice Paper that a select committee be appointed to investigate and report on recycling and waste management in Western Australia. The proposed motion lists four points. It is almost as though he has taken my motion, which government members were not interested in last year, and introduced it into the lower House. He has support to go ahead with that motion. I asked Dr Hames to amend the motion to set up a Joint House Committee. He told me to see the President. I did not go to the President, but I did go to you, Mr Deputy President (Hon Barry House), and your response was, "We are not interested in those sorts of things, but I will talk to my people." I do not know whether you did that. I have asked opposition members in the other place to argue that the committee be a joint House committee because there are many people in the community who are concerned about this matter. It was an absolute insult to me that this House was not willing to consider the motion I put forward, but the Government allowed the member for Dianella to move a motion which is almost identical to the one I put forward. I did not bring that motion to this House lightly. It had the backing of the Shire of Busselton and the Shire of Collie and people like John Cooper from Busselton. The Shire of Collie wrote to me as follows -

Dear Sir,

I refer to your letter dated 12 July 1993 advising Council that it was your intention to submit a motion to Parliament calling for a Select Committee to be appointed to report on waste minimisation, waste store and disposal in the State.

As you would be aware, Council has been investigating ways in which to effectively manage it's waste disposal methods and your proposed motion to Parliament deals with many issues that Council has been grappling with. Council at its most recent meeting wholeheartedly supported the proposed motion.

On behalf of Council I would like to thank you for taking this matter further and I trust that the Select Committee will be appointed.

The Shire of Busselton also wrote to me in the following terms -

RE: Waste Production Collection and Disposal Methods

Listed hereunder are appropriate questions that the Busselton Shire Council believe should be addressed in relation to the above topic:

- A. Control or regulation of packaging to minimise waste produced.
- B. State infrastructure to process or markets to accommodate recyclables.
- C. The pursuit of alternate methods of waste disposal other than sanitary landfill.
- D. Regulations to provide minimum standards to ensure uniform controls with relation to sanitary landfill sites.
- E. Worthwhile incentives that can be made available to Local Government to ensure efficient management of waste disposal.
- F. Obtaining a better understanding of the variable costs involved between metropolitan and country local authorities.

I covered this issue in detail last night. I not only feel disappointed, but I feel as though I

have been kicked in the stomach. Members in this House had an opportunity to do something about waste management when I introduced my motion. However, it was rejected when it disappeared off the Notice Paper when the House was prorogued. As I said, Dr Hames' motion is almost identical to the one I moved, although it has been revamped. I hope that Dr Hames will support the proposition for a joint House committee on waste management. It is too big an issue for this House not to be part of these deliberations.

The situation of waste management is becoming worse and recently the following letter from Amanda Collins who lives in Boyanup was published in the *South West Times* -

I am writing to you in concern with the Boyanup rubbish dump.

At the present time Boyanup rubbish dump is being swamped in waste from the Capel dairies, creating a bad smell and a problem for those residents in Boyanup who take their rubbish to the rubbish dump.

I feel, as a resident of the Capel shire, that the dumping of the waste is offensive throughout the whole of the Capel shire.

I feel that the dumping of the waste should be banned, as the environment is being ruined by this waste.

In the future years it will be us, the younger generation, that feels the brunt of this dumping.

Please consider making this problem known to others, as I feel that we should combine as a team to beat this problem.

The last paragraph emphasises the message I have been trying to convey to this House. The disposal of domestic waste is a problem and unless we do something about it, nothing will happen. It is all very well to have mountains of paper work, but we must work together to coordinate some sort of management control in this State. I alluded to the problem in Japan where 41 million tonnes of waste is disposed of each year.

To follow on from Amanda Collins' letter to the Press about the dumping of waste in Boyanup the factory has been given permission by the Minister for Health to dump its waste in open paddocks and the smell from them is horrendous. The following article headed, "Controversy brews in Brunswick waste pond" was published in the *South West Times* on 13 October -

A second South West dairy company has become embroiled in the debate over effluent disposal.

Residents living near Peters Creameries' Brunswick effluent disposal ponds in George avenue, have complained bitterly about the smell.

I am sure that members have some idea of what the smell of rotten milk is like. It certainly turns one's stomach. Something must be done about this problem. I am trying to do my best in conjunction with other people in the area I represent, but our hands are tied because support is not forthcoming from this Government. The time has come when the assistance of the Federal Government should be sought. Discussions should be under way with local authorities to determine a way to turn the disposal of domestic rubbish into a viable industry. I understand that 1 000 jobs could be created in this industry. By extracting the methane gas from the rubbish tips a power facility could be provided. It would be of no cost to the State and it would not have any effect on the environment.

Another problem which will have to be dealt with by this House in the very near future is this State's water supply. A lot of people believe that Ernie Bridge's pipe dream is just that. I believe in his pipe dream. A gas pipeline could be constructed alongside that water pipeline and it would advantage this State. It has happened in California and I am aware that problems were encountered there because the wrong people in private enterprise took control of it.

The metropolitan area and many country areas are subject to water restrictions. Thankfully, Bunbury has not reached that stage yet because it has a very good water

supply. However, if the situation becomes desperate in the metropolitan area water will have to be piped from the south west basin. It might solve the problems in the metropolitan area in the short term, but it will have an effect on the south west areas. Forty per cent of the water used in the Bunbury, Harvey and Busselton districts comes from the south west basin. Water can be extracted from the many water basins which are north of the metropolitan area.

I refer members to an article in the *Busselton-Margaret Times* which is headed "WAWA service fails test", and outlines the problems associated with the denigration of the water supply. The article refers to a survey which was undertaken by a group of Busselton Senior High School students known as the E-team.

Year 11 students Sam Graham, Dannielle Stobbie, Callum Hitching, Kate Willis and Justin Royer put authority staff through their paces last week as part of an innovative Total Quality Management program.

The students found that authority receptionists and other staff members often did not know the whereabouts of their co-workers and lacked relevant training in customer service.

I have really strayed on to another part of what I wanted to talk about. If at that age they saw problems within the management of the Water Authority, one wonders if it is not worse than what those children saw. If youth, our future, is coming up with articles like that in the Press, there certainly must be some problem. The Water Authority says that we have sufficient supplies in this State. An article states -

The WA Water Authority, which says there are sufficient supplies of groundwater extending all the way from Perth to Busselton to keep us going well beyond 2000, should consult the edition of the *National Geographic* magazine entitled Water.

If the Water Authority believes that, then why do we have restrictions? Obviously its research seems to be out of it. That is emphasised by the *National Geographic* magazine. It states -

The US has been using water from aquifers long before Australia, and their research shows that groundwater is being pumped out by farmers and cities faster than the aquifers can replenish themselves. Private groundwater withdrawals are unmetered in Australia.

They refer of course to back garden pumps. I do not know if they are unmetered, but in Bunbury they must be registered before they can be used. It continues -

The common thinking is that everyone has a straw in the can, and if one doesn't sip then someone else will.

An aquifer is composed of sand and gravel. Emptied of water, like the aluminium can, the structures of the aquifer collapse and the damaged aquifer can never again hold as much liquid as it used to.

The message is not to expect the aquifer to last forever. That article is really confirming what I have to say. We might have to reconsider Hon Ernie Bridge's suggestion and pipe water from Lake Argyle. The article continues -

Benjamin Franklin said: "When the well is dry, we know the worth of the water."

We are interfering with ancient structures beneath us which we cannot rebuild once they have been destroyed.

If the Water Authority is acquainted with all these facts, why do they use the dam levels and annual rainfall to impose water restrictions on us?

Hon Jim Scott and Hon Tom Butler, who were on a previous committee on salinity control in this State, went to places where land had been cleared in some instances by two tractors with chains attached driving down a paddock and ripping trees out by the thousands. We saw the devastation of that. In one property a son went to his father and was told not to worry about it because only one small spot was affected. He has now lost

over a third of his property. He was devastated by that and asked the Department of Agriculture to assist him. We travelled around the State from Perth to Esperance and to Tammin, where we met the lady mayor, and some of the devastation we saw was just horrendous. We could not believe what we saw. I was taken by an article in *The West Australian* entitled "Cleared land loses clouds". It has a picture of an aircraft near Lake King used to help scientists identify the effects that cleared agricultural land has on rainfall. It reads -

CSIRO scientists have identified an unexpected phenomenon in which rain-bearing clouds form more frequently over native vegetation than cleared agricultural land.

The chance observation over WA's vermin-proof fence was made by a US weather satellite as part of a three-year study of vegetation cover around the State.

A remote sensing team then used airborne instruments to confirm the natural phenomenon over vast areas of WA.

Hon J.A. Scott: Read out the second to last paragraph.

Hon DOUG WENN: I will read the whole bit. It states -

Undisturbed vegetation absorbed and trapped more of the heat from incoming solar radiation than cleared agricultural lands planted with replacement and reflective species.

"Essentially, we have identified a desertification mechanism in WA's agricultural lands," he said.

"Vegetation cover could be very important in inducing rainfall."

CSIRO ecologist Denis Saunders said clearing vegetation posed the greatest threat to Australia's biodiversity.

An estimated 500,000ha was cleared every year.

Dr Saunders, of the CSIRO division of wildlife and ecology in Canberra, said clearing occurred fastest in some new farming and urban fringe areas where up to 95 per cent of original vegetation was lost.

Hon Mark Nevill: When we got into government we put a moratorium on new land releases and copped a lot of flak for it for a few years; but it was the right decision, particularly in the Esperance area.

Hon DOUG WENN: Yes. In defence of many of the farmers we met, they had put in place a tree planting program on their properties and some had turned their properties into plantations for seedlings to deliver to other farmers. One guy at Tammin diversified his farm into a tree farm because it was not going so well. He made good dollars and was keeping himself afloat.

Hon Mark Nevill: Quite a few other plantations are on Crown land.

Hon DOUG WENN: They look like tomato plants that do not grow tomatoes. Because of the way this drought is affecting us in Western Australia, we will have to keep our water as pure as possible. Another article states -

Evidence of contamination in parts of Perth's drinking water supplies should set alarm bells ringing in authorities responsible for protecting such resources.

News that two water bores supplying northern suburbs have been shut because of dangerous pollution and that the whole Gwelup field could be lost eventually because of extensive urban and industrial development is a body blow for a city that relies on underground supplies for 40 per cent of its water.

I was about to make that point before I was steered away from it. In regard to cleared land, how much does urban sprawl affect us? Even though people might plant a few shrubs here and there, in reality it has no effect whatsoever. As well as this natural problem with urban sprawl there is also the problem of getting facilities to it, such as power, gas and water. It continues -

Perth is blessed with big reserves of good quality underground water. Those resources should have been safeguarded long ago through strong environmental laws and strict WA Water Authority and planning rules.

Then the part that caught my eye reads -

It would be unrealistic to impose a blanket ban on future development over underground water supplies. But strict controls are needed to keep petrol stations, rubbish tips and noxious and hazardous industries away from priority areas. Effective monitoring is essential to enable quick detection of any leakages in locations where such developments are permitted.

One of the areas with a real problem with tips in catchment areas is Margaret River. The problem is to find somewhere to locate a tip. They are working very hard at that, but they need help. They need experts in the area, and after reading some of the information before me, I am not sure where that expertise will come from. It is needed quickly, and the responsibility comes back to us in this place.

An article in *The West Australian* of 25 October reads -

The WA Government had to act urgently to protect WA's vital underground supplies of drinking water from industrial and urban contamination . . .

That relates to the other article I read. This point is being made by many scientists in this State, and if we do not act we will end up with a massive problem. The problem is with us now. When Hon Ernie Bridge was Minister for Water Resources he said that if Perth does not get its act together in the next five or 10 years, we will be in danger of having no water available at all. That is why he had the idea of the pipeline to bring water down from the Kimberley. It does not matter which newspaper one picks up, these articles can be found. *The West Australian* of Saturday, 23 October was headed "Safeguards needed for area: expert", and read -

As pressure mounts for more land to develop around Perth, the threat to the city's precious underground water supplies grows with it.

The significance of the Gwelup ground water contamination is not just the likely loss of a source of good, clean, cheap water very close to home.

It is the confirmation that without very strict safeguards on development over groundwater supply areas they are almost certain to become contaminated.

Last night I raised the issue of hospital waste management. I left my notes downstairs on this as I did not intend to talk about it. However, hospital contamination is actually leaking into the water supply. I also read to the House last night about the situation of a tip in the southwest which was not properly lined by plastic or proper clay. The tips, particularly the one at Kemerton, are becoming a burden around the neck of the shires in the south, and the Shire of Collie, as I mentioned earlier, has a huge problem. It asked the Bunbury and Harvey Shires whether it could use the Kemerton tip, and it was told that it could not because this would reduce the life of that tip dramatically. I also wonder what type of effect we are having with some of the material farmers are throwing on their property and the runoff that can happen; I did not say that it was happening, so Hon Bill Stretch can put his paper down.

Hon Graham Edwards: He is taking notes.

Hon W.N. Stretch: Copious notes!

Hon DOUG WENN: I hope every member will speak on this subject at some time during the next year. Another article read -

Perth people will pay a high price for their contamination of ground water.

The cheapest water comes from dams in the Hills, at a cost ranging from about 6.6¢ a kilolitre - 1 000 litres - upwards. But there is not enough of it.

And as sources close to home are used, the cost of supplies will increase sharply. Water from the Gwelup field in Perth's north costs the WA Water Authority

about 19¢ a kilolitre to extract, which is still cheap by world standards.

The cost of combining water from dams and the natural underground reservoirs - or mounds - of the Swan Coastal Plain averages about 30¢/kl.

I read out a number of prices, with the dam provision costing 6.6¢ a kilolitre, and Gwelup costing 19¢ a kilolitre. When I spoke to people about Ernie's dream, they spoke of approximately 5¢ a kilolitre at the end of the constructing stage; the cost would be picked up by usage throughout the State.

Hon I.D. MacLean: He was talking about the Ord River being piped down here. We opened the Ord Dam a long time before Ernie Bridge came on the scene.

Several members interjected.

Hon John Halden: Give him a tablet and shut him up.

Hon DOUG WENN: The member is a Barney Rubble look-alike.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: An article in *The West Australian* of 26 October carried the headline "Precious water fouled as scientists ignored". It read -

The CSIRO confirmed that two Balcatta bores that supply Perth with drinking water have been shut because they are contaminated.

Brendan Nicholson described how this occurred. In doing so he referred to youth educating their elders as follows -

The first thing any young scout learns about setting up camp near a river is to dig the latrine downstream from his drinking water.

That basic lesson on how to avoid getting your own back is easily absorbed by children in tents, but seems to have been lost on successive governments.

Scientists from the CSIRO, the Environmental Protection Authority and the WA Water Authority began warning more than five years ago that unsuitable industrial, agricultural or housing development would then threaten Perth's supplies of drinking water.

Not a lot happened until the CSIRO confirmed last week that two Balcatta boreholes were contaminated with chemicals that could cause cancer.

It is even reaching the cancer stage. What sort of stuff is leaking into our water! *The West Australian* of Saturday, 23 October contained a front page headline "Chemical scare hits Perth water"; the story read -

The WA Water Authority has shut two Balcatta boreholes providing drinking water to Perth's northern suburbs after finding the underground supply contaminated with dangerous chemicals.

Undoubtedly, people in this State are illegally dumping waste in places they should not be. A year ago we saw someone illegally dump a massive pile of tyres, and some clown saw some fun in setting them alight. This was beside a creek. The problem is not only the fluids running down into that creek, but is also air pollution. It is only necessary to drive towards Perth on certain times of the day to see how air pollution is increasing. An article in *The West Australian* of Thursday, 25 November 1993 outlined a poll conducted in Western Australia about how people feel about recycling at home. It indicated that old clothes and rags were the most commonly recycled items, with 63 per cent of people indicating such activity. Glass was recycled by 54 per cent, and paper by 53 per cent of those surveyed. Garden waste was recycled by 47 per cent of households, and the main method of recycling was community collection; 53 per cent of those surveyed engaged in that activity. The least used method of recycling is special areas allocated at rubbish dumps. People do not want to drive to a dump so the material can easily be managed.

Regarding products and packaging, recycled paper is used by 68 per cent of households surveyed. That is an interesting point. I will receive a few interjections here: Recycled

toilet paper, so I am told and I have discovered, is damaging to the toilet as it does not break down quickly.

Hon Reg Davies interjected.

Several members interjected.

Hon DOUG WENN: I knew the interjections would come. Recycled paper does not break down as quickly as other paper because of its thickness. Many people will not buy it for this reason.

Hon I.D. MacLean: It may also be because of the extra tax Keating is putting on it.

Hon DOUG WENN: Members should not listen to that member.

Hon T.G. Butler: We need to know what they are thinking on Mars these days.

Hon DOUG WENN: The last time I listened to that member, he gagged the Budget debate.

Hon Reg Davies: It was the first time in 100 years, I believe.

Hon DOUG WENN: That is right. Unbleached paper products were found in the survey to be used in 64 per cent of households; refillable containers, 63 per cent; and phosphate free cleaning agents, 38 per cent. Brand loyalty was the main reason for not using environmentally friendly products. Other perceived reasons were inferior quality and higher cost. The survey indicated that 85 per cent of people wanted less packaging in the products they buy, which is a good thing. The biggest reason for wanting reduced packaging was that it creates less garbage.

Hon Jim Scott would be interested to know that the biggest worries people held were regarding air pollution, indicated by 40 per cent of those surveyed; tree destruction, 33 per cent; and ocean pollution, 32 per cent.

In regard to getting involved, 28 per cent of people have given time or money to protect the environment; 6 per cent belong to an environmental group - that does not sound too good for Hon Jim Scott; 81 per cent of environmental group members have given time or money to help; people with degrees donate more - 47 per cent - and take part in more environmental activities - 16 per cent; and membership of environmental groups - 8 per cent - and donation of time or money - 36 per cent - peaks in the baby boomer age range of 35 to 44. Those statistics from *The West Australian* indicate what is happening in our State in regard to waste management. It is a massive problem, but if we as parliamentarians do not do something about it by providing guidance, we cannot expect the people to do anything.

One thing we can do is stockpile plastic when the overseas market has no demand for it. A friend of mine has established a plastics factory in Bunbury, and that is going from strength to strength. He wants to use waste plastic, but unfortunately it costs about \$150 000 to set up a plant of that nature and he has to use some pure plastic anyway because waste plastic cannot be used on its own as it breaks down too far. We must encourage local government by providing funding, and we must encourage private enterprise, because at the end of the day that is what it will come back to.

Hon W.N. Stretch: Spoken like a true Liberal!

Hon DOUG WENN: Local government does not have the resources to deal with this problem, but if we do not provide funding to help local government, the problem will get more severe. I hope Dr Hames will see the light and that he will accept my proposal that the proposed select committee on recycling and waste management become a joint House committee, because a committee of that nature could do a lot of good in putting forward ideas. If that proposal is not accepted, I wish the committee well anyway, and my only regret is that I was not given the opportunity of participating in it, but such is life.

I turn now to fisheries. We have a major problem in this State with giant worms, which are believed to have been introduced in the bilge water of vessels which was dumped wherever the skippers liked. Bilge water is now supposed to be dumped so many miles

off shore, but that law is too late because the damage has already been done. The newer vessels have a pump which recycles the bilge water.

Hon M.D. Nixon: That is compulsory for new vessels.

Hon DOUG WENN: Yes. They basically just keep the bilge water turning over. Unfortunately, some of the vessels that come to this State from other parts of the world are rust buckets. I went aboard some of those vessels a number of times during my days with Telecom in order to install telephones. Recently, I went on board a vessel with a mate of mine, Jimmy Wilson, an engineer from Bunbury who does repair work on ships, and the upper hull of that vessel had rusted out so badly that I could put my hand through the cracks. That ship had a Chinese skipper, who spoke very good English, but when it came to talking about money, he could speak only Chinese, so that made it a bit difficult for Jimmy. However, the Chinese skipper did not realise that the shipping agent, who was on Jimmy's side, spoke fluent Chinese, and the skipper got caught out rather badly and they were able to get the money out of him.

An article in *The West Australian* of 6 October, headed "Shellfish scare over big worms", states -

On Tuesday, another sighting was reported in 20m-deep water east of Garden Island, near Sulphur Bay.

CSIRO ecologist Sjaak Lemmens said the new sightings reported yesterday included the fish in the Swan River, near the East Fremantle Yacht Club jetty.

But it was unlikely they would spread further into the Swan because they did not seem to survive in brackish estuarine waters.

The front page article in *The West Australian* of 6 October pictures that ecologist ducking his head into an aquarium to have a close look at giant worms. That article, headed "Shellfish scare in new worm sightings", states -

Giant worms which have infested 20ha of Cockburn Sound have been reported by divers in Fremantle, Rockingham, Woodman Point and the Swan River.

Unconfirmed sightings yesterday came after the Cockburn Sound discovery two weeks ago and the first unconfirmed sighting east of Garden Island on Tuesday.

Hamilton Hill man Jim McGregor also raised concerns yesterday that the worm invasion may have gone unnoticed for years when he revealed that he had taken several specimens in water one to 2m deep at Woodman Point four years ago.

We must tackle this problem, through the appropriate Minister.

I congratulate the Fisheries Department for its magazine *Western Fisheries*. Most members receive that magazine; if they do not, they can ask for a copy.

Hon P.H. Lockyer: We have to pay for it. It is by subscription.

Hon DOUG WENN: I am happy to pay for it. It is a very good magazine. The magazine covers a variety of fisheries issues. The October-December 1994 issue states that the bag limit for tailor will now be eight. That will cause some concern to a few of my mates in the south west who like their tailor, but they too are aware of the fact that this fishery will be lost if we do not control it. The Fisheries Department is definitely taking the right step in using volunteers to educate people. Last Sunday, when I was fishing off Bunbury jetty, a Fisheries Department guy came down with three volunteers in yellow shirts, and it was great to see those people doing a job of that nature voluntarily. I am happy to say that all of the people on the jetty at that time were doing the right thing and were sticking close to the rules. This edition of the magazine has a large article about aquaculture which covers many species of fish from marron, to yabbies, to mussels. It is interesting to note that the blue mussels that are grown in Western Australia are an imported species and are not native to this State. That article will be very useful for anyone who wishes to be involved in aquaculture in this State.

I was very disappointed that the Select Committee on Aquaculture and Mariculture

Industry set up by the previous Labor Government and chaired by Hon Phil Lockyer did not proceed owing to a lack of funding. It was a grave mistake that the select committee could not proceed and investigate the viability of the aquaculture industry. Aquaculture is the way to go because our natural fish stocks are not reproducing in the way they should. One reason for the drop in available fish stocks could be that many people take boats out on the water to fish for the day because that is a cheap and entertaining way to fill a day. It does not matter if these people do not catch anything because it has still been a day out. When my children were young we often went to the local jetties to fish on a Sunday.

The aquaculture industry will grow more rapidly than people realise. That is already starting to happen. This House could make a contribution to that industry by the activities of a select committee. I must emphasise that I was very disappointed that the committee did not proceed. Perhaps Hon Phil Lockyer will attempt to resurrect the select committee to investigate that industry. We should also focus on waste management but so many people are involved, professionals and so on, that I wonder if we will end up with a mountain of paperwork but nothing else. I hope that in future Hon Phil Lockyer will see fit to attempt to resurrect the select committee on aquaculture.

I thank the House for allowing me the opportunity to make these remarks. I have many concerns about waste management, as do many shire councils and state government departments. The various interest groups must work together, because if they do not, nothing will happen and the problem will continue. Members of Parliament can become involved by bringing together the various parties so that we can address the problem in the best interests of the people of Western Australia.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion without notice by Hon George Cash (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 22 November 1994.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.54 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Black List of Workers

HON TOM HELM (Mining and Pastoral) [5.55 pm]: Before the House adjourns it should be made aware of the development since previous adjournment debates, relating to articles in *The West Australian* that reported a blacklist preventing ordinary people from undertaking employment. The development relates to a question I asked the Minister for Health representing the Minister for Labour Relations on 25 October regarding a blacklist that had been reported. The answer provided by the Minister for Labour Relations was that he did not care very much that there was a blacklist. He thought that employers have the right to check the references of potential employees. He thought that the proper checking of potential employees' qualifications and experience would have the opposite result to a blacklist preventing people from working.

A letter has been sent by a firm of barristers and solicitors threatening the Metal and Engineering Workers Union, among others, with a defamation action on the matter of Aust-Asia Recruitment Network. The letter, in part, reads -

Contrary to the statement in the first paragraph of the article our client has not been called upon to provide any explanation and, even if it were so called upon, it would pursuant to the terms of its contract with various employees refuse to provide any explanation other than that appearing below.

Our client is a specialist recruitment agency providing recruitment and personnel services for a number of major employees in Australia. In the course of screening applicants and subject always to the requirements of each employer, our client seeks only to verify information provided by applicants for employment regarding their former employment. That verification normally entails contact with human resources officers (or the equivalent) of those former employers and will in certain circumstances, and with the consent of the applicant, also entail checks in relation to criminal record, traffic record and health and safety matters.

The last paragraph reads -

The article is inherently defamatory of our client in that it is a necessary implication that our client has improperly and/or unlawfully prevented persons from obtaining employment. There is no evidence whatever to support that proposition and, to the extent that our client suffers damage as a consequence of the report, our client holds you liable jointly with any other persons responsible for the publication and puts you on notice that in the event that any further publication is made which falsely represents our client's position, then our client will issue proceedings against you another responsible parties without further notice.

Hon John Halden: Does that include *Hansard*?

Hon TOM HELM: I imagine it does. The article in *The West Australian* under the headline "Explain Workers Checks: Union" reads -

The Metal and Engineering Workers Union has called on Aust-Asia Recruitment Network to explain how it screens workers destined for Western Mining sites and to prove that it has not drawn up a black list of workers.

The union was only asking how the company obtained the information. It is only asking if people are checking the information to see whether it is correct. Instead of complying with that simple request the company has slapped a threat of defamation on the union. These are legal bully-boy tactics. Members opposite usually accuse the union of using bully-boy tactics. This is the reverse situation. There is no recourse to the law; there is no recourse to the Freedom of Information Act or the Equal Opportunity Act. It appears that nothing like that can protect the workers in the pursuit of their lawful employment. This is still a free country. We are allowed free speech. We are allowed to go about our lawful business - but not according to some industries in this State or some recruitment agencies which wish to prevent people doing so.

Last night I told the House about a person who had worked for almost five years on the most secret equipment in the world - the Stealth bomber and the Trident submarine. In the past this person had been covered by the most stringent security provisions imaginable, but still was not good enough to work for a Western Mining contractor at the Mt Keith nickel operation in the bush. In the Northern Territory, a similar case came before the industrial relations commissioner when a dispute occurred on the Nabalco site and the workers walked off the job. In his findings, the commissioner stated -

The Commission believes that this is not only necessary to meet the objects of the Act ... but also to meet the requirements ... of the Act of the International Covenant on Economic, Social and Cultural Rights, which states:

- 1 *The States Parties to the present Covenant recognize the right to work, which includes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*
- 2 *The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance ...*

That is a covenant. It is something that we have signed as a civilised nation that should help to provide workers with a fair opportunity of working.

Hon John Halden: Is that an international covenant?

Hon TOM HELM: Yes, to which we are a signatory.

Hon John Halden: We will have to take it to the High Court.

Hon TOM HELM: I wonder whether we will have the UN in our backyard again.

This is the third occasion that I have told this House that, in this State, people do not have a legal right to go about their lawful employment. The Government says that the unions have too much power and that people should have a right to choose. Therefore, by providing individual contracts, the Government is trying to undermine the powers of the unions and the right of people to be represented. However, it will not work. This Government will never keep unions quiet and it will never keep members on this side of the House quiet about people's rights. The people's right to work is guaranteed and is part of the Australian psyche. We should not have to sign international covenants. However, this is the third occasion that I have demonstrated to this House the absolutely disgusting moves by this Government to prevent people from going about their employment in a rightful way. The Government will never keep people quiet even though it is putting in place circumstances to do that. Industrial action will occur. People will resort to industrial action only if the law does not provide them with justice. We have to maintain free speech and we, on this side of the House, will fight for that right of free speech, the right to work, and the right to work for decent wages and conditions. We are obliged to do that.

Adjournment Debate - Auditor General's Report No 5, University Consultancy Services

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [6.03 pm]: I refer members to the Auditor General's report No 5 of November 1994 of which we received a copy today. It is a three part report, the last part of which relates to university consultancy services. The report highlights a number of concerns that have been identified by the Auditor General about consultancy services provided either formally or informally by universities. The report says that 42 per cent of university departments involved in consultancies have no idea about the consultancy policies and guidelines of their university or whether they receive any recompense from the consultancy. This is not a small matter. The report states -

The earnings and costs recouped from external consulting can be significant. For instance, Curtin and Edith Cowan Universities reported 1993 earnings of \$4.95 million and \$750 000 respectively.

It states further -

The University of Western Australia and Murdoch University were unable to provide similar financial information.

I presume that means that they do not know the extent of the money that is brought into the university by consultancies. Further, clear guidelines and policies need to be put in place about how much university staff are paid through consultancies, how much the university gets, whether that is to be in kind or in cash, and, if it is in kind, exactly how that equipment should be accounted for. At the moment, that does not seem to be the case.

The other matter that should be of concern is that the Auditor General obtained legal advice on this matter. Page 48 of the report states -

Legal advice obtained by this Office indicated potential for legal liability of universities under commonly existing private consultancy arrangements. Where a client suffers damage caused by a university staff member whilst in a private consulting arrangement, the client might argue that the staff member was working on behalf of the university.

I do not know whether that has been tested. It may be the opinion of a barrister or

solicitor. The report then makes seven recommendations about how the situation should be managed and enforced and states that policies should be developed and adhered to. It says that, without that, there will be no accountability for what are large sums of money.

I raise this matter on this occasion because I will give notice - unless I can negotiate with you, Mr Deputy President, as Chairman of the Standing Committee on Government Agencies, a behind the Chair arrangement - that the government agencies committee will review this report and ensure that universities consider the matters raised in the report and resolve them. When I was on the government agencies committee, there was some reluctance by universities to be scrutinised by that committee.

Hon N.F. Moore: You will find they still are.

Hon JOHN HALDEN: They may well be. However, now may be a good time to resolve this matter once and for all. I do not want to be too harsh but there is a lack of accountability when institutions set up under state legislation refuse to be scrutinised by instruments of the Parliament that has created them. The matter should be reviewed. I know State Governments do not contribute significant amounts of money to universities.

Hon N.F. Moore: Virtually none.

Hon JOHN HALDEN: Yes. However, enormous amounts of public moneys are contributed by the Federal Government and we have some responsibility to ensure that this matter is investigated and corrected.

Adjournment Debate - Perth, City of, Plan Item 14

HON J.A. COWDELL (South West) [6.08 pm]: I was grateful to receive the brochure outlining the Government's plan for the City of Perth which was presented to this House last week. It has much to commend it, particularly that part of the plan relating to legends 1 and 2, the palatial area of Reg's rest, the precinct which includes the central government buildings, an open courtyard and the Town Hall. That is an excellent concept. The central government buildings are a valued part of the heritage of this State. Bolton referred to them in his book *A Fine Country to Starve In* as the Loire Chateau. He describes Premier Mitchell and Deputy Premier Latham standing on the first floor with a water hose, looking at an unemployment demonstration below and wondering whether to turn on the water; an idea dear, no doubt, to this Government. The City of Perth is indeed fortunate.

Unfortunately, when we get to reference 14, which is a slum precinct - I beg members' pardon - the Parliament precinct, we have a sorry situation. I must lament the fact that the plan for the beautification of the city does not include addressing the problem of the slum on the hill. Members will be aware of the problems inherent in the freeway at the front and Harvest Terrace at the back of the building. We are still dawdling on the acquisition of the Hale school buildings and essential facilities. It would be a better policy for the Government to adopt - but one to the detriment of the City of Perth - if we moved down and took over the central government buildings, once renovated with the Town Hall. It would be far more appropriate to restore the separate Chambers in the centre of the city. We could give this establishment to the Perth City Council. I am sure that in no time it would be a model building with all the necessary conveniences.

Hon N.F. Moore: You do acknowledge that it didn't become a slum 18 months ago.

Hon J.A. COWDELL: I commend the Government for its city vision, but bring to its notice reference 14, which needs urgent attention.

Adjournment Debate - Deputy Chairmen of Committees, Roster; Hansard Tapes

HON SAM PIANTADOSI (North Metropolitan) [6.12 pm]: I raise some issues which have occurred over the past couple of weeks. The first is the issue of the roster that was circulated by you, Mr Deputy President (Hon Barry House), for deputy chairmen of committees. As you are aware, Mr Deputy President, I refused to participate in that roster because I believed it was a roster of convenience. We were due for a long session

and it suited certain interests to have all participating. I am sure Hon Cheryl Davenport echoes my sentiments. I support any roster that is continuous throughout the session, but not on a selective basis when it suits certain interests. There was no consultation on the roster. We were given a time when we were rostered on, notwithstanding the fact that we may have been rostered ourselves to speak on certain Bills at the time. Nobody asked us whether we would enter the debate on certain Bills. Legislative Council records will show that out of the five deputy chairmen of committees, Hon Cheryl Davenport and I have had few opportunities to act in that position. The record speaks for itself, and it is a reflection on the fair play that takes place in this House.

Hon J.A. Scott: The House of Review.

Hon SAM PIANTADOSI: Many members in this place refer to it on occasions with pride as the House of Review which keeps everyone honest. However, the honesty of how the numbers are crunched in this place leaves a lot to be desired. Perhaps this House of Review should consider the way that is carried out. We are not asking for preferential treatment, but to be given a fair go. If we are asked to participate in the running of this Chamber, we should be afforded the same opportunity as everybody else; not one of convenience. It is no secret that contentious Bills have been before the House. In debate on those Bills members should check to see whether Hon Cheryl Davenport or I have presided over that debate. There is no chance of that. I recall that when there was a little rumpus one evening between the Minister for Transport and me, I was asked to vacate the Chair. The numbers came to the rescue. That was a clear indication of what had occurred.

If that is the same practice the Government wishes to indulge in, and this House wishes to pursue in the future, the House should be honest enough to indicate that. Hon Cheryl Davenport and I will occupy ourselves with other work and involve ourselves in the consideration of necessary legislation, rather than waste our time waiting for the opportunity to sit in the Chair. We would not mind if we were told that was the Government's wish. Perhaps the Government could select another two deputy chairmen of committees to replace us so it could have it all its way. All we are asking for is a fair go. I raised the same issue with you, Sir, some six months ago in the President's corridor. No change has been made to the situation. I asked that during this break consideration be given to a permanent roster, so that everybody got a fair go. If not, I would like this House to inform Hon Cheryl Davenport and me that our services are no longer required. I do not want our services to be used for simple convenience, depending on the Bill being debated. It is not fair. I do not think you, Sir, or any of the other deputy chairmen of committees would like to be put in the same situation.

The next matter I raise has aggrieved me considerably. I have given it a lot of thought and have received some advice on whether I should raise it in this place. I feel strongly enough about it that I believe I should do so. I was accused of interjecting when the President had called order. *Hansard* indicates clearly that the President's sentence had finished. I asked for permission to hear the tape recording of the proceedings. I was told I had to write a letter to the President, which I did. He told me I had to take up the matter with the Chief Hansard Reporter. I approached the Chief Hansard Reporter who told me there was nothing I could do; that I had to take up the matter with the President. I wrote another letter to the President and was told that under standing orders it was too late and I could not do anything about it; that I had to take up the issue at the time. *Hansard* shows that I tried to raise it at the time, but was ruled out of order.

Where does one go? I found out from speaking to the Chief Hansard Reporter that on one occasion the Leader of the Opposition in the other place felt he had been misquoted. The Speaker, the Leader of the Opposition, and the Chief Hansard Reporter listened to the tape and the matter was clarified. If justice can be done in the Assembly, why can it not be done here as well? Why can we not have the opportunity to listen to the tape recording? The President listened to the recording of the debate to which I refer. I should have been afforded the same opportunity.

I was the person who was aggrieved by that accusation and I understood that I would

have the same right as other people in having the matter clarified by listening to the tape. It appears that certain rules and privileges apply to some members and not to others. If that is the case, this House should be informed of the privileged few and whether there is any chance that members from this House can apply to be granted the same privileges. All I wanted to do was to clarify the matter and the tapes would have done that, but I was denied that opportunity. I dish it out and I cop it, but if someone misquotes me it is not fair play and it is something I will not accept. The position should be clarified. If members feel that they have been misquoted they should be able to take advantage of the precedent that has been set in the Legislative Assembly where the aggrieved member, the Speaker and the Chief Hansard Reporter listened to the tape. That privilege should be extended to members in this Chamber.

Adjournment Debate - Logging, Kerr Block, Balingup

HON J.A. SCOTT (South Metropolitan) [6.21 pm]: As members wend their way home for an early night I ask them to remember that tonight at Balingup a number of people will be camping out in an attempt to protect an area of old growth forest which is close to that town.

Hon E.J. Charlton: Are they being paid by the taxpayers?

Hon J.A. SCOTT: It was interesting that Hon Tom Helm referred to the repression that is happening when people seek work through certain agencies in this State. A similar thing is happening in this instance. Landowners adjacent to and downstream from the Kerr block are gathering evidence about the salinity levels. I have a press release put out by one of the spokespersons from the group and it states -

Landowners living along the streamway that passes through Kerr are gathering evidence about salinity levels, to use if necessary in court, should logging proceed. If it does show an increase, they have warned CALM and the Industry of the legal action they will take against them. Many Balingup households have based their livelihoods around a healthy water system for their organic gardens, orchards, aquaculture and permaculture.

The cutting and treating of this last section of Kerr is a blatant disregard of adaptive management. Salinity impacts of the recently logged area upstream of this block have not even been determined. Peter Bidwell, CALM manager told residents that pre-logging salinity tests for the Kerr block in question were not made as they use a widespread data. "This should all have been monitored as it contravenes ministerial condition 11 to increase the area of logging within the same block without the benefit of adjustment with monitoring results.

In Balingup a number of properties are adjacent to the Kerr block which will be logged and the owner of one of those properties has allowed the protesters to camp on her block because she is very concerned about the loss of the last growth of that forest. She has been told that her block cannot have a buffer of vegetation between it and the clearing in spite of other people in a similar situation to her being told they can keep a buffer. The Department of Conservation and Land Management is using repressive tactics to force her to back off from her protest. It is an appalling tactic for CALM to use in relation to what is an important amenity for the local people.

Hon Eric Charlton made a comment about the campers being there at the taxpayers' expense.

Hon E.J. Charlton: I asked if they were.

Hon J.A. SCOTT: Yesterday I spoke to Cassandra Menard, who was responsible for the press release, and she said that what is remarkable about the blockade at Balingup is the type of person involved. She said the committed group comprises doctors, nurses, teachers, justices of the peace and landowners.

Hon E.J. Charlton: Any lawyers?

Hon J.A. SCOTT: I hope so. These people are very concerned that once again the pre-

logging surveys which are supposed to be undertaken according to the woodchipping regulations have not occurred. They are never done in this State

Hon W.N. Stretch interjected.

Hon J.A. SCOTT: The logging plans are available, but the pre-logging surveys have not been done. The only survey that was done was on the chuditch and that was forced upon CALM by the local residents. The survey revealed that there were chuditch in the area. It is ironic that, on the one hand, the Government is spending money on preserving this endangered species but, on the other hand, is chopping down its habitat.

I record my solidarity with those people who are trying to preserve that area. It involves only 150 hectares and it is hardly worth the while of the timber industry to go in there. It is a senseless tack for purely -

Hon Peter Foss: For making money.

Hon J.A. SCOTT: If Hon Peter Foss had listened to my speech last night he would have heard that forestry operations in this State made a \$569m loss.

Hon E.J. Charlton: Do you live in a house?

Hon J.A. SCOTT: I do, but it is made out bricks. I will ignore Hon Eric Charlton's senseless and inane comments.

Government members find it rather amusing that I am talking about the Government's preparedness to support one aspect of industry by subsidising it. Its actions will cause a rise in salinity and farmers will be affected. Members opposite do not really care about the farming community and they are letting them down by allowing the clearing of the Kerr block to go ahead.

Hon W.N. Stretch: For goodness sake, get it clear as to what is logging and what is clearing.

Hon J.A. SCOTT: Hon Bill Stretch has introduced a very good furphy. Members opposite say ad infinitum that I should be clear on the difference between logging and clearing. When all the trees on a block are knocked down, the block has actually been cleared. For some reason, the Government and Dr Shea believe that poor salinity is caused when land is turned over to agriculture after the trees have been knocked down, but somehow when they are knocked down for logging purposes it has a completely different result. It is a nonsense and a fallacy. It is deliberate misinformation spread by the idiots who are in charge of the forestry operations in this State.

It is about time that members opposite opened their eyes to what is happening in the south west and properly represented the people who live in their community, because most of those people do not want that to happen; and most of the people in the city do not want that to happen. We hear over and over that this must be done for the people in the State.

Hon E.J. Charlton: Are there any trees on the block where you live?

Hon J.A. SCOTT: One big monopoly is getting the benefit of this; everyone else loses.

Hon Peter Foss: They are making money.

Hon J.A. SCOTT: They are making money, and we are subsidising them.

Hon E.J. Charlton: Who is "we"?

Hon J.A. SCOTT: If Mr Charlton read the McCarrey report he would realise that the taxpayers were subsidising Bunnings Ltd. Bunnings is making money, but the Government is subsidising it.

Hon Peter Foss: It is a good Western Australian company.

Hon J.A. SCOTT: It is pretty easy to make money if the Government is handing over pockets' full of money. I could make money if the State gave me a big subsidy.

Hon E.J. Charlton: We do.

Hon W.N. Stretch: It is about time the member came in here and told the truth; he is a disgrace.

Hon J.A. SCOTT: I am telling the truth about this. Members should listen to the truth rather than the propaganda put out by a huge oligopoly.

Question put and passed.

House adjourned at 6.31 pm

QUESTIONS ON NOTICE

**MAIN ROADS DEPARTMENT - ALBANY HIGHWAY, OATLANDS
ROAD-HASSELL STREET, MT BARKER, REALIGNMENT**

591. Hon BOB THOMAS to the Minister for Transport:

- (1) When did the Main Roads Department decide to realign Albany Highway between Oatlands Road and Hassell Street, Mt Barker?
- (2) What is the estimated cost of constructing this new section of road, including the cost of resuming land?
- (3) Have Main Roads Department engineers constructed models to determine what effect the new road will have on the waterways in that area and the likely impact elsewhere as a result of filling the low lying areas?
- (4) If so, what is that effect?
- (5)
 - (a) Did the Main Roads Department also consider an alternative which involved straightening the dog leg at the railway crossing on Albany Highway, installation of boom gates, installation of improved overhead lighting, upgrading traffic signs, installing traffic islands on Oatlands Street and improving the road surface approaches to the railway crossing;
 - (b) If yes, what was the cost of this option and why was it not chosen ahead of the realignment; and
 - (c) If no, what is the cost of this option?
- (6) What is the total cost of resuming land for the realignment?
- (7) Has the Main Roads Department received advice from the Plantagenet Shire indicating a preference for the improvement of the railway crossing, the realignment option, or any other option?
- (8) Is the realignment proceeding as a result of support for it from the Plantagenet Shire or because of Main Roads Department preference?

Hon E.J. CHARLTON replied:

- (1) Discussions have been ongoing since 1972 on the realignment of the section of Albany Highway between Oatlands Road and Hassell Street, Mt Barker to the east of the railway line. Serious discussions on the realignment option began in the mid 1980s when the existing 1938 pavement began deteriorating. In 1987 the proposal was made public at a meeting held jointly by the Plantagenet Shire and the Main Roads Department. A further public meeting was held in October 1990, at which the shire fully supported the realignment and has since worked closely with Main Roads in the development of the proposal.
- (2) Detailed costing has yet to be done following the finalisation of design work. However, the budgetary cost for the realignment is estimated at \$2m, including land acquisition.
- (3) No, while the realignment traverses low lying areas it is aligned to the east of a creek system and does not affect the major flow of the creek. Natural drainage either side of the alignment will be preserved by culverts under the road.
- (4) Not applicable.
- (5)
 - (a)-(b) This option does not allow for future expansion.
 - (c) No detailed cost has been done but reconstruction of the existing alignment including modification to the rail crossing would be in the order of \$1.4m.

- (6) Land acquisitions have yet to be finalised although acquisitions are estimated to cost in the order of \$60 000.
- (7) Plantagenet Shire supports the realignment option. No records exist to indicate its preference for any other option, although the shire did express concern over the alignment of the railway crossing.
- (8) This 3.6 kilometre section of Albany Highway south of Mt Barker is now 54 years old and has reached the end of its service life. The realignment has been selected after close consultation between Main Roads, the Plantagenet Shire Council and the public. This will address the problems experienced with the existing road and also upgrade the alignment to a standard appropriate to current requirements for a major arterial route.

MEWS ROAD DEVELOPMENT - CHALLENGER HARBOUR

613. Hon KIM CHANCE to the Minister for Transport:

In respect of the recently approved Mews Road tourist accommodation project on Department of Marine and Harbours' land at Challenger Harbour, will the Minister advise -

- (1) Who is the lessee of the land?
- (2) What is the term of the lease?
- (3) What rent and fees are payable by the lessee under the lease contract?
- (4) When did the lease become effective?
- (5) What conditions, other than those dealing with the time span, rent and fees, apply in the lease contract?

Hon E.J. CHARLTON replied:

- (1) Hay Constructions Pty Ltd
Tropical Nominees Pty Ltd
- (2) 99 years.
- (3) Once only payment of "freehold" valuation of \$1.3m and normal outgoings.
- (4) 1 June 1994.
- (5) Standard and specific lease conditions are covered in a 50 page agreement. Given the wide range of matters and conditions contained in the agreement the question needs to be more specific.

WESTRAIL - BOOKING OFFICES, ALBANY AND GERALDTON, CLOSURE

615. Hon BOB THOMAS to the Minister for Transport:

Does Westrail plan to close its booking offices at Albany and Geraldton?

Hon E.J. CHARLTON replied:

No.

DAWESVILLE CUT - COMPLIANCE AUDIT

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

- (1) Has a compliance audit of the Dawesville Cut project been carried out?
- (2) If so, will the Minister table the audit?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) An audit report on "Construction of the Dawesville Cut" was published in

the Auditor General's first general report 1994, report No 3, June 1994, pages 49-54.

Since the channel was opened in April 1994, the Department of Transport has been working together with the Waterways Commission and a number of other government agencies to ensure that the impact of the channel on the estuarine and adjacent marine environment is fully monitored. After 12 months, the department intends to prepare a progress and compliance report outlining the results of its monitoring program to help verify the environmental performance of the Peel Inlet-Harvey estuary management strategy, stage 2, in consultation with the Environmental Protection Authority.

MEWS ROAD DEVELOPMENT - CHALLENGER HARBOUR

655. Hon KIM CHANCE to the Minister for Transport:

- (1) What is the term of the lease negotiated between the Department of Transport and the Fini Group-Hay Property Group Joint Venture, for land being developed by the joint venture, known as the Mews Road development at Challenger Harbour?
- (2) What is the annual rental for the land?
- (3) What special conditions apply to the lease?

Hon E.J. CHARLTON replied:

I refer the member to question No 613.

ABILYMPICS - TRANSPORT, DEPARTMENT OF, ASSISTANCE

693. Hon GRAHAM EDWARDS to the Minister for Transport:

- (1) Is the Minister aware that the department has promised ongoing information to the organisers of Abilympics detailing how the needs of step-handicapped people will be catered for during the Abilympics in 1995, but that this information has not been forthcoming?
- (2) In view of this, will the Minister take action to ensure the needs of step-handicapped people are being met and that specific needs during the Abilympics will be met?
- (3) Could the Minister detail how Abilympics visitors will be able to access major tourist venues via public transport in 1995?

Hon E.J. CHARLTON replied:

- (1)-(3) I assume the department the member is referring to is the Department of Transport. I am not aware of any difficulties being experienced by EventsCorp, which is the organiser of the Abilympics, in obtaining information or advice from the department. In fact, I have had confirmation from EventsCorp of the Department of Transport's assistance and involvement on the Abilympics transportation subcommittee, which was set up expressly to examine and address transportation to the event. I would anticipate that if there were any concerns they would have been raised in that forum.

STEEL MILL - AND POWER STATION, ROCKINGHAM AREA PROPOSAL

842. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) Can the Minister for the Environment confirm that the models used by the Environmental Protection Authority to determine the impact of the proposed steel mill and power station on people and the environment are the most accurate and up to date available?
- (2) Is the Minister for the Environment aware that in New South

Wales the EPA services found that the current models used to determine the dispersion and atmospheric emissions by steel mills are inaccurate and fail to protect people and the environment?

- (3) If so, will the Minister for the Environment ask the EPA to instruct the Compact Steel proponents to use the same models to determine the impact of atmospheric emissions on people and environment to ensure the best protection from harm?
- (4) Is the Minister for the Environment aware that in 1993 there were 529 substantiated complaints about the quality of the air people were breathing as a result of the existence of the Kwinana industrial area?
- (5) Is the Minister for the Environment aware that in 1993 175 of the substantiated complaints mentioned above emanated from the Kwinana and Rockingham area?
- (6) What are the projected increases in complaints if the proposed large steel mill and power station goes ahead less than 2 km away from major residential areas?
- (7) Is the Government aware that the City of Rockingham has rejected the proposed Compact Steel plant after -
 - (a) discussions with the proponent;
 - (b) a review of the environmental review and management program by the south west group of local councils; and
 - (c) a large resident and council meeting?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) It would be premature to comment on the Environmental Protection Authority's methods of assessment at this stage, since the EPA has not yet given its advice through its publicly available assessment report.
- (2) Not relevant, as the air dispersion models used by the Department of Environmental Protection are specific to the environmental conditions in Western Australia.
- (3) See answer (2).
- (4) In the 1993 calendar year there were 157 complaints received by the Department of Environmental Protection alleging the source to be within the Kwinana industrial area. Ninety of these 157 complaints were substantiated as emanating from the Kwinana industrial area.
- (5) In the 1993 calendar year there were 270 complaints received from within the Rockingham and Kwinana municipal areas. One hundred and sixteen of these complaints were substantiated.
- (6) It would be premature to comment on this for the same reason as answer (1).
- (7) Yes.

FISHERIES DEPARTMENT - LISTENING DEVICES INSTALLATION

853. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

- (1) How many listening devices were installed by the Police Department on behalf of the Fisheries Department in -

- (a) private houses;
 - (b) boats;
 - (c) private offices; and
 - (d) other government department buildings?
- (2) What Statute or authority authorised each installation?
- (3) Under what section of the Listening Devices Act or under what authority were these installations authorised?
- (4) Who was the police officer or fisheries officer who authorised the installation of each listening device on each occasion in part (1) above?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) The Fisheries Department has never made any formal request to the Police Department to install any listening device in -
- (a) private houses;
 - (b) boats;
 - (c) private offices; and
 - (d) other government department buildings.
- (2)-(4) Not applicable.

FORESTS - REHABILITATED, FIELD STUDIES FUNDING
Silviculture Management

857. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) Is the Government currently funding field study assessments of rehabilitated forests?
- (2) If so, will these studies be used to shape future forest silviculture management and sustainability modelling?
- (3) If not, why not?
- (4) With reference to silviculture prescription 2/91, on what basis has the Department of Conservation and Land Management decided to leave only three habitat trees per hectare?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) Presuming the member is referring to forests rehabilitated after mining or agricultural clearing, rather than regeneration following harvest, the answer is yes.
- (2) Yes, this is one of the purposes of these studies.
- (3) See (2).
- (4) On the basis of published research and the knowledge of local scientists. A good summary of the information available to CALM on which the decision was made can be found on pages 47-50 of the Report of the Scientific and Administrative Committee set up pursuant to the December 1992 ministerial conditions on implementation of the forest management plan.

**CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF -
ARMSTRONG FLORA COMPANY**

866. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

Further to question 619, part (5) of 7 September 1993, do any officers or employees of the Department of Conservation and Land Management or members of their families have any financial interest in the Armstrong Flora Company?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

I am not aware of any CALM employees having any interest in that company.

LAND - LEDA

South of Leda Boulevard and West Ridge, A Class Reserves

889. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

Does the Government intend to declare land -

- (a) south of Leda Boulevard; and
- (b) west of Sloans Reserve, otherwise known as the West Ridge, as A class reserves in the Leda area?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (a) Yes.
- (b) Not at this stage, although the values of the area south of Wellard Road are being reviewed for possible future A class reservation.

MARINE PARKS - DAMPIER ARCHIPELAGO, RECOMMENDATIONS

890. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) Has the Minister for the Environment received recommendations for a marine park or reserve in the Dampier Archipelago area?
- (2) If so, does that recommendation include areas around Conzinc Island in Conzinc Bay adjacent to the Burrup Peninsula?
- (3) If so, will the Minister for the Environment table those recommendations?
- (4) If the Minister for the Environment will not table those recommendations, will the Minister outline the thrust of those recommendations?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) A report titled "A Representative Marine Reserve System for Western Australia" has been prepared by a technical working group and presented to the Minister for the Environment. The report has been released for public comment. The report has not yet been adopted by the Government. This report includes a recommendation that some of the waters of the Dampier Archipelago be considered for reservation as a marine reserve.
- (2) The area proposed for consideration includes areas around Conzinc Island.

- (3) The report is a publicly available document from the Department of Conservation and Land Management at a cost of \$10.
- (4) See (3).

WESTRAIL - LOCOMOTIVES, BOGIES CONTRACT

906. Hon BOB THOMAS to the Minister for Transport:

- (1) Did Westrail recently call for expressions of interest or public tenders to change bogies on four Westrail locomotives?
- (2) Was the successful firm Goninans WA?
- (3) Did Westrail provide specifications for maximum width and holding break propensities?
- (4) Did the company satisfy those specifications?
- (5) On what date did Westrail take delivery of those locomotives?
- (6) At which depots are they located?
- (7) Are they operating on all standard gauge lines?
- (8) (a) Is not, is it because the bogies are too wide to give the locomotive sufficient clearance from platforms, other rail side fixtures and other rolling stock; and
(b) for what other reasons are the locomotives not being utilised?
- (9) Did the company which completed the work use second-hand bogies from scrapped locomotives from a Pilbara iron ore railway?

Hon E.J. CHARLTON replied:

- (1) Westrail invited public tenders for the conversion of three NA class narrow gauge locomotives to standard gauge locomotives. This was later amended to conversion of two NA class locomotives.
- (2) Yes. The offer from A. Goninan & Co Limited was the only offer received.
- (3) Specifications were provided for maximum width and general brake requirements.
- (4) No, not in relation to width. However, the existence of extra width at bogie height was examined by Westrail and a decision was taken to allow the locomotive to operate.
- (5) Delivery of locomotive NA1873 - 2 September 1994
Delivery of locomotive NA1872 - 9 September 1994.
- (6) Forrestfield locomotive depot.
- (7) No.
- (8) (a)-(b) To allay concerns expressed by the Western Australian Locomotive Engine Drivers, Firemen and Cleaners Union, the locomotives are being kept out of service until a physical check of the lines over which the locomotives will operate has been undertaken to ensure that there will be no clearance problems.
- (9) Yes. Reconditioned bogies were used.

**CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF -
LOGGING, SOUTHERN FOREST REGION, SOUTH WEST**

993. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

With regard to the "National Estate Values in the Southern Forest Region of South West Western Australia, Vol 1", Australian Heritage

Commission and the Department of Conservation and Land Management, page VI -

- (1) Why is the Government permitting clearfelling of forest blocks in the southern forest region that have been interim listed by the Australian Heritage Commission as part of the National Estate, and when the Department of Conservation and Land Management has agreed that they should not be logged when there is a "prudent and feasible alternative"?
- (2) Why is there no "prudent and feasible alternative" when the department is less than one year into a 10 year logging plan?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) The member has misinterpreted the wording of the paragraph. It does not say CALM has agreed that areas on the interim list or register of the National Estate will not be logged. In fact, in the paragraph above the one he refers to it says CALM will protect National Estate values within the context of maintaining timber volumes to industry as specified in the 1987 timber strategy and the 1992 draft forest strategy. The consideration of prudent and feasible alternatives to logging in National Estate places is a statutory requirement for commonwealth Ministers and not any state Minister or instrumentality. The reference to the prudent and feasible alternatives in the paragraph is in the context of maintaining timber supplies and relates to the minimisation of impact on National Estate values and their relative significance. Notwithstanding the above, the main thrust of ensuring National Estate values are maintained in the region is through their representation in the reserve system.
- (2) The member's question is superficially simple, but the answer is long and complex because it goes to the heart of detailed forest management planning and how all values are catered for. Given the member's obvious interest in forest management and his lack of understanding of management of National Estate values and forest planning, I believe my best response is to arrange a briefing and/or field trip to have these issues explained.

DIEBACK - PREVENTION PROGRAMS, FUNDING

994. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) Has the Australian Nature Conservation Agency contributed funding to the Department of Conservation and Land Management's dieback prevention programs?
- (2) If so -
 - (a) how much;
 - (b) which programs; and
 - (c) when was the funding donated?
- (3) Has the Walpole Nornalup National Parks Association donated funds to dieback prevention programs?
- (4) If so -
 - (a) how much;
 - (b) which programs; and

(c) when was the funding donated?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) (a) \$475 000 in 1994-95 - equivalent amounts in 1992-93 and 1993-94.
(b) Control of phytophthora and diplodena canker in Western Australia.
(c) July 1994 for current year.
- (3) Yes.
- (4) (a) Approximately \$5 000 donated "in kind" by supply of chemicals for spraying.
(b) Walpole-Nornalup National Park phytophthora program.
(c) October 1992.

STIRLING RANGE NATIONAL PARK - DIEBACK

995. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

Of the 30 to 40 000 hectares locked up in the Stirling Range national park and referred to by Dr Shea during Estimates Committee hearings -

- (a) how much of this area is affected by dieback;
- (b) how much of the affected/non-affected area/s has been treated by phosphanate;
- (c) what quantity of phosphanate has been used in the Stirling Range national park;
- (d) what are the various methods of distribution used in applying phosphanate in the Stirling Range national park; and
- (e) what are the quantities used in association with each distribution method?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (a) Less than 15 per cent as of January 1994.
- (b) Individual threatened flora species have been treated by phosphanate. The total area covered by the plants would be about 3 ha.
- (c) Two litres of phosphanate.
- (d) Manually operated high pressure, low volume mist blower.
- (e) 0.3 per cent solution phosphanate applied directly to target plants to saturate foliate.

LIVE SHEEP - EXPORT TRADE

1010. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Primary Industry:

- (1) Is it correct that 4.4 million live sheep were exported from Fremantle in 1993-94?
- (2) Is the statement from the Western Australian Livestock Exporters Association "that Australia has some of the best regulations for the transport of livestock" correct?

- (3) Can the Minister explain how the Government is ensuring adequate compliance with these regulations?
- (4) Who, or what department, is ultimately responsible for the enforcement of these regulations?
- (5) What additional steps have been taken to ensure that the present levels of enforcement are adequate so as to regulate properly the substantial increase in the number of live sheep being transported on Western Australian roads for export from Fremantle?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

(1)-(2) Yes.

- (3) The sheep are inspected at intervals between leaving the farm and departure of the ship to ensure compliance with appropriate regulations and codes of practice.
- (4) The Department of Primary Industries and Energy, through its agent in this State, the Western Australian quarantine and inspection service.
- (5) Codes of practice for the transport of sheep are under periodic review. Inspection activities are increased in proportion to any increases in the number of sheep being shipped.

TAB - INVESTMENTS IN COMPANIES

1041. Hon BOB THOMAS to the Minister for Racing and Gaming:

- (1) In what companies does the Totalisator Agency Board have investments?
- (2) What subsidiary companies are owned by those companies listed in (1) above?
- (3) Does the TAB intend to sell any of these companies listed in (1) or (2) above?
- (4) Do any of these companies provide contracted services to -
 - (a) the TAB; and
 - (b) any other government agency or department?
- (5) If so, which companies provide what services to which agency or department?
- (6) Are any of these companies to be sold as part of a management buy-out?
- (7) If yes -
 - (a) which ones;
 - (b) what is the purchase price of the proposed buy-out; and
 - (c) on what basis has this purchase price been determined?
- (8) Has the TAB written down the value of any of its companies, or subsidiary companies, recently and then transferred funds from any of its general accounts to the accounts of any of those companies or subsidiaries?
- (9) If yes, which company or subsidiary was involved?

Hon MAX EVANS replied:

- (1) Lewara Pty Ltd and Fairplay Newspaper Printing Works Pty Ltd.
- (2) Western Broadcasting Services Pty Ltd and Dynamic Business Resources Pty Ltd.

- (3) Lewara Pty Ltd and Western Broadcasting Services Pty Ltd.

The TAB owns 100 per cent of Lewara Pty Ltd, which in turn owns 100 per cent of Western Broadcasting Services Pty Ltd. The TAB is negotiating for Lewara Pty Ltd to sell its shareholding in Western Broadcasting Services Pty Ltd, which may also involve the TAB selling its shareholding in Lewara Pty Ltd.

Fairplay Newspaper Printing Works Pty Ltd and Dynamic Business Resources Pty Ltd

The TAB has a 33.6 per cent interest in Fairplay Newspaper Printing Works Pty Ltd and intends to sell this as soon as possible. It is understood that the board of Fairplay Newspaper Printing Works Pty Ltd is currently seeking to sell its shareholding in Dynamic Business Resources Pty Ltd.

- (4) (a)-(b) Yes.

- (5) Dynamic Business Resources Pty Ltd

- (a) The TAB and DBR have in place the following agreements wherein DBR provides contracted services to the TAB -

Software marketing agreement and software licensing agreement - DBR to provide the TAB with services for the marketing and support of software products.

Data base consultancy services agreement - DBR to provide the TAB with a data base consultancy service.

Data processing and computer services agreement - DBR to provide some technical services to the TAB, and for the TAB site to act as a computer services bureau in conjunction with DBR.

- (b) For commercial reasons, DBR is reluctant to disclose this information. However, the TAB is prepared to request the DBR board to brief the member, if required.

Fairplay Newspaper Printing Works Pty Ltd

- (a) Fairplay Newspaper Printing Works Pty Ltd is a supplier of print goods and services to the TAB under normal supply arrangements.

- (b) For commercial reasons, Fairplay Newspaper Printing Works Pty Ltd is reluctant to disclose this information. However, the TAB is prepared to request the Fairplay Newspaper Printing Works Pty Ltd board to brief the member, if required.

Western Broadcasting Services Pty Ltd

The TAB has a contract with Western Broadcasting Services for the sale and scheduling of advertising on Racing Radio 1206AM. Some Western Broadcasting staff have been seconded to the TAB to assist Racing Radio on a temporary contract basis.

- (6)-(7) As the board of Fairplay Newspaper Printing Works Pty Ltd has decided to sell its shareholding in Dynamic Business Resources Pty Ltd, the other shareholders, which include staff of DBR, have, under the articles of association, the pre-emptive right to purchase Fairplay Newspaper Printing Works Pty Ltd's shareholding. The other shareholders are understood to have decided to exercise their pre-emptive right. As neither the Government nor the TAB has a controlling interest in Fairplay Newspaper Printing Works Pty Ltd, the Minister is not able to disclose details of the sale price.

- (8) No.

- (9) Not applicable.

WITTENOOM - ASBESTOS TAILINGS CARTED INTO TOWNSITE

1075. Hon MARK NEVILL to the Minister for Health representing the Minister for Works and Services:

Would the Minister for Works and Services provide details of the amount of asbestos tailings which were carted into the Wittenoom townsite by the Public Works Department or contractors working for the State Housing Commission?

Hon PETER FOSS replied:

A substantial amount of asbestos tailings was used in earthworks at the Wittenoom townsite. The tailings were readily available and were used by government agencies and undoubtedly by their private sector contractors. These tailings were also available to the general public. Exactly how much was used by particular groups is not known. The cost of endeavouring to establish how much was used by individual government agencies of the day is now prohibitive and the outcome would be unreliable.

QUESTIONS WITHOUT NOTICE**INDUSTRIAL RELATIONS COMMISSION - COMMISSIONER APPOINTMENT**

613. Hon A.J.G. MacTIERNAN to the Minister for Health representing the Minister for Labour Relations:

- (1) Is the Minister currently considering making an appointment to the Industrial Relations Commission other than the temporary appointment required to replace Commissioner Kennedy while she is on leave?
- (2) If yes, does the Minister propose to seek further nominations from the Trades and Labor Council in accordance with longstanding convention?

Hon PETER FOSS replied:

- (1)-(2) I thank the member for some notice of her question. Yes.

NATIVE TITLE ACT - HIGH COURT CHALLENGE

614. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) What stage has the State challenge to the Commonwealth's Native Title Act 1993 reached?
- (2) What are the legal fees incurred by the State to date?
- (3) What is the estimate of the legal fees to be incurred by the State to complete the litigation?
- (5) What is the basis of that estimate?

Hon GEORGE CASH replied:

- (1)-(5) I have been unable to ascertain the information in the time provided to me and I ask that the question be placed on notice.

METROPOLITAN TRANSPORT TRUST - NIGHTRIDER SERVICES

615. Hon KIM CHANCE to the Minister for Transport:

- (1) Will the patrons of the Nightrider service be scrutinised by private security agents prior to boarding the bus and while on the bus?
- (2) What legal responsibility will the Metropolitan Transport Trust have for the actions of those agents in performing their role?
- (3) Are the private security agents to be contracted by the MTT? If not, how will the MTT supervise their conduct?

Hon E.J. CHARLTON replied:

- (1)-(3) Security on the MTT Nightrider services will be provided by the Northbridge Businessmen's Association. A private agency will be contracted to the association and it will scrutinise the passengers prior to boarding the bus; not once they are on the bus. Security on the bus will be covered by the bus being able to make contact with the security firm, but its officers will not be on the bus.

METROPOLITAN TRANSPORT TRUST - NIGHTRIDER SERVICES

616. Hon KIM CHANCE to the Minister for Transport:

- (1) How will the Metropolitan Transport Trust take responsibility if it becomes necessary for a security agent to eject a person from the bus?
- (2) Where will the MTT stand in the event of a person's being injured in that process?

Hon E.J. CHARLTON replied:

- (1)-(2) I cannot answer that specifically because it could amount to a court situation if somebody were charged with misconduct or some other unacceptable behaviour.

The essence of the arrangement is that the service is being provided in the first instance by the MTT to take passengers from Northbridge and other areas of the metropolitan area. The Northbridge Businessmen's Association will provide security assistance to ensure that the patrons and the customers who pay the \$5 to board the MTT bus will be those who genuinely want to participate in the services. If, once they are on the bus, they create a problem and the security company is contacted to take the action to which Hon Kim Chance has referred, I do not know what will be the outcome. I understand that if necessary the security company will be able to call the police. They will provide a service to the MTT to be in contact either directly with the police or through the other agency.

POLICE - STOCK SQUAD

Entry into Agriculture Department Premises

617. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) Did members of the Western Australian police stock squad enter the premises of the WA Department of Agriculture while in possession of search warrants at any time during 1993 or 1994?
- (2) If so, on which dates and on which premises of the Department of Agriculture did this occur?
- (3) Did the stock squad remove documents during these occasions?
- (4) Did the stock squad question employees of the Department of Agriculture on these occasions?
- (5) What was the stated purpose of the entry by the stock squad on each occasion?

Hon E.J. CHARLTON replied:

- (1)-(5) I thank the member for some notice of the question; however, I have not been able to get that information so I recommend that the question be put on notice.

METROPOLITAN TRANSPORT TRUST - NIGHTRIDER SERVICES

618. Hon JOHN HALDEN to the Minister for Transport:

Regarding the Nightrider service, under what statutory or legal authority

will security guards be acting when they eject people from a bus or hold people as a result of a presumed potential for antisocial behaviour?

Hon E.J. CHARLTON replied:

They will not be ejecting people from the bus. As I said, the Northbridge Businessmen's Association has brought these people into the system in a genuine attempt to ensure that the wrong people do not take advantage of a service being provided to law abiding patrons of the MTT. If a person is aggrieved by not being allowed to get on a bus he will take any action against the security operation for not allowing him to do so. It will not be anything to do with the MTT.

A bus will be at a point identified at 12 o'clock, 1.00 am, 2.00 am and 3.00 am. A number of consequences could arise from the attempt to provide this service. However, as I said, it is a genuine attempt by the Government, the MTT, the taxi industry - Black and White Taxis in this instance - in conjunction with the Northbridge Businessmen's Association and the police, to provide for the people who want it, public transport after hours in the confidence they will not be harassed while they enjoy a bus ride to their destination.

JERRAMUNGUP SHIRE - LOCAL GOVERNMENT DEPARTMENT INQUIRY

619. Hon TOM HELM to the Minister for Transport representing the Minister for Local Government:

- (1) Has the Department of Local Government conducted any investigations into the Shire of Jerramungup over the past five years?
- (2) If yes, when did these investigations take place?

Hon E.J. CHARLTON replied:

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

HOSPITALS - ST JOHN OF GOD, BUNBURY *Collocation*

620. Hon DOUG WENN to the Minister for Health:

- (1) Have negotiations with St John of God Hospital to collocate the new government hospital been concluded?
- (2) If yes, when will details of the new arrangements be released to the public?

Hon PETER FOSS replied:

- (1)-(2) I am not aware of negotiations with the St John of God Hospital to collocate the hospital. As I indicated previously, what is happening in Bunbury is being overseen by the Bunbury Health Services Board. I am happy to make inquiries, but I will require some notice. The Government is not carrying out any negotiations.

Hon John Halden: It sounds like privatisation of ministerial responsibility.

Hon PETER FOSS: I do not know what the Bunbury Health Services Board is doing.

Hon John Halden: You should, you are the Minister.

The PRESIDENT: Order!

Hon PETER FOSS: Come off it! I have a \$1.5b department, 25 000 workers and over 100 boards and I am meant to know what every one of them is doing

today! Mr Halden has a very peculiar idea of a Minister's job. I do not happen to run each unit. That is done by the managers. A Minister deals with policy and direction. I know under the former Government, Marcelle Anderson ran everything and the Ministers did not get a look in. We have managers to manage. I know what the former Government did to statutory authorities. The former Government told statutory authorities what to do as it told the State Government Insurance Commission to invest in a great deal called Bell shares.

Several members interjected.

The PRESIDENT: Order!

Hon PETER FOSS: That is what the former Government did all the time. It took over statutory authorities and ran them for the benefit of the party. Under our Government, statutory authorities -

The PRESIDENT: Order! The Minister will come to order. I suggest that he bring his answer to the honourable member's question to a conclusion.

Hon PETER FOSS: I am not aware of whether negotiations are going on with the St John of God Hospital. There may be. I am happy to take that question on notice and find out whether negotiations are taking place and, if there are, what stage they have reached. However, if the member wants to know what the various parts of the Health Department are doing at any particular time, I regret I will have to have notice of the question to find out what is being done.

RADIOACTIVE MATERIAL - FROM INTERSTATE OR OVERSEAS

621. Hon J.A. SCOTT to the Minister for Health:

The Health Department report "Intractable Waste Facility" of 1993 by Tingay and Associates lists radioactive material from Rum Jungle as being stored in the radiation health section at Mt Walton.

- (1) Is this the only radioactive material from outside this State?
- (2) Is further material being accepted from interstate or overseas sources?

Hon PETER FOSS replied:

- (1) I will have to take this part of the question on notice.
- (2) No.

POLICE - COMMUNITY POLICING *Metropolitan Shopping Centres, Offers*

622. Hon BOB THOMAS to the Minister for Mines representing the Minister for Police:

In reference to the Minister's answer to question without notice 606 on Wednesday, 2 November 1994 relating to community policing -

- (1) Has the Minister received any offers of shop or office space for community policing activities at metropolitan shopping centres which have been rejected?
- (2) If yes, which locations were rejected and why were they rejected?

Hon GEORGE CASH replied:

This question relates to an answer given in this House yesterday afternoon. In the meantime, I have not had time to confer with the Minister for Police. I ask that the question be placed on notice.

HOSPITALS - ROYAL PERTH
General Services Restructuring Agreement

623. Hon A.J.G. MacTIERNAN to the Minister for Health:

- (1) Has the Royal Perth Hospital management reached agreement with the Australian Liquor, Hospitality and Miscellaneous Workers Union over the Royal Perth Hospital general services restructuring agreement 1994?
- (2) Has the Health Department reached agreement with the union over the Royal Perth Hospital general services restructuring agreement 1994?
- (3) If the hospital and the department support the restructuring agreement, why will the State Government not support it?
- (4) Has the Minister for Labour Relations vetoed the restructuring agreement?

Hon PETER FOSS replied:

- (1) Yes, but at all times subject to planning and appropriate government approvals, which include also the approval of the Cabinet subcommittee on labour relations.
- (2) The agreement has to be between the hospital and the union. The Health Department has supported it.
- (3) It was rejected because it was considered to be illegal because of the regulations under the Public Sector Management Act. That Act provides that things can be done only in accordance with those regulations. The agreement had been agreed prior to regulations coming into effect. The agreement contained provisions which were inconsistent with the regulations.
- (4) It is not so much a veto. As the Minister pointed out, the legislation required that the hospital and the union return to the workers to indicate to them that, because of the change to the law, the agreement would have to accord with it. I emphasise that the agreement was only a contingent agreement. At all times, it was contingent on obtaining the appropriate approvals from government, which were not obtained. Therefore, the contingency was not satisfied.

HOSPITALS - ROYAL PERTH
General Services Restructuring Agreement

624. Hon A.J.G. MacTIERNAN to the Minister for Labour Relations:

With which regulations or statutory provisions did the agreement conflict?

Hon PETER FOSS replied:

I have difficulty rehearsing the regulations off by heart. I think the main area of conflict was salary maintenance. However, they are the regulations under the Public Sector Management Act.

POLICE - STOCK SQUAD
Increase Request

625. Hon KIM CHANCE to the Minister for Mines representing the Minister for Police:

- (1) Has the Minister received a letter dated 13 April 1993 from the Senior Vice President of the Rural Action Movement urging an increase in police stock squad members?
- (2) Did the Minister reply to the letter?
- (3) If so, what was the date of the reply?
- (4) If not, why has the Minister not replied?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1)-(2) Yes.

(3) 6 October 1993.

(4) Not applicable.

RETAIL TRADING HOURS - DECISION

626. Hon N.D. GRIFFITHS to the Minister for Fair Trading:

(1) Has the Minister considered the effect that an extension of retail trading hours will have on members and employees of the Meat and Allied Trades Federation of Australia?

(2) When will a decision on retail trading hours be made?

(3) Why is there continued delay on the decision?

Hon PETER FOSS replied:

(1) I have.

(2) Soon.

(3) I am not aware that there have been delays. The matter is being further considered.

ROADS - "KEEP LEFT" CAMPAIGN

627. Hon GRAHAM EDWARDS to the Minister for Mines representing the Minister for Police:

Will the Government and the police support the Royal Automobile Club's campaign for drivers to observe a "keep left unless overtaking" rule on major highways and freeways?

Hon GEORGE CASH replied:

(1)-(2) Notice of this question was given on 26 October, which has provided me with an opportunity to seek a response from the Minister for Police.

Hon John Halden: Is that normal practice?

Hon Graham Edwards: We will not make it a precedent.

Hon GEORGE CASH: Not when I have had only an hour's notice.

Hon Graham Edwards: It is worse when one does all the work and one is not asked the question.

Hon GEORGE CASH: I have a few of those. The fact that I will provide an answer should not be seen as a precedent.

The Minister for Transport has previously expressed strong personal support for the keep left campaign following increased speed limits on the Kwinana and Mitchell freeways this year. Following recent advice received from the Commissioner of Police on the matter of keep left, the Minister for Police intends requesting draft amendments to the Road Traffic Regulations to be prepared for examination by the Legislative Assembly Select Committee on Road Safety. Depending on any advice put forward by that select committee the intention of the Minister for Police would be to submit the proposed amendments to implement keep left regulations to Cabinet for its approval.

ROTTNEST ISLAND - MANAGEMENT PLAN

628. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

(1) Is the Rottneest Island management plan due to expire under the Rottneest Island Act still in force?

- (2) If yes, what was the requisite notice of continuation as required under section 24 of the Rottnest Island Act gazetted?

Hon GEORGE CASH replied:

- (1)-(2) I have not had time to seek an answer to that question, but if the member puts the question on notice I will endeavour to get a reply.

Hon A.J.G. MacTiernan: This has been on notice for in excess of one month.

The PRESIDENT: Order! The member cannot comment.

Hon GEORGE CASH: It happens to be dated 3 November, and that does not make it one month.

Hon A.J.G. MacTiernan: It was given to the Leader of the House one month ago.

HOME ALARMS - SENIORS, GOVERNMENT FUNDING

629. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

- (1) Is the State Government continuing to fund the provision of home alarms to seniors considered at risk?
(2) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question.

- (1) An allocation has been made in the 1993-94 Budget for this purpose.
(2) Not applicable.

TAFE - BALGA

Machinery Maintenance Section, Closure

630. Hon JOHN HALDEN to the Minister for Education:

I refer the Minister to the recent closure of the machinery maintenance section of the Education Department which was based at Balga TAFE.

- (1) Is the Minister aware that a lack of continuity of servicing and maintenance of school manual arts equipment and machinery has occurred as a result of the premature closure of this section?
(2) Is it true that since the closure there has been no ongoing maintenance and servicing of machinery in schools throughout the State?
(3) Is the Minister satisfied that it is safe for children to operate machinery that has not been serviced?

Hon N.F. MOORE replied:

- (1)-(3) I had a similar question the other day, and I asked that it be put on notice. I cannot answer off the top of my head and if the member puts the question on notice I will provide the answer.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - TREATMENT, ORTHODOX AND UNORTHODOX, POLICY

631. Hon SAM PIANTADOSI to the Minister for Health:

- (1) Can the Minister confirm that the Health Department approves as a basic right the opportunity for patients to choose their treatment, be it considered orthodox or unproved?
(2) Can the Minister confirm that the State Government also approves the policy?

Hon PETER FOSS replied:

- (1)-(2) I am not sure what the member means by this question. People can decide what treatment they want. It does not necessarily mean we will pay for it. Normally under the provisions of both federal and state laws relating to the provision of health services free to individuals, it is required that the treatment be an orthodox treatment, and one that is seen as complying with orthodox ideas of what will be worthwhile.

The only restriction on the provision of unorthodox treatment is contained in those Acts which protect the public from unqualified practitioners. The Medical Act is an example where only medical practitioners are allowed to carry out things delineated in that Act. We have many other health professional Acts, such as the Nurses Act which passed through this Parliament a year or so ago, and other Acts which limit the capacity of people to do those things.

However, I have some concerns that the method of general regulation can sometimes be broader than is necessary. I am currently looking at a method of regulation of health professionals which has been suggested to me by a number of people. It is called the Toronto or Ontario method which is used in Canada. It is different in its approach and allows a greater role for non-conventional medicine provided that harm is avoided. I do not see that being introduced in any short term. It will be a matter that must be worked up and presented to the public after an opportunity for the Ontario model to be seen to work - it was introduced there only in 1993 - and for public discussion to take place. That then may make the points the member is raising more readily occur in Western Australia.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - GAS
AND ELECTRICITY CORPORATIONS, SPLIT**
Gas Bills, No Increase

632. Hon MARK NEVILL to the Minister for Mines representing the Minister for Energy:

- (1) Will the Minister rule out increased gas bills as a result of the Government's decision to split the State Energy Commission of Western Australia into separate gas and electricity businesses?
- (2) If not, will the Minister advise the House by how much gas bills are likely to rise in the commercial and domestic sectors?

Hon GEORGE CASH replied:

- (1) There will be no increase for domestic or small industrial and commercial gas customers supplied on the A3 and L3 tariffs as a result of separation of SECWA into the Electricity and Gas Corporations
- (2) Not applicable.

MILK INDUSTRY - MILK VENDORS
Compensation Proposal

633. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) Is the Minister considering a proposal for a rationalisation scheme for milk distribution in Western Australia involving compensation for vendors who leave the industry which provides for compensation at a level of \$80 per daily litre delivered?
- (2) Was this proposal put to him by the small business milk vendors action group?
- (3) Does the Minister intend to implement the proposal?

Hon E.J. CHARLTON replied:

I thank the member for notice of question.

(1)-(2) Yes.

(3) No.

ROTTNEST ISLAND AUTHORITY ACT - REVIEW

634. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

(1) Has the review of the Rottneest Island Authority Act - not the plan - been completed?

(2) If yes, when will it be released to the public?

(3) If not, what is the reason for the delay?

Hon GEORGE CASH replied:

This is a question which I have had since 18 October; therefore, I am able to provide the member with a reply. There was confusion as to which question was asked. I have not had a chance to get an answer to the question I received today.

(1) No.

(2) Not applicable.

(3) There has been a delay in obtaining Crown Law advice. This has now been received and the report will be forwarded to the Minister for Tourism shortly.

BUNBURY PORT AUTHORITY - PRIVATISATION PLANS

635. Hon DOUG WENN to the Minister for Transport:

(1) Does the Minister intend to privatise any part of Bunbury Port Authority?

(2) If yes, which parts, and what is the timetable for those actions?

Hon E.J. CHARLTON replied:

(1)-(2)
No.

STATESHIPS - FEDERAL SHIPPING PACKAGE, PAYE TAX RELIEF

636. Hon KIM CHANCE to the Minister for Transport:

(1) What action has the Minister taken to ensure that Western Australia, and in particular Stateships, benefits from the Federal Government's shipping package and the pay as you earn tax relief being offered through the package?

(2) Has the Minister successfully enlisted the Premier's support in pursuing these benefits?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question, to which the answer is -

(1) Following the resolution of the dispute with the Maritime Union of Australia in regard to the Australian National Line in September this year, the Federal Government has created a task force on shipping reform, which is to be facilitated by Mr Mick Young. This task force, together with the Maritime Union and the employers, is to examine ways to implement items discussed as part of the dispute resolution arrangement. The first meeting of the task force is being held today in Sydney, and Stateships is represented at that meeting through the employer delegates. The

Acting General Manager of Stateships will also attend meetings in Melbourne later this month to discuss these issues in more detail.

The decision by the Federal Government is obviously very welcome, and this Government will pursue the matter as it is anticipated that it will become part of Stateships' operation because it trades internationally. This Government totally supports the proposal, which is a very positive and logical initiative that should be part and parcel of Australia's taxation system. If more measures of this kind were adopted, it would provide an incentive to our export industries and would give them an opportunity to be more competitive on the international marketplace.

Hon Kim Chance: It may have set a precedent.

Hon E.J. CHARLTON: At the same time, the Federal Government should get rid of the fuel excise on the rail system. That would complement this move. That excise is levied at the rate of 33¢ a litre, and most of the goods on rail are for export.

- (2) The involvement of the Premier is not necessary at this stage. However, should a need arise, I will certainly call on him. The Government wants the union to be successful in its negotiations with the Federal Government to have the PAYE tax removed from our international shipping operations.
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