Legislative Council

Tuesday, 16 August 1994

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

JOINT STANDING COMMITTEE ON COMMISSION ON GOVERNMENT

Appointments

The President reminded the House that on 29 June the House had agreed to the appointment of a Joint Standing Committee on the Commission on Government and had informed the Legislative Assembly that it would elect the five Council members of the committee at a later time.

The President called for nominations for the first position.

Hon Barry House was nominated by the Leader of the House and, there being no further nomination, was declared elected.

The President called for nominations for the second position.

Hon M.D. Nixon was nominated by the Leader of the House and, there being no further nomination, was declared elected.

The President called for nominations for the third position.

Hon Murray Montgomery was nominated by the Leader of the House and, there being no further nomination, was declared elected.

The President called for nominations for the fourth position.

Hon Mark Nevill was nominated by the Leader of the Opposition and, there being no further nomination, was declared elected.

The President called for nominations for the fifth position.

Hon J.A. Cowdell was nominated by the Leader of the Opposition and, there being no further nomination, was declared elected.

The Legislative Assembly was advised accordingly.

MOTION - URGENCY

Motor Vehicle Third Party Insurance, $50 Levy; SGIO Shares

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter -

The Hon Clive Griffiths MLC
President
Legislative Council
Parliament House
PERTH WA 6000

16 August 1994

Dear Mr President

At today's sitting it is my intention to move under Standing Order No 72 that the House at its rising adjourn until 9.00 am on 25 December 1994 for the purpose of discussing the urgent need for the Government to scrap the politically motivated $50 levy on motor vehicle third party insurance, and calls on the Minister for Finance to explain to the House why the State Government Insurance Office performance has fallen 60 per cent short of the prospectus forecast since the prospectus containing a foreword from the Premier was released on 7 February 1994.

Yours sincerely
Mark Nevill MLC

In order for the matters contained in this letter to be discussed, it is necessary for support to be indicated by at least four members rising in their places.

[At least four members rose in their places.]

HON MARK NEVILL (Mining and Pastoral) [3.36 pm]: I move -

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

The $50 levy on third party insurance is unfair and unjustified. The Opposition has already questioned its legality -

Hon Max Evans: And it wasn't found to be illegal.

Hon MARK NEVILL: That is questionable. The problem is that if that is challenged in the courts the Government will just legislate retrospectively and we will be back to square one. The Act refers to increasing premiums. The Government instituted a $50 levy which is not contemplated by the Act.

The levy is highway robbery and it is dishonest of the Government to attribute it to the so-called losses of WA Inc. The Opposition finds it particularly galling that the Court Government has used the Police Force in a cynical political way and has made it print a political message on vehicle registration fee accounts. The Opposition was pleased to hear at the weekend National Party politicians questioning the necessity for this $50 vehicle tax. I understand that a motion to remove the levy was successful at the National Party conference.

Six months ago the Government claimed that the debt - which is really a deficit, not a debt - was $350m. On 6 June in *The West Australian* the Premier quoted the debt as $413m. On 11 August in a letter to the editor the Minister for Finance told us that the debt is $451m. It is a fairly rubbery figure, and seems to be climbing upwards like Western Australian taxes and charges.

Hon Max Evans: Just name them. Which taxes?

Hon MARK NEVILL: They are increasing. Since that period the Government finalised the float of the State Government Insurance Office which raised $165m, of which $100m-odd has been returned to the State Government Insurance Commission. The levy is still in place despite changes to the motor vehicle third party insurance, which means that the SGIC since 1 July 1993 has paid out about $60m less than it would have otherwise without any extra relief in the way of reduction in premiums. That has been to the benefit of and has gone into the pocket of the SGIC. The levy is still in place despite the Government's raising $50m since 1 July last year. The levy is of questionable legality but it will, according to the Minister for Finance, stay in place for another seven years. Those figures indicate a net improvement in the position of the SGIC of approximately $150m since 1 July last year.

It is very difficult from reading the answers that the Minister provides to work out exactly what is going on in the SGIC. Part of the deficit, approximately $278m, is a paper loss until the assets are realised. However, $278m of that deficit has resulted from write-downs in prime CBD properties owned by the SGIC. They include the Forrest Centre, Westralia Square and the SGIO Atrium. Last March the Government received $58m from Packer as final settlement in the purchase of Westralia Square. The Westralia Square property is jointly owned by the SGIC and the Government Employees Superannuation Board. A total of 72.2 per cent of those funds would be credited to the SGIC because that is its interest in the Westralia Square property. The total cost of purchasing the Westralia Square property was $143m and the total receipt from the sale of that property was $291m, providing a profit of $147m.

In relation to the write-downs of properties in the CBD, recently the Press announced the sale of the SGIO Atrium. On 24 June, *The Australian* reported that the SGIO Atrium was expected to sell for more than $40m. The last valuation that is available on the SGIO Atrium is $31m as at 30 June 1993. I presume that information came from the commission or the Minister. Therefore, that organisation is expecting to get 25 per cent more than the valuation of the SGIO Atrium which is owned by the SGIC. If the other

SGIC properties are undervalued to that extent, the alleged deficit that the SGIC is carrying is increased rather dramatically. The SGIO Atrium was completed in August 1982 prior to the Labor government coming to power. The 30 June 1990 valuation of the SGIO Atrium by Chesterton International was approximately $83.4m.

Hon Max Evans: What year was that?

Hon MARK NEVILL: The year ended 30 June 1990. The 30 June 1993 valuation by Stanton Hillier Packer was $31.25m. That is a write-down of $52.15m in those three years. That will show up in the SGIO balance sheet as part of the WA Inc loss; that is, part of the $50m that was lost by the Burke and Dowding governments. It would have been lost anyway because of the rises and falls in property values! Those property values will go up and down with the market. Every other insurance company and bank in Australia has suffered the same problems as the SGIC and the SGIO with rises and falls in property values. It is unfair to attribute all of those write-downs to the previous government, particularly in the case of the Atrium which predated any of those supposed dealings. If we added 25 per cent to the value of the Forrest Centre and those other buildings that the SGIC owns, we would get a very different picture of the SGIC's true situation. When the Premier and the Minister quote those losses, they include losses of forgone interest back five or six years. If they are going to play those sorts of games, they should also include the forgone losses from interest in the North West Shelf gas venture back to the early 1980s.

Hon Max Evans: You would not have built the North West Shelf gas project.

Hon MARK NEVILL: No, but the pipeline could have been built from Dampier to Perth for about 40 per cent of the price that the Liberals built it for with their cosy deal with the Koreans which the royal commission did not seem interested in pursuing.

Hon P.R. Lightfoot: Because there was nothing to pursue.

Hon MARK NEVILL: Did it go back through members opposite's accounts for 30 years on Bunbury Foods and the Camballin grain silo that the former Liberal government built in the north as well as the one I just mentioned?

Hon P.R. Lightfoot: Midland abattoir - is that the one you are groping for?

Hon MARK NEVILL: No, I was not groping for the Midland abattoir. I am talking particularly about the North West Shelf project. The deal struck for that was so bloody hopeless that, in 1985, it nearly sent the state broke and it had to be renegotiated. If the member wants to talk about lost forgone interest, the member cost the R & I Bank a heap of money.

Hon P.R. Lightfoot: I have cost it nothing.

Hon MARK NEVILL: Of course the member has. What did the member negotiate out for - a cent in the dollar?

Point of Order

Hon P.R. LIGHTFOOT: If I heard the member correctly he said that I paid the R & I Bank -

Hon Mark Nevill: I said, "What did the member negotiate?"

Hon P.R. LIGHTFOOT: - one cent in the dollar. I do not have the slightest idea what the member is talking about. However, it is highly inaccurate and I take offence at it.

The PRESIDENT: Order! I do not know what the member said. However, I do not think it is unparliamentary.

Debate Resumed

Hon MARK NEVILL: The member could take offence at a lot of things that I know about his track record but which I will not bother to mention.

Hon P.R. Lightfoot: Would you raise matters relating to the former Premier who is now in gaol?

The PRESIDENT: Order! This is what happens. I become very annoyed with members who continue to interject when I call for order and then complain because somebody said something they do not like. Hon Mark Nevill is restricted to speaking about the subject matter of his letter to me and that is all he can speak about. All other members cannot speak about anything at all for another three minutes and 40 seconds.

Hon MARK NEVILL: Many of the decisions that have been made by the SGIC, right up until today, were actually made by the board at arm's length from the Government. There may have been times in the past when that was not the case. However, in relation to the BHP shares - I have a question on notice about them - I think either 2.5 or 5 per cent of BHP was bought as part of the Bell Resources deal. The Government made $33m profit on those shares in 16 months. If the CBD properties had been sold in 1990 when the prices were more buoyant and it had hung on to the BHP shares which are now $19.50, we may have had a very different situation.

Hon Max Evans: We would have thanked you very much for it.

Hon MARK NEVILL: The Government writes the whole thing off, conveniently using the WA Inc slogan, but this matter is much more complicated than that. I am trying to bring a little realism into the debate, which has become cynically political. The $50m this Government is raising from this levy each year pales into insignificance when one considers the approximately $204m unbudgeted and unexpected increased revenues achieved through increases in state taxes and charges and the economic recovery. Nevertheless, the Government has not seen fit to reduce the burden on the people of this state. This levy is not justified. The Government is using rubbery figures. The Government is raking money hand over fist into the SGIC, and is claiming poverty. The $50 levy is an abuse of the political process. The Government has put a political slogan on the motor vehicle registration renewal papers, and we urge the Government to scrap the levy. It has run for long enough. The public is sick of the humbug. If the Government wants to make an issue of this matter, it should ask the people during the Helena by-election whether it should scrap or retain the levy. I challenge the Minister to do that.

HON P.R. LIGHTFOOT (North Metropolitan) [3.52 pm]: It is extraordinary that a member of this House, who was a member of the government which presided over the shameful years of WA Inc - as it has become known for the sake of convenience - should castigate this move to keep the State Government Insurance Commission afloat. We can easily recall that during the 1980s hundreds of millions of dollars were lost by the then government through its involvement in a wide range of areas in which it should never have been involved. This Government did not impose the $50 levy with the slightest alacrity. However, the levy is necessary because the insurance company - the SGIO as it was - was technically insolvent; its liabilities far exceeded its assets. One way to rectify the situation was to impose a levy which could be contributed to by all Western Australians who owned a motor vehicle. I pay insurance on five or six motor vehicles, and I obviously do not look forward to the $50 levy. Nevertheless, the short term approach could have been to let the SGIC sink, but that was not practical. This Government took the correct step in keeping the company going by imposing the levy with a view to floating the company at some stage in the future. The responsible Minister gave a categorical undertaking that the levy would be removed at some time in the future.

To have Hon Mark Nevill say that the levy is "highway robbery" bears no resemblance to what the Government has done to save this state in picking up the pieces left by the Burke, Dowding and Lawrence governments. Had the previous government been a private company which lost that much money, the Australian Securities Commission would have stepped in and undoubtedly all the Ministers associated with the Burke, Dowding and Lawrence governments would have been gaoled - I fail to see the difference between those governments and the situation with a private company. It has been put to me that we could remove the $50 levy and take the losses out of the superannuation of members opposite who served during that awful period of government in which the losses were made.

Hon John Halden: Will you take it out of Sir Charles Court's superannuation?

Hon P.R. LIGHTFOOT: The member for Helena will take with him upwards of $1m in his retirement. It is idiotic that somebody who served in a Cabinet which was so inept - more so than any government in this nation, let alone the state - should receive $1m for his lack of contribution to this state. A strong argument is that all people who served in that trilogy of governments should contribute to negating that $50 levy through their lucrative superannuation payments.

Hon Mark Nevill: Are you going to pay back the MacKinnons?

Hon P.R. LIGHTFOOT: I paid $900 000 for a station from the MacKinnons just prior to the wool price crash. As far as I know the MacKinnons were very happy with the deal, and I would be prepared to sell the property back to them for the same price if I still had it. I do not know what the member's interjection was about. The member has done precious little with his life, and he has sat there wallowing in the sanctity of the public trough for the past decade or more.

Hon Mark Nevill: What have you achieved in your life?

Hon John Halden: I think you are indulging in a little wallowing at the moment.

Hon P.R. LIGHTFOOT: The bottom line and the distinct possibility is that the Opposition will lose the seat of Helena at the forthcoming by-election; therefore, I can understand members opposite grasping at political straws. It does not matter what members opposite do, the fact remains that they were part of the most inept and corrupt government that this state, possibly this nation, has ever seen.

Hon A.J.G. MacTiernan: Not one finding of corruption was made by the royal commission.

Hon P.R. LIGHTFOOT: This Government has brought the expertise and its collective ingenuity to this place to apply the $50 levy to stop an insurance company of this state from going broke. Prior to this move the company was technically insolvent - I am sure the Minister for Finance will endorse that remark. The Minister answered questions last week regarding the BHP share losses by the SGIO, which were collectively put at over $300m which significantly, if not totally, went into the coffers of the Holmes a Court family. In a real sense, the Holmes a Court family is enjoying today the retrospective fruits of the $50 levy paid by ordinary Western Australian taxpayers to make up those appalling losses. Hon Mark Nevill amplified his lack of business acumen by trying to draw an analogy between varying valuations of buildings bought at extraordinary prices by government departments, not the least of which was the State Superannuation Board.

In no way can I endorse this motion. If there was honesty among members opposite, they would have - I use the past tense as they have obviously discussed it - rejected this motion out of hand as spurious and mischievous and something which bears no resemblance to the truth of the effort and conscientiousness of this Government in trying to negate the great kitbag of debts this Government inherited from the worst government this state has ever seen.

HON A.J.G. MacTIERNAN (East Metropolitan) [3.59 pm]: I will not attempt to address Hon Ross Lightfoot's ramblings; Hon Mark Nevill has indicated that he is more than happy to address those matters. I simply say that it is about time that Hon Ross Lightfoot and Hon Max Evans truly addressed the question of the performance of the State Energy Commission and of the governments of which they were part in almost bankrupting the state. In fact, those governments set back industrialisation in this state for a considerable number of years. This is not just the view of the Labor Party, but also that of many highly respected academics and commentators who have analysed that transaction and uniformly condemned the conduct, and at best ineptitude, of the then government.

Hon P.R. Lightfoot: We assume that you will get to the motion soon.

Hon A.J.G. MacTIERNAN: Indeed, but I was momentarily distracted by the member's ramblings.

I will deal with the second part of the motion, which relates to the estimated profit of the SGIO as it appeared in the prospectus that was issued for the SGIO float. We seek some explanation of why, within a four month period, the profit of the SGIO fell 60 per cent short of the profit that was forecast by the Minister for Finance on 7 February when that prospectus was released. The audited pre-tax profit of the SGIO at the end of October 1993, four months into the financial year, was $18.5m. Presumably, profit projections in the prospectus were prepared based on that audited figure and other information, and it was estimated that gross profit for the financial year 1993-94 would be $28.5m. At the time of the issue of this prospectus in February 1994, the manager of the SGIO, Ian Brown, suggested coyly that the profit might have been underestimated, and he said that he hoped he would not have to issue a supplementary prospectus to amend the figure upwards. Indeed, in February 1994 it was still a rosy picture. Shortly after the transfer of shares took place in April 1994, the SGIO board reaffirmed at the annual general meeting that a gross profit of $28.5m was still expected to be achieved.

Hon Mark Nevill: That was on 23 May.

Hon A.J.G. MacTIERNAN: Yes. However, at that time, there was some suspicion, certainly in the media, and there was some pressure from *The West Australian* to disclose some more detail about those figures; and a mere eight days later, the figures to the end of May revealed that the estimated profit had been revised back to some $11.8m, less than half of the estimated profit that was reported in the prospectus. Therefore, there was an actual profit of $11.8m at that stage -

Hon Mark Nevill: It was $18.5m at the end of October.

Hon A.J.G. MacTIERNAN: Yes, and that was revised at the end of May to $11.8m. Therefore, between the end of October and the end of May, there was a loss of some $6.7m. Obviously, there was no way, on the basis of those figures, that the end of year profit could be anywhere near the projected $28.5m. The question that concerns us is: At what point did the financial situation of the SGIO collapse?

Hon P.R. Lightfoot: It sounds like you are trying to create a run on the shares of the SGIO.

Hon A.J.G. MacTIERNAN: I am trying to determine at what point the Minister for Finance and the Premier became aware of the problem. It seems extraordinary not only that the estimated profit was not achieved, but also that 11 months into the financial year, the position of the SGIO was poorer than it had been four months into the financial year, because its profits had gone backwards by $6.7m. The Corporations Law requires that a prospectus reveal the true financial position of a company and be as accurate as reasonably possible at the time it is issued. If other information subsequently comes to light, there is an obligation to issue a supplementary prospectus or amending information of some type to make investors aware of the changes.

Hon P.R. Lightfoot: By that time, the company had been floated.

Hon A.J.G. MacTIERNAN: It was not floated until April. The prospectus was issued in February 1994.

Hon P.R. Lightfoot: It could not have issued another prospectus. It had been floated.

Hon Max Evans: You did not investigate the Burswood prospectus.

Hon Mark Nevill: We had a select committee to do that, and a royal commission.

Hon A.J.G. MacTIERNAN: It appears to us that something quite extraordinary has happened. It is even possible that there has been a breach of the Corporations Law. At the very least, there should be some account of what has happened. What extraordinary events took place to change the financial circumstances of the SGIO during that period? It is arguable that the board, possibly the SGIC, and possibly even the Government, have opened themselves to the possibility of action being taken against them under the Corporations Law if it can be established that they were negligent in failing to produce supplementary information. We need to know what happened. When did the Minister become aware that those changes were taking place? Why was not some supplementary

information provided to investors? These are serious questions. There is potential for civil or criminal action to be taken against various government agencies if there has been failure, caused by either negligence or collusion, to reveal the true situation. I am not asserting that that has happened - we do not know - but it is extraordinary that in eight days we can go from a projected profit of some $28m to a profit slightly in excess of $11.5m. We deserve a full answer from the Minister about this matter.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [4.08 pm]: My contribution will be short. I appreciate that only 10 minutes is available, because that will probably allow me to be more concise than is necessarily the case.

Hon George Cash: More concise than you were last Thursday.

Hon JOHN HALDEN: Indeed. We remember well the telephone calls that we received at our electorate offices when people learnt that they would have to pay an extra $50 for their motor vehicle insurance because of debts incurred as a result of WA Inc. That levy was a very good political exercise at the time. The Minister for Finance strutted around, sticking out his chest, and saying how smart he was to keep the pressure on the then Labor opposition in order to remind the electorate about this issue. This Minister, who probably owns six motor vehicles, thought, just like the member behind him -

Hon Max Evans: Only five.

Hon JOHN HALDEN: - that he was particularly smart, but meanwhile as we saw from the National Party conference - and it is surprising that the Leader of the National Party is not here - the stunt backfired, because it hit people in their pockets; that is, the farmers, the families who cannot afford this impost which was nothing more than a smart political stunt and another form of taxation. However, the Government has a little windfall this year as a result of the booming economy. It amounts to $200m plus, but does it relieve the people of the burden that the Government said it had to impose because of WA Inc losses? It does not! The Government had the opportunity to remove the impost but it did not because, in essence, the levy was nothing more than taxation via the back door. The thinking was, "Let's find someone to blame and let's use the opportunity to collect some taxation dollars." That is exactly what the Government went about, because when the opportunity was available to remove the impost it did not remove it. The Government has the runs on the board -

Hon I.D. MacLean: You wasted so much money when in government, it is not funny.

Hon JOHN HALDEN: I will go through some of the member's deals. The Government has said that it wants to impose the levy of $50 per vehicle for approximately seven years. Although the Government has had a windfall gain, people will continue to pay the levy for seven years. The unfortunate news for the Minister for Finance and for the Leader of the National Party is that the community will not accept this impost when the Treasury coffers are overflowing as a result of the recent boom in the economy.

Hon N.F. Moore: Rubbish!

Several members interjected.

Hon JOHN HALDEN: It was brought on by the Federal Labor Government! We will not accept that.

Hon I.D. MacLean: We will not accept that either.

Hon JOHN HALDEN: The member would not, but talking to him is like talking to a tree. We heard a statement by Hon Ross Lightfoot - which should never go unchallenged - that the SGIO was technically insolvent. My understanding of the actuary's report on the SGIO is that it is a 10 year projection.

Hon Max Evans: It is the SGIC!

Hon JOHN HALDEN: The Minister is correct. It is a 10 year projection. It was stated that if the current rate of claims, based on the assets and incomes, were to continue as projected from that point the State Government Insurance Commission was technically insolvent, but the commission could meet all its debts this day, this year or next year; in

10 years if the premiums or the investment priorities were not changed it could be technically insolvent. It is like saying that Hon Ross Lightfoot could be insane in 10 years; it has as much predictability and certainty as that. We have actuarial reports to point out the difficulties in the long term, a 10 year long term, so any comment such as that it is technically insolvent is almost a misrepresentation of the facts.

Hon P.R. Lightfoot: It was technically insolvent that fiscal year.

Hon JOHN HALDEN: I have seen the report. I have a copy of it. I will show it to the member. He has never seen it, and he is talking off the top of his head. He will be shown to be wrong.

Hon Max Evans: I would like to see it.

Hon JOHN HALDEN: The Minister has a copy of it.

Hon Max Evans interjected.

Hon JOHN HALDEN: That is what was implied. I am not suggesting the Minister said it. The concept of technical insolvency is based on a 10 year projection, not on what the commission can do tomorrow or the next day to pay out those liabilities.

Hon P.R. Lightfoot: Of course it is. You must meet debts as and when they occur.

Hon JOHN HALDEN: The member is beyond assistance at this stage.

Hon P.R. Lightfoot interjected.

Hon JOHN HALDEN: Despite the member's self-promotion and self-aggrandisement about his business acumen he knows nothing about this area.

Hon P.R. Lightfoot: You have had your proboscis in the trough.

Hon JOHN HALDEN: The member's proboscis is in it right now. I would not go on too much if I were he. It is probably the best paying job he has ever had, considering his business dealings.

The Government tried to create a smokescreen to hide its financial situation in regard to the SGIO and imposed a levy.

Hon Max Evans: The SGIC!

Hon JOHN HALDEN: The Minister is correct. The reality is that the Government has enjoyed a huge windfall profit. If this Government did not intend to use this mechanism as a backdoor method of taxation it would immediately stop this levy. It is clear that the Treasury coffers are well and truly able to sustain its liabilities - and it has made some payments in regard to paying off past debts - but the Government chooses not to. It chooses to collect, presumably for the next six years, $50 with every motor vehicle licence charge. The proposition put forward by the Government that the levy is a result of WA Inc debts, and that it is needed to pay them off, is a fallacy. As stated in the *Sunday Times* at the time, it was a smart political trick to inflict more pain on the Opposition. The difficulty now is that the only pain being felt is by the general community. The community has had a gutful of this smart little political stunt which will backfire on the Government. In a general sense, the community knows the state of the economy at the moment. The community knows that this levy is no more than another tax. They know that they are subsidising this Government as it careers headlong down its ideological path in a range of directions. They know that this money will be used on that front.

No more needs to be said except that we wait on the Government to withdraw the levy. We know that no schools will close in the Helena electorate. It is about time we had another by-election announcement that we will have no more SGIC imposts on people in such an unfair way.

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.17 pm]: I am absolutely amazed that the Opposition has brought on this motion. It just reinforces all the inconsistencies relating to those members when in government. I cannot believe that the Opposition has brought up such a subject. I am glad that for the first time members

can speak for only a limited time; although I would like an hour to discuss the ramifications of this matter.

Hon Mark Nevill: Tell us about the prospectus.

Hon MAX EVANS: That matter comes second. The 1.4 million licences paid for every year remind the public of the losses by the previous government relating to the State Government Insurance Commission and its business deals. I am required to have an actuarial report each year - as was the previous government which sometimes listened and sometimes ignored it - to tell me the premium to charge to cover the pool for future claims. The premium came down as $192 compared with $199 the previous year. Overall, we need a premium of $242 and, of that, $192 goes to the pool and $50 towards capital losses in the business dealings. Insurance companies make money through investment; they would be lucky to make money from a pool after claims.

In June last year we were told that we had almost run out of money; we had to sell shares and liquidate everything. We could not sell the buildings because most were not fully let. It would be difficult to raise money and as the money was needed we had to arrive at a premium in the $242. A levy of $50 was included because, as Minister, I must impose a premium in the $242 to keep the commission on the right track. We must build up the capital. As I said recently, we had capital of $28m at 1 January 1987, and it was $60m at 30 June 1987. We bought and sold assets for a $451m loss.

Hon Mark Nevill: Why did you not put up the premium 10 per cent last year, and another 10 per cent this year, which was recommended by the actuary in 1991?

Hon MAX EVANS: Why did not the Labor government put it up? It did put it up 30 per cent but the next year it cost us $46m in losses, and we had to catch up $46m in the following year. The previous government did not make a move because an election was imminent.

Hon Mark Nevill: It took you 18 months to sort out the workers' compensation situation, and to sell it.

Hon MAX EVANS: If this were not a government agency, the insurance commission would not allow it to go on; it was insolvent; it had minus capital and it would close down. Only a government guarantee kept it going.

This Opposition must be stupid to move such a motion. In New South Wales the Government places a $43 levy on motor vehicle licences. It was increased from $40 to $43 because of the CPI. The premiums in New South Wales are now $220 plus $43, or $263. There is a higher premium of $312 for people under 25 years of age. We had to get the cash. The premium had to be $242, but I believe the public of Western Australia should have reinforced in their minds that the SGIC has no money, because the Opposition lost it in all its deals.

Hon Mark Nevill interjected.

The PRESIDENT: Order! I ask Hon Mark Nevill to stop his interjections and I ask the Minister to address his comments to me and not to Hon Mark Nevill. I will not interject.

Hon MAX EVANS: You understand, Mr President, whereas he will never understand. I thank you for your advice. Hon Mark Nevill wrote a letter to the Press the other day referring to $450m losses. In the Premier's statement last year he made two points.

Hon Mark Nevill: It was $350m six months ago.

Hon MAX EVANS: He made the point then regarding the loss of $450m, which was rounded down from $451m, that it was made up in part of $358m of Bell Group shares and bonds, and I explained last week how the $300m arose. The last government was so inept it had to rush off to borrow $400m from the other state banks to buy from Holmes a Court, $285m worth of BHP shares and $206m worth of properties. They borrowed $400m cash, so the extra $58m was interest paid on the $400m it borrowed. It lost $70m in Rothwells, $17m in Spedleys, and $6m in Paragon, which with the other sums adds up to $451m.

Hon Mark Nevill: What about the BHP profit? Did you take that off?

Hon MAX EVANS: If Hon Mark Nevill goes back to the original report and takes off interest during that period of $8m or $9m -

Hon Mark Nevill: You must have misled me in an answer to a question.

Hon MAX EVANS: That is what the profit was. One arrives at $8m if one takes off the cost of holding that money for the put option for the shares at December 1989.

Hon Mark Nevill: Start looking at the other side of the ledger.

Hon MAX EVANS: The amount of money must stay the same if one is to be responsible and balance the books. It is unfortunate that the previous government lost the money. We must have the money to pay claims, otherwise we would wind up with the SGIC paying 20¢ in the dollar and start again. That is not being responsible. Yes, there are long-term claims which have continued during this period.

Hon Peter Foss: It was not just the capital that was spent but the policyholders' reserves, and that is where the problem arose.

Hon MAX EVANS: That is right. To turn to the State Government Insurance Commission float, on 4 August or even today the shares are still at 97¢. Mercantile Mutual floated a few days after SGIC, and Mercantile Mutual shares are now $2.37 and on 4 August were $2.42, so MMI is lower by 19 per cent. We are down only three per cent. The share price of GIO fell by 23 per cent because of one thing -

Hon Mark Nevill: The issue price was at the top of the market.

Hon MAX EVANS: The issue price.

Hon Mark Nevill: Shares were trading at about $1.20. You have to compare like with like.

Hon MAX EVANS: MMI came on two days after -

Hon Mark Nevill interjected.

The PRESIDENT: Order! Honourable members, I will not keep calling for order all afternoon. It seems to me to be a simple enough debate and a very limited one. I just ask the Minister to stop talking to the honourable member.

Hon MAX EVANS: Accounting standards require that shares invested by insurance companies must be valued to reflect unrealised gains and losses. Sometimes there is a big bump up or knock down, depending on the state of the market at the time. SGIC had an equity investment of $237m, and one has only to have a net drop in the share price index of 5 per cent to write off $12m on paper, even though one has not lost a single dollar. My wife was saying this morning that I had an approved deposit fund from 31 January to 31 July which lost about 11 per cent. She asked me why I did not take out the money and put it into something else. I said, "That is hindsight for you." My approved deposit fund has gone down due to the fall in the capital market by that amount since 31 January. It is a fact of life that one goes into equities for the long term, and this company has been in equities long term with good professional advice. If one has $237m and one writes down 10 per cent it is down by $23m, which would wipe out all estimated profit. That is how one goes into the share market. The company went into the share market long term for six, seven or eight years because premiums invested today will enable it to pay out claims in the next four or five years. That is the short tale of the SGIO and the SGIC.

I stand by what they have done and I stand by what the directors said in their due diligence statement at the time. No action has been taken, and I am certain that the people opposite would have been trying to stir things up to see what they could do to destroy this. At the time the matter was brought up in the Press the shares stood at 94¢; the next day they went up to 97¢ and they have stayed there ever since. Many people are still trying to buy SGIC shares, because they believe it is a very well run company with a good portfolio.

Hon Mark Nevill: I sold mine.

Hon MAX EVANS: I hope Hon Mark Nevill made a profit out of it and had to pay tax on it. We stand by what we have done. We had to get the SGIC into funds. When the privatisation of SGIO started it looked like netting $65m. The investment cost SGIC $100m but had losses of $35m in the investment. At the end of the day as a result of astute management by us we gained $125m not $65m on assets that cost $100m, so there was $25m over. The Opposition talks about $100m as though it is all profit. There is a book value of $100m, but one cannot talk of figures in the way the Opposition has. The SGIC is well run and has nothing to apologise for in respect of what happened in the market. It is just the way accounting standards require shares to be valued. In the long term it will come back, because it has stood up to time a lot better than MMI or GIO because it is a good company. As the SGIC improves we can bring it up, but we have to get the capital back into shape to earn money in order to keep down future premiums. That is what we are all about.

HON MARK NEVILL (Mining and Pastoral) [4.26 pm]: In response to Hon Ross Lightfoot's comments, I would remind him that there were no findings of corruption by the royal commission. The $40m royal commission was predicated on widespread corruption in the government, but there was not one finding of corruption against the government. There were barely any findings of illegalities. There were some findings of improper conduct, whatever that may mean.

Several members interjected.

Hon MARK NEVILL: The scrutiny it gave things like Bunbury Foods, the Camballin silos in the north west and the North West Shelf gas project was rudimentary; in fact, it was so rudimentary it was a joke.

Several members interjected.

The PRESIDENT: Order! I want to say to members that I will not tolerate these interjections. It is only the first hour of the week and members are going berserk already. I want to remind Hon Mark Nevill that the one hour rule still applies.

Hon MARK NEVILL: The Minister for Finance said, "Why don't you have an investigation into the Burswood prospectus?" We had a select committee of this House investigating the Burswood prospectus and the royal commission went through the whole business of that prospectus. I imagine the Minister would have apoplexy if those two bodies went through the SGIO prospectus to see where this sudden collapse in investment income came from. I cannot understand how it has lost so much money, because the dividends from the companies have been pretty solid all the way through, even though the share prices have dropped. Its interest rates from investments overseas are all hedged and the assets loss is basically a paper loss. The Minister said that it was astute management, but I would say it was fortuitous that the Government got the price it did for the SGIC. The only time worth floating is on a bull market, and the Government certainly caught the absolute peak of the market. The only reason it did that was that it took 15 months to get its workers' compensation legislation sorted out. Had it sorted that out in three months it would have gone in at the bottom of the market. Maybe it was astute management, but a lot of us know otherwise. A certain amount of luck was attached to that.

The Minister also compared the GIO share price and fluctuation of 23 per cent from its high to its low. Then he had the temerity to compare the SGIO share price now with its issue price. If he is to draw comparisons, at least let him compare it with the sort of price that it settled on after it was floated. I think it was up to $1.30 and settled on $1.20. He really has to look at what it collapsed from if he wants to make those sorts of comparisons. The main point is that this $50 levy is not justified. It is unnecessary and if the Government wants to make this an issue in the Helena by-election, it is quite welcome to. The Government has used the Police Force in a cynical political way, to put a political message -

The PRESIDENT: Order! I remind honourable members that the one hour rule still

applies. Bearing in mind that today is the first time we have operated under our new standing order, I have stopped the clock so that one minute 54 seconds remains. The question that I now put is that leave of the House is required if this debate is to be allowed to continue. If leave is not granted the debate stops right now. If leave is granted, the member will be able to continue for 1 minute 54 seconds. The point I am making is that it may well be in some future debate similar to this that the honourable member may not have started his five minute wind-up speech, and if leave is granted the longest that the debate can continue will be for the balance of the time that the member then addressing the chair has, plus the five minutes that the mover of the motion has. I do not know if members understand what I am saying. If leave is granted, the leave expires in 1 minute 54 seconds. If leave is not granted, it expires now. The question is, is leave granted?

[Resolved, that the debate be continued.]

Hon MARK NEVILL: I thank the House for its indulgence. In my usual succinct way, I will not need the extra time that has been granted to me. The Opposition calls on the Government to scrap this WA Inc levy. If the Government wants to increase premiums, that can be achieved the normal way by increasing the premium on whatever is justified on the figures to date. The figures given to the public are highly misleading. A problem exists but the Government has been making an absolute welter of this at our expense and at the same time raking in the money hand over fist. This levy is an abuse of the political process and the public has had a gutful of it. As I stated before, enough is enough. The public is sick of the humbug that this Government has forced on the people of Western Australia. I seek leave to withdraw the motion.

The PRESIDENT: The honourable member does not have to seek leave, but I think it is better if leave is granted.

[Motion, by leave, withdrawn.]

MOTION - METROPOLITAN REGION SCHEME AMENDMENT No 932-33

North West Corridor (Alkimos-Eglinton), Disallowance

Resumed from 10 August.

HON PETER FOSS (East Metropolitan - Minister for Health) [4.35 pm]: I have a considerable amount of agreement with the speech made by Hon Alannah MacTiernan in this matter. As mentioned by her, perhaps the only matter at which we are at odds is the question of environmental assessment. The Government is bringing forward a matter which would resolve even that issue. As Hon Alannah MacTiernan quite rightly pointed out, contrary to the arguments made by Hon Jim Scott, one cannot ignore that there is population growth in Perth. While there is such population growth, Hon Alannah MacTiernan states that short of a change in community values we will have a demand for more housing developments. That is a fact of life and we must face it.

It is interesting that the person who moved this motion, Hon Jim Scott, is one of those people who has caused that problem by moving from Doodlakine to Perth. There has been a desire by people to live in Perth and to live in a particular lifestyle. People do not want to live in high-rise apartments or high density developments. Hon Alannah MacTiernan comments that it is important to encourage regional development. This Government agrees that it is an important point and something which it intends to pursue. It is part of our proposal that we accommodate people by urban infill. Again Hon Alannah MacTiernan commented that urban infill does not always lead to a higher density population because quite often one may be replacing a single dwelling with multiple occupiers with multiple dwellings with only single people living in them. That is not the total answer.

Turning to urban infill, the Government has taken a very important role to implement a sewerage infill project which will allow many areas which now cannot have urban infill to have urban infill. Some of those will lead to greater density population because infill will allow areas with quite substantial size lots - that is, over the ordinary quarter acre

lot - to be developed into places which will meet the community expectations and have a greater density than is currently there.

The point put forward by Hon Alannah MacTiernan indicates that the Opposition is aware of the problems for government with urban development. I accept her statement, which I see as being the sort of statement one receives from people who must face the problem of what government is all about. One cannot just talk pie in the sky and expect human behaviour to change overnight. Hon Alannah MacTiernan suggests that Pol Pot was the only person who had taken the radical way of changing people's behaviour, but was not suggesting that we do that here. Those questions were left unanswered by Hon Jim Scott's pie in the sky speech. All too often we get speeches from Hon Jim Scott which are wonderful to listen to, quoting all sorts of anonymous, or perhaps not anonymous, but unknown, people of doubtful background - generally people like Hon Jim Scott.

Hon T.G. Butler: The Minister states they are known, but their background is doubtful.

Hon PETER FOSS: I said unknown. They have no basis other than they are people whom Hon Jim Scott quotes and they do not seem to have any authority. Part of his problem is that they spend the whole time quoting each other. No doubt somewhere in other parts of Australia there are Green members who are quoting Hon Jim Scott, probably as an authority on something. I know he reads at great length from press releases and various people, but I do not think he ever gets to the real problem of government. This problem was identified by Hon Alannah MacTiernan who stated that until such time as we either deal with the question of population or change the expectations of our community, there will be a demand for housing development in Perth. We all recognise the problem is one of population and of people not wanting to move to the regions. The previous government and this Government recognised that as a problem, and we recognise it as something that we must encourage. One cannot artificially restrict the population in Perth because, as identified by Hon Alannah MacTiernan, if the number of available lots is restricted the price will rise. Nothing is more certain than that. Hon Jim Scott does not seem to have any solution to this. He seems to think in some magical way the population of Perth will be restricted.

Before dealing with some of the strange things raised in Hon Jim Scott's speech, I would like on a general basis to defend this amendment. The first point is that we agree that urban sprawl is not the way to develop our city. Hon Jim Scott is confusing low density urban fall with urban sprawl. The important thing about an urban sprawl is one gets an unplanned extension of the city. For a long time we certainly did not see major amendments which were intended to be forethought and foreplanning. Planning is about making decisions today for things that will happen well into the future.

The big criticism this Government has about the minor amendment process adopted by the previous government - this refers to a point made by Hon Kim Chance - is that it was always used to give legitimacy to a decision which had already been made to develop a piece of land. It was not planning; it was changing the colours on the map in order to reflect something that had already happened. The essential thing about planning is to map out the future. This Government has made it clear that this mapping out process should be for 20 to 40 years hence, which was the proposal adopted by the 1958 Stephenson plan. Alkimos is part of that plan. Members opposite talk about employment opportunities. Alkimos, like Joondalup, is seen as an alternative urban centre where there would be employment opportunities.

Hon Jim Scott made an interesting comment that he would like this area to reflect an egalitarian society with industry all over the place. While I sympathise with him, I can imagine which party would be the first to object if this Government were to allow industry to establish all over the place. Which party objects every time the slightest suggestion is made that some sort of industry should be established? It is always Hon Jim Scott's party. I also note the support Hon Jim Scott has from people who want a rural lifestyle and large blocks. His supporters are not very keen about moving into areas of high density housing. This amendment is a process which will reflect the lifestyle

aspirations of the majority of the community and, in particular, ensure that planning for the future is in place. This Government wants to make sure that urban development occurs in a coordinated way with the provision of services and advantages to present and future residents and visitors to the city, and that that is achieved with the least possible impact on the environment.

I take issue with the comments made by Hon Alannah MacTiernan and Hon Jim Scott that this scheme is something that happened recently. It is part of a plan which commenced in 1970 with the corridor plan. Alkimos and Eglinton form part of the north west corridor which is recognised in that corridor plan. It is not a new idea which members opposite have not had the time to discuss or consider. A regional structure plan for the north west corridor was released as far back as 1977. It was reviewed and replaced by the north west corridor in 1992. The regional structure plan addresses issues like limits to urban development within the corridor, population targets, employment opportunities, major commercial centres, requirements of transport, environmental protection and regional open space. It is in pursuit of that explicit plan that these changes are now being made.

Hon A.J.G. MacTiernan: If that was correct it would not have been subject to an informal environmental review.

Hon PETER FOSS: I will deal with that later. A statement was made to the effect that there had been no consultation. This amendment provides for the implementation of a structure plan which has been proceeding since 1970. The last stage was undertaken by the previous government in 1992 when it put out the north west corridor plan.

Hon A.J.G. MacTiernan: It was anticipated it would have a formal review process.

Hon PETER FOSS: I will get to that later. I want to make sure that members understand that this is not a plan which just popped up; it is not for tomorrow's changes, nor was it made up yesterday. It goes back to 1970 and the formal structure was made by the previous government in 1992. The corridor structure plan was prepared jointly by government agencies and the City of Wanneroo to ensure that the plan included the future needs and requirements of that corridor. As well as the involvement of those organisations the plan was subject to an extensive consultation program involving community groups, press statements, displays in shopping centres and the release of brochures. All this was undertaken by the former government.

The north west corridor structure plan provided the context for this amendment. It also recommended extensions to the suburban rail system to provide convenient public transport within the corridor and to the city centre, extensive parks and recreation reserves along the coastal foreshore, a green belt separating Eglinton from Yanchep to the north, and a green belt link from Yanchep to Neerabup national park. If members consider that in that context they will realise a number of the matters raised by Hon Jim Scott do not stand up to examination. He said that none of these things had been considered. This amendment is based on the structure of that plan and that cannot be ignored.

The Alkimos-Eglinton district structure plans show in more detail how the area will be developed to avoid problems of urban sprawl and inadequate services which have been referred to. As well as this amendment, which constitutes the actual plan which has been implemented, all the reports referred to were made available with the amendment.

Hon A.J.G. MacTiernan: They all say that we have not dealt with the environmental problems.

Hon PETER FOSS: I will deal with that.

The comments made by Hon Jim Scott about these matters not having been considered are nonsense. They were considered over a period of 23 years. All the reports have been available to members during the course of this amendment.

The Alkimos-Eglinton regional area is intended to be a logical part of the north west corridor. It will be a planned community and not an urban sprawl. It will be a vibrant

regional centre with a strong sense of community, and it will provide a high quality lifestyle with a wide range in choice of housing. That is what is outlined in the plan which was developed over 23 years ago. The residential areas will be based on self-contained neighbourhoods, each supporting a primary school and local shopping centre. Suburban rail extensions will provide a focus for medium density housing and there will be major activity centres including shopping facilities, mixed business areas, a regional hospital and higher education facilities. The proposed industrial areas will provide local employment opportunities. All these matters are dealt with in that plan. The beaches will be protected for public use, and parks and recreation reserves will be provided. An east-west green belt will separate Eglinton from Yanchep and will help to reinforce a sense of community. An integrated pedestrian and cycleway system will link the neighbourhoods to the regional facilities, open spaces and beaches. An important conservation area, including System 6 land and significant areas of the Quindinup dunes and environmentally sensitive land, will be set aside for parks and recreation reserves. It will not be an urban sprawl, but a modern, well planned community.

Members must remember that when a major change is made to the metropolitan region scheme, so far as the zoning of that land is concerned nothing changes. Hon Alannah MacTiernan will be aware - I do not know whether Hon Jim Scott is - that when a town planning scheme is amended it must conform to the metropolitan region scheme and that the latter does not include use tables. Furthermore, as for any conflict between the two schemes, the town planning scheme overrides the metropolitan region scheme. It cannot be said that land will be used for a certain purpose until a town planning scheme is in place. At this stage the plan includes broad, indicative uses as to how the planning should proceed. Under the previous government, when a metropolitan region scheme was put in place a rush of things followed through - it had already been decided where the houses would go. It was the final step taken to allow the scheme to proceed.

Hon A.J.G. MacTiernan: You have committed areas to a range of things and you cannot turn back.

Hon PETER FOSS: That is not true. In 1958 the Stephenson plan was made public and there are still some pieces of land it suggested should be urbanised which have not been developed. If members opposite are looking at a 30 to 40 year time span, obviously they must consider the plan at various stages and consider the levels of depth. During the course of Hon Alannah MacTiernan's speech it was agreed that a broad scale amendment should be looked at on a broad scale and more detailed changes must be looked at in more detail.

The important thing is that shortly the Government will be bringing to this Parliament an amendment to the planning process which requires a level of assessment at each stage of development. For example, with a metropolitan region scheme amendment the State Planning Commission will be required to be a proponent and the amendment will have to be assessed by the Environmental Protection Authority. The level of assessment at each stage will be appropriate for what has been done. If, for instance, a large block of land were zoned urban, that could include reserves. There is nothing to stop a local government authority saying it will create a reserve in the middle of an urban area, because this is part of a broad-brush approach. In those circumstances, when dealing with a metropolitan region scheme, one does not say there is an orchid on one hectare which must be preserved.

Hon A.J.G. MacTiernan: The point made very well by the City of Wanneroo is that you cannot deal with these things seriatim.

Hon PETER FOSS: These things must be dealt with in focus, and there is a broad focus and a narrow focus. When making a metropolitan scheme amendment, it is not possible to cover every square metre of land and look at it in detail. It is similar to looking at a scale map.

Hon A.J.G. MacTiernan: The scale of development and focus is such that it requires a more formal development assessment.

Hon PETER FOSS: There, we may differ. The Opposition will probably support the Government's legislation when it is introduced, since it will include a formal assessment procedure, as required under the Act. The Opposition may not agree with the scale of assessment, but I hope we agree that the scale of assessment must be consistent with that which is being done. Development cannot take place just because a metropolitan region scheme has been amended.

Hon A.J.G. MacTiernan: As a practical matter you know that all sorts of community expectations develop - expectations of private landowners who want to develop. As a result of that, it is very difficult.

Hon PETER FOSS: Part of those expectations have developed as a result of the previous government's failure to introduce major amendments. Under the previous government, there is no doubt as soon as an MRS minor amendment occurred, people thought something would happen. They had good reason to think that, because it generally did. On that occasion we needed more consultation. The previous government used the minor amendment procedure to put the seal of approval on a reverse planning process. In the past a developer would see a good place to develop, prepare a development proposal, and take it to the local government authority, which would decide it sounded interesting but the current zoning of the land did not allow it. The local government authority would indicate it was prepared to amend its zoning plan to allow it to happen, and they would jointly go to the State Planning Commission to try to get a minor amendment through. The minor amendment would go through, the town planning scheme amendment would go through, and in would go the development. We know that happened. There was always a proponent or somebody with a plan with lots on it when these minor amendments went through. That is where the problem arose.

Hon J.A. Scott: The only difference now is that they show you the bits they want first.

Hon PETER FOSS: No, that is absolutely wrong. It is a public process and we are dealing with broadacres and long term planning. We are looking a long way into the future, although it is very hard to catch up on 10 years during which no major amendments were made. The pressure has built up. This Government is trying not only to deal with current pressures, but also to go ahead of the current situation and set some planning in place. Of course, we cannot catch up overnight, but the Government wants to get a long way ahead to have those requirements specified so that people will know what will happen in 20 or 30 years from now. In terms of focus, if the MRS is changed, it does not permit any development; it merely permits the local government authority to change its scheme.

Hon A.J.G. MacTiernan: It cannot change its scheme in a way that is not in conformity.

Hon PETER FOSS: Yes, but all sorts of reserves can be included. For example, when land is reserved for parks and recreation under a metropolitan region scheme, it is removed totally from any zoning by the local government authority. It has no choice in the matter. In a case involving the City of Subiaco and the University of Western Australia, it was said the creation of a reservation removes any capacity for zoning by a local government authority. Any of the zones for urban deferred and so on become available for the local government authority to zone under its scheme. More importantly, the local government authority is required, if it amends its scheme, to conform to it. However, even within an industrial zone the local government authority can set aside a park or recreation, and even within an urban zone it can set up large reserves and public open space. There is nothing to prevent that being part of urban use, and members know that part of that use is to provide parks and reservations. It puts it into the hands of the local authority to fill in the detail. That is the way it should be. Everything should be done on that level of increasing awareness.

Hon A.J.G. MacTiernan: Local government does not agree with you.

Hon PETER FOSS: I will deal with the City of Wanneroo specifically because its behaviour has been disgraceful for 20 years.

Hon John Halden: We will all agree with that.

Hon PETER FOSS: I am talking about planning matters. I will tell members about the City of Wanneroo planner - I had problems with him many years ago on behalf of a client because of the things the City of Wanneroo tried to do with the metropolitan region scheme. I do not doubt that Wanneroo does not understand the balance between schemes and plans, but that is the way it happens. This change does not allow any development and the Government proposes that every scheme should be assessed, but at an appropriate level of focus. With a town planning scheme, the local government authority becomes the proponent and there must be a more detailed level of environmental assessment. That is quite appropriate. The focus is taken down to the appropriate level and, finally, when the land is subdivided, a process is in place for dealing with it.

Hon A.J.G. MacTiernan: You are not looking at the central point we made that if you wait until you are dealing with a small area for a detailed assessment, you have often closed all opportunities.

Hon PETER FOSS: One of the problems we had under the previous government is that the Environmental Protection Authority assessed applications only at the detailed stage. That happened every single time. We never heard from the EPA, and it was not considered. The process would go ahead, someone would have plans to build, and then the EPA would say the development could not proceed. Years of expectation could have gone by. This Government believes there should be a scaled process and the focus should come down at various levels. If something needs protection, it will be protected.

One of the important things this Government has done during the course of introducing these major amendments is to pick large broad-brush areas for protection. Since coming to office in 1993 this Government has introduced six major amendments. In those amendments it set aside 7 000 hectares of land for parks and recreation, compared with 9 000 hectares for urban purposes. That is an interesting figure. That still does not take into account that much of land set aside for urban purposes will be, by the town planning scheme, further reserved for recreation, parks or whatever.

Hon A.J.G. MacTiernan: It is significant where it is.

Hon PETER FOSS: Let us keep that in mind. That shows the difference between the broad focus and the narrow focus. Of course, those major areas that need preservation need the broad focus. Major amendments are dealt with using that broad focus. When zoning specific areas for certain developments, because a use is tabled for that land, the matter is looked at in more detail. The Government at least has this very sensible hierarchy and, more importantly, the Government is committed to the environmental assessment at the beginning of the process - unlike the previous government. Under the previous government, at the last minute, after the development had been through the MRS and town planning scheme process, the EPA could come along and tell the developer that the proposal was off. Not only is the Government committed to this process, but also it intends to introduce legislation to the Parliament to make sure it happens. It will make the State Planning Commission and the town planning authorities proponents. I look forward to the Opposition's support for that proposition when it comes before the Parliament. If Hon Alannah MacTiernan cannot understand the difference between a broad and a narrow focus I have severe difficulties.

Hon A.J.G. MacTiernan: We can understand that. The City of Wanneroo gave an excellent example in relation to some of those.

Hon PETER FOSS: Let us deal with some of those excellent examples.

[Questions without notice taken.]

Hon PETER FOSS: I will deal with a couple of small points about whether a formal environmental review should have been undertaken. This matter had for some time been the subject of much consideration. However, the Environmental Protection Authority concluded that the overall environmental impact of the proposal did not warrant formal assessment. Nonetheless, it undertook a review of the amendment and provided public advice on the conclusions of the review; that is, a review did take place, and the result was published. The level of assessment was advertised by the EPA and only two appeals

were received. Those appeals were subsequently dismissed. At some stage it must be expected that the EPA will make those assessments. As I mentioned, this had been going on since 1970. If the member really believed that an environmental review should have been carried out at an early stage it would be pertinent to ask why the north west corridor structure plan on which this amendment is based, which was prepared by the Opposition when in government, was not subject to a formal environmental assessment. I assume the reason is that the former government believed at that stage that it was not appropriate.

Concern was also expressed about the alignment of the Mitchell Freeway. That decision was originally made by the previous government. I am not in any way criticising it for that. It was thought through appropriately and it came up with a good reason. The decisions for that alignment were based on the potential impact on wetlands and on the western edge of Yanchep national park. A detailed assessment of the environmental impacts of the Mitchell Freeway is contained in a study by environmental consultants Alan Tingay and Associates, which was advertised with the amendment. The Mitchell Freeway alignment was determined on the basis of environmental features; the location of the freeway as a hard edge between the urban areas to the west and parks and recreation reserves to the east; and the need to connect to existing sections of the freeway reserve previously defined and acquired by the State Planning Commission.

In the vicinity of Pipidinny Swamp the freeway alignment crosses Pipidinny Road about 300 metres from the edge of the swamp and about 220 m to the west of the crest of a ridge which runs along the western edge of the swamp. The ridge line is at an elevation of between 26 m and 42 m AHD, and for the first 400 m northwards is also between the freeway and the swamp. The ridge is also higher than the freeway; therefore, no drainage water will flow directly off the freeway into the swamp. However, in the northern section there is no natural ridge between the freeway and the swamp for a distance of about 50 m. Therefore, the freeway in this section will be engineered such that drainage from the road will be directed north towards a drainage basin. The details of this are provided in a separate engineering report by Cossill and Webley Consulting Engineers. A detailed environmental report and an engineering report were carried out, which are both available.

The section of Yanchep national park which will be cleared for the freeway contains open heath vegetation. Two portions of private land which lie east of the freeway contain similar vegetation in good condition. These two portions are reserved for parks and recreation in the amendment. Therefore, there will be no net loss of vegetation type or quality with the freeway alignment.

The Government was told to take account of social implications. It was as a result of submissions from the affected landowners on the social impacts of the amendment that some of the land proposed for parks and recreation between Yanchep and Neerabup national parks was deleted from the amendment. Twenty-five of these submissions were from landowners objecting to the proposed parks and recreation areas for a variety of reasons, including planning blight, difficulties in dealing with properties and refinancing to carry out improvements, personal hardship, and loss of their rural-residential lifestyle expectations. Those people want their rural-residential lifestyle. The area has been left in that rural character. It is well known that green belts can be retained by rural reservations, not just by parks and recreation. Many were agreeable to town planning scheme controls to protect the landscape values so that the special character of the area was not lost as development in the corridor progressed. That also means that the Government does not have to acquire it. The green belt will be preserved, not at any cost to the Government; nor will there be any social impact on the people who want to maintain their rural-residential lifestyles. As I mentioned before, 7 000 ha of land for parks and recreation will be set aside compared with around 9 000 hectares of land zoned for urban purposes in the six amendments which were introduced by the Government in 1993.

The width of the reservation around Karli Spring is approximately 340 to 400 m, which is around 200 m wider than the System 6 M2 boundary. It is also considerably larger than a buffer of 200 to 250 m recommended in an ethnographic survey conducted in 1990 to

protect the Aboriginal significance of the site. The proposed reservation also includes a minimum 150 m buffer on the eastern side which will act as a deterrent to physical disturbance of the spring. The reservation around Karli Spring will, therefore, be more than adequate to protect the conservation and Aboriginal values of the site. I accept the point made by Hon Alannah MacTiernan on the need to deal with, not just ignore, these matters. What the Government has done is absolutely essential and is properly in accordance with the process of planning.

Hon Jim Scott said that urban sprawl was completely out of control and that little environmental and social impact assessment was done at any stage of the planning process. Hon Jim Scott should look at what has been done since 1970. He has made a broad statement without any basis whatsoever. Comment was also made about the transfer of land so that people can make money. The essential thing about planning 20 to 40 years ahead is that those decisions are made well in advance and people must hold land for a long time before the result is gained from that. I admit that under the previous government that was the effect, because those reservations were changed immediately before the land was developed. However, that is not the case under this Government. We are trying to get 20 to 40 years ahead. Hon Jim Scott also said that the Government was doing this because it cost too much to live close to the city. As Hon Alannah MacTiernan has said, if we artificially restrict the amount of land available we will artificially send up the price, and the only people who will be left in the city will be those who can afford it. I have already dealt with the question of future employment, which is contained in the major plan.

Hon Jim Scott quoted Mr David Wake from the Quinns Rock environmental group. I have no idea who Mr Wake is or whether he has any authority to speak on this matter. The only David Wake I knew was a failed property developer and a bankrupt. He happens to owe me some money. If it is the same Mr Wake I would not mind having his address. If it is the same person he has certainly changed his tune considerably, because the Mr Wake I knew was one of the most vigorous developers around. Is he a blonde-haired fellow?

Hon J.A. Scott: I do not know.

Hon PETER FOSS: Just quoting from the Quinns Rock environmental group as some sort of authority is not enough. I would prefer to take the view of the EPA on that matter rather than that of Mr David Wake, whether he is the bankrupt developer I knew or another person. As I said before, people choose to move to the city and to have a certain lifestyle. Hon Jim Scott himself decided to move from Doodlakine to Perth. If he went back to Doodlakine that would not be a big change, but it would certainly help a little towards the problem with the population in Perth. Hon Jim Scott said that what would bring values down was an egalitarian city with an even spread of industry. I would like to see how Hon Jim Scott's party reacted if we started to have an even spread of industry. We plan to ensure that people are employed. Joondalup is one such example of an attempt to decentralise - and this is another.

I refer to a point made by Hon Kim Chance which related to the question of land. I admit that merely rezoning land does not make more land available. However, the failure to rezone land certainly restricts the amount of land available. The Government is considering other measures intended to force land out of the hands of the people holding it and onto the market so that there is an adequate supply to bring the price down. The first thing the Government must do is ensure there is plenty of land which is appropriately zoned, because if we do not do that all the other measures are a waste of time. The number of lots available is down to one year's availability. That is getting quite serious. The figure has dropped over recent years and the Government is determined to put that planning well ahead.

Hon John Halden: How many lots is that?

Hon PETER FOSS: Over the past 10 years stocks of single residential vacant blocks in the metropolitan area have fallen from around 30 000 in 1983 to the current figure of 16 000, with only one year when the supply of urban land exceeded the demand. I think

it is around 30 000 to 40 000 in one year. We are now down to about a half year's supply. There should be a process of time between opening up the planning reservations and ensuring that it is happening.

I urge the House to defeat this motion.

HON J.A. SCOTT (South Metropolitan) [5.40 pm]: Hon Alannah MacTiernan addressed one of the points that I raised. She said that the only person who has managed to bring about some sort of change in population levels from the city to the country was Pol Pot. Hon Peter Foss also referred to that. That is not true. There has been a number of instances of that happening of its own accord. Some rural areas in Indonesia have higher population densities than Perth. However, they do not take up all of their agricultural areas. It is a different way of looking at how people are grouped together to ensure that a city actually works properly.

The most significant thing about Hon Peter Foss' speech is that it indicates that the Government is living in the time that the Stephenson plan was drawn up. It is still basing its design of cities on high car use. Prior to the Stephenson plan, Perth depended on public transport. We had a different shape to our suburbs than we do today. Of course, today we have the added exponential growth of our population which is helping to enhance the effect of the Stephenson plan and the car based city.

In his speech in this debate, Hon Peter Foss failed to tackle the problems that occur in this city. As I have pointed out, we cannot make the transport systems work efficiently and we cannot allow our suburbs to remain as units in which people form communities which remain in the area. We have a highly mobile city with younger families moving to the outskirts and the investors buying up the central parts of the city. Hon Peter Foss fails, as does the Government, to understand that we cannot continue to go down this path; we cannot continue to build our cities as we are at the moment. It will not work. We have an oncoming crisis in fuel supplies. We cannot allow highways to run the length of the 170 kilometre of coastal sprawl that we have now. Hon Peter Foss has failed also to address how the plan will cope with increases in environmental problems such as the photochemical smog from which Perth suffers already, and it is the lowest populated city in the world to suffer from it. No other city as small as Perth suffers from this problem. It is because of the planning decisions adopted in the past. The plans for our city are based on moving around the city by private car. That is the reason our city has spread out in the way that it has.

On a number of occasions, Hon Peter Foss said that the Government is now tackling things in a much more orderly way than it has in the past. He said that the Government had moved major amendments which it thought put some order into the way planning was done. Unfortunately, it is still an ad hoc plan. This so-called major plan is not based on integrated land use patterns. Nobody is finding out where the best agricultural land in the city is and suggesting that it be kept for agricultural purposes. Nobody has determined that areas in other parts of the city are useful for environmental purposes and that it should be kept for those purposes. He also claimed that the idea of an evenly spread industrial base around the city would be something that my party would not stand for. That is not the case. The airshed of our major industrial area has reached its limits of sulphur dioxide so that people living close to it suffer from high levels of respiratory diseases. From memory, these people experience levels of somewhere around three times the national average. Members, including Hon Derrick Tomlinson, will be aware that people in the foothills suffer badly because the smog produced by that major industrial area drops onto the foothills and causes significant problems.

Hon Derrick Tomlinson interjected.

Hon J.A. SCOTT: They are significant because those areas are a long way from where the smog is produced.

Hon Derrick Tomlinson: Caversham is one such area.

Hon J.A. SCOTT: By concentrating industry in one area, we will do a number of things. Firstly, we will ensure that a certain class of people suffers more than another. Usually

these people are the impoverished who live around that area. The other effect from lumping all industry together is that people have to travel to their places of work from residential areas. This creates the problem of more car travel because of the city being designed around different land uses. People are not able to walk or bike to work; thus more pollution is caused.

The structure plan was put in place largely by the previous government. However, this recent amendment changes that plan and reduces protections from corridors linking major parks which are used for the movement of fauna. Hon Peter Foss pointed out that the nice green areas will remain under the control of the landowners. That is a fallacy. These people do not want the land to remain rural. I read what they asked for. They look at their land, rightly, as a nest egg for the future and they have asked for it to be rezoned urban and/or urban deferred. The reason for that is that they will get more money for it. That brings me to the point I made on a number of occasions in my opening remarks and which was not addressed by the government speaker; that is, allowing changes to land uses from rural to urban or urban deferred, or from rural to parks and recreation, ensures that people will push very hard to change their land to the highest value land use. The Government is failing to adhere to good planning principles. Having a different price for these different types of land use is creating a problem. For example, a rural price will be achieved for rural land.

We must also look at the lack of formal environmental assessment. It is obvious that Environmental Protection Authority funding is poor. Therefore, it is not possible to undertake proper environmental assessment. The EPA in this state receives the lowest funding of all such bodies in Australia, and on a worldwide basis the funding is rather poor. We must ensure that our environmental protection body is properly funded so it can carry out its role. That is not happening at the moment.

We must consider the future of the city of Perth. We can extrapolate from what has happened in the past that, through unlimited growth, we could end up with an amorphous mess. We must have an integrated land use strategy in place. It will be easy not to make these changes, but the result will be very costly. The Government is remiss in allowing the continued growth in the city without an integrated land use plan. This sort of planning must be conducted to enable us to achieve a more efficient and livable city; that is, a city with limits. Hon Peter Foss, other government members and Hon Alannah MacTiernan do not believe that any such controls can apply.

Hon A.J.G. MacTiernan interjected.

Hon J.A. SCOTT: Some cities in the United States of America have placed boundaries around the edge of the city and have stated, "We will go no further." These cities have managed to function efficiently.

Hon A.J.G. MacTiernan: Which ones are they?

Hon J.A. SCOTT: Quite a number of them are in the mid-west; I cannot reel them off, but I can get the names for the member if she likes.

A city is not necessarily something which is a continuing populated area without any breaks. The most prosperous city in Europe is Stuttgart. I will give Hon Peter Foss the source of that claim: The World Watch Institute released a publication called "State of the World, 1991" by Lester Brown. These publications are used by most universities around the world for environmental planning and guideline matters, and Lester Brown is one of the most famous persons in the world in this field. I hope the reputation is good enough for Hon Peter Foss to put up with! Lester Brown indicates that Stuttgart has rural areas with tractors working paddocks only a hundred metres from skyscrapers and populous areas.

Hon Derrick Tomlinson: You will be supporting the Swan Valley policy then!

Hon J.A. SCOTT: I will reserve my decision at this time. The reality is that Western Australia is using up its agricultural land for purposes other than agriculture. We have a shrinking base in agricultural land around Australia. At one stage we had increasing crop capacity, but that is now shrinking considerably. The ability to grow our own food is

probably one of the most limiting aspects of our growth in this state - that may surprise some people. Recently a study was conducted by the international science and technology program at Murdoch University on Australia's population capacity.

Point of Order

Hon GEORGE CASH: Without wishing to confine the comments of the mover of the motion, he is now ranging over what was really primary debate. That is not allowed in winding up the debate.

The DEPUTY PRESIDENT (Hon Barry House): The member will be aware of the rules of debate in that he can only respond to earlier debate.

Debate Resumed

Hon J.A. SCOTT: I was trying to indicate to members opposite that the proposed plan does not include an integrated land use management study to ensure that we keep agricultural land for agricultural use. This agricultural land is now marked for urban development. Regardless of whether Hon Peter Foss agrees with my comments, it is nonsense to say that urban land is all right in that regard because it can include parks. It is highly unlikely that it will include such parks because of the quick dollars to be made from such land.

Hon I.D. MacLean: They have to give up 10 per cent of every subdivision for recreation public open spaces, and that is regardless of what is set aside by the municipality.

Hon John Halden: Why does the member not take the advice of Hon Max Evans and be very quiet?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon J.A. SCOTT: We have ended up with a major development without a plan to determine the best possible use for all land involved. This urban land has not been properly assessed for its environmental value, and the rural land has not been assessed for its rural retention.

This amendment has been a reaction to various pressure groups - including environmental - to keep the land for certain purposes. Such major amendments should require an integrated land use management study. It is hopeless to allow people to make the decisions on the basis of the diminishing nest egg value of individuals. Such planning for only short term material gain will allow the city to be messed up for its residents for time immemorial. I oppose the establishment of this amendment. I move that it be disallowed because it does not properly look after the future interests of the citizens of this city. It will lead to a city which is polluted and has a lack of facilities.

Sitting suspended from 6.00 to 7.30 pm

Hon J.A. SCOTT: The principal reasons that I have moved for disallowance of this amendment are that it will not cater for the future development of Perth in a way that will be economically, socially or environmentally good for the city; the research into land use strategies was not conducted properly, although some of its concepts are okay; it has not addressed the concerns of people in the city about urban sprawl, pollution and the gradual erosion of open space; and it has failed to understand the need for the ecological integrity of wetlands and areas such as the Joondalup dunes, which have largely been taken up for development.

Question put and a division taken with the following result -

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Ayes (11)

Hon T.G. Butler	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Doug Wenn
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Bob Thomas *(Teller)*
Hon Reg Davies	Hon J.A. Scott	

Noes (17)

Hon George Cash	Hon Barry House	Hon M.D. Nixon
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon B.M. Scott
Hon M.J. Criddle	Hon P.H. Lockyer	Hon W.N. Stretch
Hon B.K. Donaldson	Hon I.D. MacLean	Hon Derrick Tomlinson
Hon Max Evans	Hon Murray Montgomery	Hon Muriel Patterson *(Teller)*
Hon Peter Foss	Hon N.F. Moore	

Question thus negatived.

MINES SAFETY AND INSPECTION BILL

Second Reading

Resumed from 10 August.

HON GEORGE CASH (North Metropolitan - Minister for Mines) [7.37 pm]: I thank the Opposition for indicating its support for this Bill. Hon Mark Nevill said in his opening comments that the most important thing that comes out of a mine is the miner. I place on record that we are at one on that statement. This Bill will consolidate the revised and updated provisions of the Mines Regulation Act 1946 and the Coal Mines Regulation Act 1948 into one up to date Act which will be more readable and understandable by those who will be required to use it. Hon Mark Nevill was complimentary in respect of the consultative process which has occurred over a relatively long period in developing this Bill. That process was undertaken by the Department of Minerals and Energy and industry and union representatives, who met on many occasions and after much discussion came up with this particularly good document, which sets out the requirements which will need to be observed in respect of mining operations.

Hon Mark Nevill suggested that one objective of the Bill was to introduce a more effective mine employees' health surveillance system, and he queried how this would be done. The regulations will prescribe the lung function test to which Hon Mark Nevill referred. I am advised that the data to be collected in conjunction with the exposure data from Contam will allow the required studies to be carried out. That was another point said to be important.

Members may recall that Hon Mark Nevill was critical of noise levels - he certainly questioned why the noise level regulations had changed from 85 decibels to 90 dB. In response to his comment that he hoped members of the Cabinet would hear his plea and support a change in the noise level, I will take up the matter with industry. Indeed, I will attempt to convince my fellow members on this side of the House that the level should be lowered. It is not a process that will happen immediately but I recognise the point of his comments. In particular, I will take up the matter with the Minister for Labour Relations. As I understand it, he is mindful of the propositions that have been put forward about reducing the noise levels. However, as yet a decision has not been made. I certainly understand what the member is getting at.

I turn now to the changes to the Coroners Act. It is important to note that it is not a function of this Bill to fully revise that Act but simply to amend it to accommodate the repeal of the Mines Regulation Act and the Coal Mines Regulation Act and their consolidation into one Act. A close reading of the Bill will show that the reference to the Coroners Act involves only a consequential amendment. The Mines Regulation Act provisions in the Coroners Act are retained, and reference is made also to that in the proposed new Act. After some discussion with me, the Department of Minerals and Energy agrees that the jury system has not proved effective and that the Coroners Act warrants an update. That is a matter which is being addressed by the Attorney General. Again, it is one of those programs that is taking longer than either the member or I want. The previous government invited then Coroner David McCann to make submissions on changes required to the Act. Submissions have been received and the question is, which ones are now to be put into force, so to speak. Any amendments to the Coroners Act will need two separate exercises with the involvement of and consultation with the necessary parties. That will continue to occur under the authority of the Attorney General.

In respect of discussion on criminal offences and the penalties, the normal type of prosecution under the proposed Act - the Bill before us - as for the existing Mines Regulation Act, is a criminal action, albeit in the category of summary offences which can be heard before a magistrate. There is still a higher onus of proof - that is, beyond reasonable doubt - rather than the onus in a civil action, which is based on the balance of probabilities. Even if the separate offence referred to during the second reading debate is brought into law, the prosecution action will still be tried as a summary offence, albeit at a higher level. If a person is to be charged with involuntary manslaughter, the case becomes an indictable offence and is heard before a judge and jury. The Director of Public Prosecutions takes over in the case of indictable offences. Cases can be referred to the DPP by a coroner or by Crown counsel in consultation with the inspectorate. It should be noted that a person cannot be charged under the Act for a summary offence and at the same time be charged for an indictable offence. It must be one or the other. No prosecutions under this law are civil actions. Civil actions are normally pursued by individuals against employers to recover damages on the ground of negligence. They are common law matters or industrial tort actions. In general terms, that covers the major areas that Hon Mark Nevill raised during debate.

Hon Doug Wenn raised a number of points and, in particular, referred to the recent tragedy in Papua New Guinea which saw the deaths of a number of mine workers. It was clearly a very unfortunate circumstance, and investigations continue to try to determine the reason for the explosion at that mine. There have been no answers at this stage because, as Hon Doug Wenn would be aware, the impact of the explosion was such that very little evidence has been recovered. Let us hope that we get some answers because explosive dumps and depots are a factor in all mines, and clearly it would be in everyone's interest to discover the reasons for what went wrong in that recent tragedy in Papua New Guinea. No-one denies the potential danger that exists on minesites. That is one of the reasons for the rewrite of the two Acts that I referred to earlier, into what is now the Mines Safety and Inspection Bill.

Hon Doug Wenn also mentioned workmen inspectors. After the second reading debate last week, Hon Doug Wenn and I had the opportunity to discuss the matter somewhat briefly. We agree that the wording of the Act provides for workmen inspectors to be appointed so long as they have at least five years' experience. The reference to 12 years' experience was the opportunity to appoint persons who, for one reason or another, may not have continued to enjoy the appointment as a workmen inspector. They are elected positions. If a person of experience is not elected, the opportunity exists under this Bill for the Minister to make such an appointment. It is provided that that person should have 12 years' working experience to indicate a level of competence. It is a bonus or an additional benefit that is available. I have made the point before that my number one priority in the Mines portfolio is improving the safety of mining sites for all those concerned. Members should consider the statistics of the number of fatalities per 100 000 workers in the industry over a certain time. Over, say, 30 years the statistics show a significant reduction in the number of fatalities. Without question, we are getting better. The problem is that we still have fatalities within the industry. The number of serious injuries in both the metalliferous and coal industries is also declining over a similar time line.

Hon Tom Helm was very complimentary about this Bill. He recognised the amount of effort that had been made by the various parties that met to develop the Bill. He referred in complimentary terms to the work done by Mr Jim Torlach, the State Mining Engineer, who had principal carriage of leading the working party to ensure that the amalgamation of the two Acts into this Bill occurred in what could be termed record time. About 12 months ago after representation from industry and the union movement, and following earlier reports that had recommended the amalgamation of the Mines Regulation Act and the Coal Mines Regulation Act, I took it upon myself to discuss with the Department of Minerals and Energy and other interested parties the task of getting on with the amalgamation of the two Acts. I was told at the time that the matter had been discussed a number of times previously, but that no action had ever been taken. It reminded me of

the Local Government Act where each successive government for years has promised its rewrite, yet we have never seen the finished product. With that in mind I determined that the only way we would be able to complete the task would be to put to work a party of employers, employees and departmental people. That was done. That working party met on numerous occasions over the past 12 months to work through the challenges both Acts afforded, to come up with this modern and understandable document. I pay tribute to those who have put so much into making this Bill the reality it is. Once it is passed by both Houses of Parliament and receives Royal assent the industry, the employer and employee groups, and the department can be proud that they have achieved more in the past 12 months than many believed possible. That goes back over a period of more than 10 years.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon W.N. Stretch) in the Chair; Hon George Cash (Minister for Mines) in charge of the Bill.

Clause 1: Short title -

Hon DOUG WENN: I made the point in the second reading debate that under the prosecution system only a two year maximum applied for the retention of records. Why must the records be kept for so long under this Bill?

Hon GEORGE CASH: The purpose in keeping records and log books for six years after the closure of the mine is not simply for the purpose of a prosecution action by the inspectorate. The interval of time is the same as exists for books of account. The information may be required by the company or a plaintiff in any civil action. Also, much of the other information about the mine is contained in the record of log books and, thus, may be of value if the mine is later reopened, as is often the case in this industry.

Hon P.R. LIGHTFOOT: I will comment on mines and safety generally and touch on nuclear power, which is often viewed by various sides of politics as something that should not be spoken about. That was brought home to me last week with the tragedy of the loss of another 11 lives at the central Queensland coal mining town of Moura, which lost for the third time more of its workers. Although I am not for a moment deriding the necessity of coal as a source of generating electricity and as a heat medium for other areas of commerce, it is about time this state and nation - we would need the concurrence of the Federal Government - considered the alternative to coal fired power stations in Western Australia, because Western Australia concerns me. I am drawn immediately into talking about the loss of life at Chernobyl, minimal as it was.

Hon Doug Wenn: That is still to be determined. A number of people have been proven to have cancer in many forms.

Hon P.R. LIGHTFOOT: Hon Doug Wenn says that the loss of life is still to be determined. Loss of life has always been known precisely. I think Hon Doug Wenn means that there may be some other loss of life. I cannot deny that. There will be further loss of life as a direct result of radiation from the unfortunate chain reaction of human error that occurred during the breakdown five years ago. Notwithstanding that, one must consider the thousands of lives that are lost each year throughout the world from coal mining. Sometimes as many as a thousand people have died in one explosion. In Turkey only several years ago 400 died in one explosion. In the nuclear industry only one power station has malfunctioned as a result of human error. Even with the archaic methods of nuclear generation in the Soviet Union, which is a great cause for worry throughout the world, there has still been only a minimal loss of life.

Hon Doug Wenn: You should visit the nuclear bases in America.

Hon P.R. LIGHTFOOT: No loss of life through radiation can be attributed to any

American nuclear power station, of which there are about 109. There may have been accidental losses through falling or other ways of workers meeting their demise, but none through radiation. We must keep up with the rest of the world. Hon Doug Wenn is a full authority on nuclear power stations and is shaking his head in bewilderment. I thought that anyone else in this Chamber may have irked me somewhat, but certainly none more than the academic, Hon Doug Wenn.

Throughout the world there is still a burgeoning nuclear power industry. China has three nuclear power stations, with more planned. Closer to home, Indonesia has one on the go, earthworks under way for another, another planned, and several more on the drawing board. India has nine, with several more on the drawing board; Japan has 44, with several more on the drawing board; Argentina has two; little Belgium has seven; and Canada, with the greatest hydroelectricity generated power capacity in the world, has 21. It is harnessing a consortia of rivers at Great Bear Lakes. It intends to produce approximately 25 000 MW of power, but still relies on nuclear power. Sweden, a country often cited by the Opposition as a panacea of a special style of socialism, has 43 per cent of its power generated from nuclear power plants. In fact, the people of Sweden voted for nuclear power at a referendum in recent years: They voted against it, then later decided it was economically impossible to do without it and decided to keep nuclear power plants. What I am stating -

Hon T.G. Butler: The member is stumbling blindly along.

Hon P.R. LIGHTFOOT: I do not want to be interrupted by the former secretary of the painters and dockers union.

Hon T.G. Butler: I never will be.

The DEPUTY CHAIRMAN: Order! I am sure members are interested in hearing how the member's comments relate to the mines and safety regulations.

Hon P.R. LIGHTFOOT: Throughout the world nuclear power has proved to be the safest of all methods of generating electricity. We must ask the question: Are we going to keep up with secondary industry throughout the world or are we going to rely on the old practice of digging a hole deeper and getting bigger trucks to shift out the dirt? We have just about reached optimum size with holes and dump trucks. Electricity is a necessary component of secondary industry. We must have secondary industry in this state to survive as an economic force and to have any chance of employing our children. Nuclear power - if the world is any indication - is an essential ingredient in both of those; that is, an expansion of secondary industry and an expansion of our employment base to take up the burgeoning worry of the lack of employment for our children.

I visited a nuclear power plant at Calvert Cliffs on Cheasapeake Bay, Maryland, USA, which is one of the most environmentally sensitive marine areas in the Americas. This plant generates nuclear power at 1.5¢ a kilowatt hour for the state Baltimore gas and electric grid in Maryland. The Calvert Cliffs nuclear power plant, which has a capacity of 1 200 megawatts, is just outside the national capital of Washington. The principal reason that Black and Decker has its international headquarters in Maryland is not the excellent tertiary education facilities there; it is not its central geographical point; it is not that Cheasapeake Bay is one of the busiest seaways in America and offers ingress and egress to Europe at extraordinarily efficient rates - although those factors are important. The principal reason is that it has access to cheap electricity. It takes advantage of that and employs hundreds of thousands of people throughout North America. That is why it makes its base in Maryland.

I believe I will convince some members here today - if we can put aside our prejudices and look at nuclear power as clean, efficient, and as safe as any other electricity generating method on earth - that we will one day seriously consider nuclear power as a medium for electricity production. Western Australia is a very wealthy state which produces 26 per cent of Australia's export income - and that is extrapolated in mining terms to almost $13b. This state has led the nation out of its economic malaise. We are fortunate to have these commodities and are fortunate that the state has a Liberal

Government to exploit these commodities. Figures like that cannot be used necessarily to equate to employment.

The DEPUTY CHAIRMAN: I ask that the member ensure that his comments relate to the clause.

Hon P.R. LIGHTFOOT: With respect to the latitude given on the short title, this is a Bill relating to mine safety. It is not straying too far or drawing a long bow to look at the nuclear power industry as opposed to the highly competitive area of coal generation. I did not think I was straying too far from the substance of the Bill, particularly when considering the latitude given for the short title.

It is a competitive world; it has been reduced to a global village. I am always amused when politicians of various persuasions state we should consider ourselves Asians. We consider ourselves nothing of the sort, especially in trade. As I said, we live in a global village. Activities can be easily expanded in Europe, North America, South America, the Far East, Middle East and Mediterranean areas.

Perhaps the only facet in which to expand relates to value added commodities. One exemplary instance is the recent announcement by BHP that it will establish a direct reduction iron plant in the Pilbara at a cost of $750m. If coal had been found in the Pilbara no doubt that would have been established or an iron plant would have been established much sooner than the one recently announced. However, iron is only a start and without that cheap electricity we would not be exporting aluminium in the form that it is.

Point of Order

Hon SAM PIANTADOSI: We talked about trade and talked about South East Asia. I know the Deputy Chairman has been fairly tolerant with the member and given him a lot of leeway, but I fail to see that his comments have been directed towards the Bill - the Mines Safety and Inspection Bill.

The DEPUTY CHAIRMAN: I note the point of order. I have indicated to the speaker that he should direct his comments more directly to the Bill.

Committee Resumed

Hon P.R. LIGHTFOOT: What I am stating is that if nuclear power has as its greatest attraction safety, I want to demonstrate and inform the Chamber that that issue of fear has gone with the Cold War. Coal mining remains and will always be an option for some, but it is largely becoming a commodity of electricity generating for the Third World and developing countries. It should not be a modern source of power in this country. This country has the safest and most efficient fuel in the world for producing electricity. We have 30 per cent of the world's uranium - we are often referred to as the world's Saudi Arabia of uranium resources - yet we have 10 per cent of the world's exports; unlike Canada, which has coal fired power stations, massive hydro power stations, and 21 nuclear power stations, yet has 10 per cent of the world's reserves and 30 per cent of its exports.

Point of Order

Hon SAM PIANTADOSI: The member is continuing in much the same way. As I understand it, we are talking about safety. We are not talking about Canada, nor world trade. The member has again strayed.

The DEPUTY CHAIRMAN (Hon W.N. Stretch): Order! The member satisfied me that his comments on safety, vis a vis uranium and other forms of mining, are relevant.

Committee Resumed

Hon P.R. LIGHTFOOT: Continual and spurious interruptions like this are off-putting.

Hon T.G. Butler: Take no notice of them.

Hon P.R. LIGHTFOOT: I thank Hon Tom Butler for his suggestion. Notwithstanding that, I want to impress upon members the safety of nuclear power. If Hon Sam

Piantadosi cannot see the thrust of my contribution on the short title, he cannot see anything.

Hon Sam Piantadosi: You would not have half a brain.

The DEPUTY CHAIRMAN: Order! Those remarks are bordering on the derogatory and they are out of order.

Hon Sam Piantadosi: So is his speech.

The DEPUTY CHAIRMAN: Order!

Hon P.R. LIGHTFOOT: Before I was interrupted I was speaking about the safety of nuclear power as opposed to coal fired power stations. One aspect of nuclear power that is not readily apparent with coal fired power is that the residue from nuclear power causes concern. However, the safety aspect of that is overcome with a Commonwealth Scientific and Industrial Research Organisation invention called synrock which synthesises rock in a siliceous form. Waste from nuclear power plants is mixed with a siliceous artificial rock and stabilises the waste material. That is not the case with the waste from coal fired power stations, and the Aberfan disaster in Wales some two or three decades ago will always be there as a reminder. I am not knocking the coal industry; I am a supporter of all aspects of the mining industry.

I impress on members the necessity to look seriously at nuclear power as a safe form of power generation. Western Australia has almost unlimited supplies of uranium at the Kintyre and Yeelirrie deposits. The latter deposit was discovered over 20 years ago, but with the Federal Government's questionable three mine policy, now a two mine policy, this state has lost billions of dollars in export income. The countries this state should have exported to imported other uranium - it did not stop the proliferation of nuclear weapons and it certainly did not stop the proliferation of nuclear power plants.

Hon John Halden: It did not stop the proliferation of your rubbish. Sit down.

The DEPUTY CHAIRMAN: Order!

Hon P.R. LIGHTFOOT: I will use my full time now. If members had kept quiet I would have sat down some time ago.

Western Australia has a multiplicity of minerals, one of which is the important mineral of uranium. It has not been exploited to any degree because it cannot be exported in any significant quantity. It should be considered by members and when an issue like nuclear power comes before this Chamber I hope it will receive bipartisan support.

Hon J.A. SCOTT: Hon Ross Lightfoot - "Radioactive Ross" - is absolutely correct: The issue of safety does encompass uranium mining. The only problem with what he espouses is that the three mine policy adopted by the Commonwealth Government means that there can only be three uranium mines. As each one closes down it will be the end of it and eventually we will have a no mine policy. People lose track of that.

Hon P.R. Lightfoot: It was your Labor Party.

Hon J.A. SCOTT: I am certainly not a member of the Labor Party. I take issue with the comment that nuclear power is safe and cheap because no-one has actually done a costing of the uranium industry in terms of nuclear reactors. No-one knows how long the waste products from uranium must be safeguarded. It is something that will go beyond the existence of the human race.

Hon P.R. Lightfoot: They did not say that at Woodstock 25 years ago or last weekend.

Hon J.A. SCOTT: Woodstock does not have a lot to do with this.

It is difficult to determine how many people have been harmed in the production of energy through the use of nuclear reactors. Many years ago I attended a meeting at which a researcher from the United States spoke about the research he had undertaken on Three Mile Island. He said people must be careful in calculating figures associated with the uranium industry because all the information is restricted. The names of people affected by radiation have not been made public because the information is restricted.

Hon P.R. Lightfoot: So the American government would have buried them in lime pits overnight!

Hon J.A. SCOTT: Hon Ross Lightfoot is aware of the Chernobyl disaster. The damage bill will be billions of dollars. Hundreds of people's lives have been devastated; their health will be adversely affected for many years.

Hon P.R. Lightfoot: You are often irrational.

Hon J.A. SCOTT: I am referring to the facts. Everybody knows that the real cost of nuclear energy is far greater than for most other forms of energy. Researchers in Sydney have been able to produce solar energy at 5¢ a unit, which is much cheaper than nuclear power.

Hon P.R. Lightfoot: I have told you that they are producing nuclear power at 1.5¢ a unit.

Hon J.A. SCOTT: Unfortunately, the member has forgotten to include the associated costs. With solar energy there is only the initial cost, plus maintenance costs; with nuclear energy the cost is 60¢ a unit, not 1.5¢.

Hon Sam Piantadosi: He is trying to correct your mistakes.

Hon J.A. SCOTT: On the question of the safest industry, in fact, we know that a fast breeder reactor has recently been installed in India, and it can produce enough energy to power about two light bulbs.

Points of Order

Hon DERRICK TOMLINSON: I had to check the title of the Bill before the Chair. I understand it is the Mines Safety and Inspection Bill, and we are debating the short title. Can the honourable member be directed to address his remarks to the matter before the Chair?

The DEPUTY CHAIRMAN (Hon W.N. Stretch): I made the point to the previous speaker that members must relate their comments more directly to the Bill. I take the point that radiation is mentioned in the Bill, but it would be more useful if the member addressed the issue of mines safety more directly.

Hon SAM PIANTADOSI: On a further point of order, on two occasions I raised points of order when the previous speaker strayed in his comments and engaged in a world tour, talking about radiation and a number of other factors. Hon Jim Scott is trying to clarify some of the issues upon which Hon Ross Lightfoot embarked. You, Mr Deputy Chairman, allowed Hon Ross Lightfoot to do that, and you should extend the same courtesy to Hon Jim Scott.

The DEPUTY CHAIRMAN: I have done exactly that. I have pointed out to both speakers that we are debating the Mines Safety and Inspection Bill, and I have asked both to address their comments more directly to the Bill. I believe my rulings have been fair and evenhanded.

Committee Resumed

Hon J.A. SCOTT: The points raised by Hon Ross Lightfoot needed to be addressed because they were totally fallacious. The nuclear power industry is the least safe industry of all. It is largely driven by armaments manufacturers who want plutonium. Recently Hiroshima Day was observed all over the world, and it should be remembered that in each of those explosions approximately 78 000 people died. That is not indicative of a safe industry for anybody, let alone miners. The mining of uranium in this State is a dead issue, because as each mine closes the policy is not to open a new one. That seems to be forgotten by the people pushing for more activity.

Hon P.R. Lightfoot: Keep your ears open at the ALP conference this year.

Hon J.A. SCOTT: The people who may have shares in some of those companies have done a great deal to try to get this going. That policy is not the only thing that will prevent uranium mining; I recently received from the US Information Service advice that, although there will be a large rise in the level of energy needed worldwide which

will be provided by various sources, the increase in uranium use will be only 1 per cent. That is a very insignificant portion, and it is not of any importance to Australian mining. In fact, at this moment, following the collapse of the Soviet Union, the stocks of plutonium and uranium have increased around the world, which has flooded the market. The people trying to involve our miners in providing 24 nuclear plants in Indonesia, in an area that would be very unsafe for us all, let alone miners, should take stock immediately. They should think very carefully before considering the possibility of getting back into this crazy industry, which is fraught with problems and full of the lies and misrepresentations of people who want to make a quick buck.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Objects -

Hon MARK NEVILL: I have the following amendment on the Notice Paper -

> Page 2, line 10 - To delete the words "secure so far as is practicable" and substitute the word "improve".

In my view this is one of the most important clauses of the Bill. Although it uses different words, clause 3 is very similar to a clause in a draft Bill I wrote in 1990. I note that nothing in this clause of the Bill refers to mining production or productivity. That is not to say that the inspectorate should not consider production factors in its operations. If the inspectorate can avoid disrupting production and mining operations as its officers go about their duties, that is well and good. However, should their duties clash with the mining production, this clause identifies their objects.

The objects need to be more proactive, and my proposed amendments more accurately reflect the efforts of the mines inspectorate in its work in the mining industry of Western Australia. Clause 3(a) states that one of the objects of the legislation is to promote and secure so far as is practicable, the health, safety and welfare of persons engaged in the mining operations. I agree that it should promote, but the remainder of the sentence is almost a cop-out. In my view the inspectorate has improved the health, safety and welfare of persons engaged in the mining industry in the 20 years I have been involved in that industry. The wording is fairly neutral and should be amended to read "to promote and improve". The inspectorate has been very proactive, particularly since the current State Mining Engineer took office.

Clause 3(b) should also be more proactive and should be amended by including the words "and reduce" to read "to assist employers and employees to identify and reduce hazards". That has clearly been done by the inspectorate in the past. Clause 3(c) and (d) refers to protecting employees against the risks associated with mines and so on, and facilitating cooperation and consultation between employers and employees and associations representing employers and employees. The word "facilitate" suggests a very neutral role, almost disinterested. I do not think that fairly reflects the efforts of the inspectorate. It is its job to foster cooperation and consultation between employers and employees. That also helps to generate a more proactive set of objectives. Does the Minister want to deal with these amendments together or separately?

The DEPUTY CHAIRMAN (Hon W.N. Stretch): It may be in the interests of the Committee to handle these amendments separately. I intend to do that unless I am persuaded otherwise by eloquent argument from the Minister.

Hon GEORGE CASH: That would be a very realistic and practical way to deal with the amendments; however, I think I can speak to them all because they all deal with the objectives as set out in clause 3. The number of amendments that Hon Mark Nevill has placed on the Notice Paper clearly indicates a particularly good working knowledge of the Bill. I compliment him on the amount of work he has put in to develop these amendments. We support most of the amendments. I will put forward propositions to him why some should not be supported. That is not to say that what he is trying to achieve is not already being achieved somewhere else. That is why they are not being included. For instance, if we deal with the amendment to page 2, line 10, the proposition

is to delete "so far as is practicable" and to substitute "improve". It is important to look at the definition of practicable under clause 4, interpretation. That is relevant to the words secure so far as is practicable. Clause 4 states -

> **"practicable"** means reasonably practicable having regard, where the context permits, to -
>
> (a) the severity of any potential injury or harm to health that may be involved and the degree of risk of such injury or harm occurring; and
>
> (b) the state of knowledge about -
>
> (i) the injury or harm to health referred to in paragraph (a); and
>
> (ii) the risk of that injury or harm to health occurring; and
>
> (iii) means of removing or mitigating the potential injury or harm to health;
>
> and
>
> (c) the availability, suitability, and cost of the means referred to in paragraph (b)(iii);

I wanted to record that because there must be a clear understanding of how the word "practicable" is defined in this legislation. It is relevant.

We intend to accept two of the three amendments which we are discussing, although not in their exact same form. We will add the proposed words but will not delete certain words. I am indicating to Hon Mark Nevill that two of his three amendments will survive. To delete the words "secure so far as is practicable" and substitute the words "improve" would cast a strict liability on a particular party. That would be far more than is intended by the definition of "practicable" in the legislation. The strict liability would not be workable within this legislation and, more than that, it needs to be clarified to reflect the definition of "practicable" as I read it in clause 4.

This role is not just one for the Mines Inspectorate; this is an obligation that is imposed on all parties to the operation of the minesite: Employers, employees and the inspectorate. We are talking about the total operation. The Government is not prepared to accept the amendment to page 2, line 10 because we think, apart from imposing a strict liability and therefore putting the parties to the legislation in an unworkable position, it defeats the meaning of the word "practicable" under clause 4. We agree to the amendment to page 2, line 13 where Hon Mark Nevill is suggesting that we insert after the word "identify" the words "and reduce". Therefore, clause 3(b) would read "to assist employers and employees to identify and reduce hazards relating to mines" etc.

In the amendment to page 2, line 21 Hon Mark Nevill is proposing to delete the word "facilitate" and substitute the word "foster". If one looks at the dictionary and determines what facilitate means and then looks at the word "foster", one sees that Hon Mark Nevill's amendment would detract from the intention of the clause. I argue that to facilitate is to do more than to foster, as such. However, I understand what he is getting at and we are both trying to promote the objects of the Bill. Therefore I propose - we can deal with these amendments seriatim - to include the word "foster" after the word "to" so that clause 3(d) will read "to foster and facilitate" etc. It takes nothing away and it achieves the purpose. I would not be happy to remove the word "facilitate".

For the reasons given the Government does not accept the amendment to page 2, line 10 where Hon Mark Nevill proposes to delete the words "secure so far as is practicable" and substitute the word "improve". Perhaps we should deal with that amendment and then the others.

Hon MARK NEVILL: I do not intend to move the first amendment. However, I move -

Page 2, line 13 - To insert after the word "identify" the words "and reduce".

Hon GEORGE CASH: For the reasons I have just given, the Government accepts the amendment.

Amendment put and passed.

Hon MARK NEVILL: I move -

Page 2, line 21 - To insert after the word "to" the words "foster and".

Hon GEORGE CASH: For the reasons previously stated the Government agrees to amendment.

Amendment put and passed.

Hon MARK NEVILL: I thank the Minister for accepting the amendments. Another point on the word "practicable", which is defined in the Bill, is that the earlier draft of this Bill that I saw had the defined words listed at the end of each clause.

Hon George Cash: Yes.

Hon MARK NEVILL: I have seen other systems where defined words have an asterisk next to them, which I think is the Victorian system, and others have defined words printed in bold. On reading that earlier draft my view was that seeing the defined words listed at the end of each clause would be a real help to anyone reading this Bill. Obviously where defined words have a meaning different from or more specific than their normal reading, someone reading the objects would not realise that words such as "practicable" have a defined meaning. I know our parliamentary draftsmen do not like changes in style, but I thought that way of highlighting defined words at the end of each clause was better than the other two systems that I have seen, because one does not have to keep cross-referencing to the interpretation clause to find out how or whether a word is defined. I must admit I was very disappointed to see that taken from the Bill. I am pretty sure it would have been at the insistence of Parliamentary Counsel, which is a pity as it certainly assists people to understand the Act. It would be better to have included that system in the Bill. I thank the Minister for his positive reaction to these amendments.

Hon GEORGE CASH: First, I should acknowledge that Hon Mark Nevill is correct in saying that one of the drafts circulated for comments by various groups did have those defined words more clearly explained than the given clause. He is also correct in suggesting the request of Parliamentary Counsel was that it be removed. What we are talking about here is that given this is a working Bill, so to speak, which will be read by persons who will not be lawyers and given the fact that they will be working on minesites, it would not be a bad idea if we were to take up with Parliamentary Counsel the opportunity perhaps to change the format of at least some Bills to show those defined words more clearly. I have to agree with Hon Mark Nevill that it was a lot easier to read in the earlier form rather than relying on turning through the Bill to the interpretation clause and then working out what the word "practicable" means. However, it is something I am quite happy to take up with Parliamentary Counsel. Whether I succeed in my suggestion or not is something that remains to be seen. With regard to the amendment, we are happy about it.

Hon Mark Nevill: They would not be part of the Bill, I presume.

Hon GEORGE CASH: No.

Clause, as amended, put and passed.

Clause 4: Interpretation -

Hon MARK NEVILL: I have a query on the definition of exploration operations which relates to clause 42(3). I do not know whether the Minister wants to deal with that now or when we get to clause 42(3).

Hon George Cash: At clause 42(3) would be more helpful.

Hon MARK NEVILL: The other point of clarification I want to raise is in respect of the definition of foreman at page 5, line 20. It is not clear to me. It reads -

> **"foreman"** in relation to underground metal mining operations, means a person directly responsible to the underground manager or underground superintendent who has, under the direction of that manager or superintendent, the immediate charge of mining operations and supervisors for designated areas.

It refers to "person responsible for", and that person responsible has the immediate charge of the mining operations and supervisors for designated areas. I presume there that "mining operations" does not apply to designated areas but just to supervisors.

Hon GEORGE CASH: The foreman has charge of supervisors, and they might be supervisors in designated areas. He has overall command or charge. Supervisors may be supervisors only in certain designated areas within the mine. The foreman is really sitting on top of the pyramid, one might say, in that context.

Hon MARK NEVILL: The other point is that when the Bill refers to supervisors for designated areas, although they are designated areas one often finds at weekends people are doing something in an area it is not normally designated for, such as spillage, pumping or something completely different. I wonder whether that restricts the definition unnecessarily.

Hon GEORGE CASH: Designated areas can be changed. They can be designated according to whatever operations may be ongoing at any given time within the minesite.

Hon MARK NEVILL: The next point of clarification is the definition of mine on page 6. The point I would query is in subclause (2) on page 14, which is not incorporated in that definition. We go through the process of defining a mine on page 6, and then on page 14, subclause (2) reads -

> Unless the contrary intention appears, a reference in this Act to a mine is to be taken to include a reference to any part of the mine.

It would have been easier to include that in the definition. Is the Minister aware of why it is separated?

Hon GEORGE CASH: Hon Mark Nevill is probably correct; it could have been contained under the interpretation of the word "mine". It has been placed in that form to highlight the proposal as is stated in clause 4(2). It is a contrary situation and rather than just include it under "mine", it is clearly best kept as a separate provision within the Bill.

Hon MARK NEVILL: I move -

> Page 7, line 12 - To insert after the word "roasted," the word "floated,".

It seems to me that the definition of mining operation is very detailed. Floatation is a fairly significant part of many mining operations and it appears to me to have been omitted from this definition.

Hon GEORGE CASH: The proposed amendment is one of a technical nature. Hon Mark Nevill is correct; a floatation system within a mining operation is certainly a very important part of the operation. The Government agrees that the word "floated" should be included in the clause.

Amendment put and passed.

Hon MARK NEVILL: It is pleasing to see exploration operations included under the definition of mining operations. There certainly has been a need for greater scrutiny in that area, particularly working practices and the environmental aspects of exploration. There needs to be some clarification of the definition of workplace under mining operations. Clause 4(j) includes residential and recreational facilities. Is the manager responsible for injury in on site accommodation units such as at the Bellevue Mine or on playing fields such as Kambalda oval?

Hon GEORGE CASH: The manager may have a responsibility for any civil actions that might be taken concerning injuries suffered in those areas. However, his only responsibilities concerning persons working in those areas - I am referring to the

recreational and residential facilities - will be for people employed for particular tasks within those areas. It is not intended that the employer's obligations should extend to residential and recreational facilities unless it is for persons who are working in those areas for particular purposes.

Hon MARK NEVILL: I take it that the definition of workplace further on means the managers responsible for workers who maintain recreational facilities or residences, but not people who injure themselves playing sport or while engaged in domestic activities in minesite accommodation units?

Hon GEORGE CASH: That is a correct assumption.

Hon MARK NEVILL: I draw the Minister's attention to clause 4(s). It follows from that that a number of significant mining operations are not covered by this Bill. They include local shire crushing plants and Department of Transport dredges from the old marine and harbours department. There is also a very large quarry which is owned and operated by the Esperance Port Authority, the railway quarry at Karonie on the trans line and the very large quarry operated by the Main Roads Department at Madura. Is it correct that they are not covered by the Bill? If not, what legislation would cover those significant operations?

Hon GEORGE CASH: The intention under subclause (s) which deals with sand, gravel, limestone or rock excavation, etc was to exclude smaller operations. However, my advice is that the Governor, by way of regulations, can bring in any operation to be a mine. That is something that will have to be considered in the regulations and in respect of the size of the particular operation. It is intended to exempt only very small operations.

Hon MARK NEVILL: I do not have an amendment to that clause, but if we examine the Bill later, it might be worth clarifying that fact.

With reference to subclause (t) I assume that mining by Posgold on Hampton freehold land and Western Mining Corporation Ltd on Hampton Plains freehold land, it being private land, is still covered by the Bill.

Hon GEORGE CASH: Yes. Any exclusion should be understood to be what I might term small nuisance operations and no more.

Hon MARK NEVILL: The words "manager" and "principal employer" are used in different circumstances in the Bill. The definition of "principal employer" can cover the proprietor and the manager of the mine. Some clauses refer to the manager when principal employer may be better because that definition covers manager.

Hon GEORGE CASH: Clearly, the Bill intends that the manager should be determined to be an agent of the owner.

Hon MARK NEVILL: I have an amendment to insert the definition of "receiver" as it relates to clause 87.

Hon George Cash: If the member does it in the interpretations clause, I will have to explain something to him.

Hon MARK NEVILL: I am not sure that clause 87 makes clear the statutory position of a receiver. It is important there because, if a mining company goes into receivership, the mine may continue to operate, which is often the case, and then the receiver would become the principal employer and have responsibility for the health and safety of the people in that mine, which he may not realise. I think that needs highlighting by way of definition.

Hon GEORGE CASH: Hon Mark Nevill is correct in stating as he did by way of an answer to an interjection by me in the second reading debate that the term "receiver" is used in that clause. Hon Mark Nevill's suggested amendment is to insert a new definition of the word "receiver" to mean that a receiver has the same meaning as it has in the Corporations Law. Following the second reading debate, I took the opportunity to inquire whether a receiver should be restricted to just that meaning in the Corporations

Law and the proposition was put to me that we should not limit it. I understand what Hon Mark Nevill is trying to do, but we should not limit it to corporations alone; we should insert the word "receiver" but after that the words "includes receiver and manager". Then it will not be restricted only to Corporations Law. That has been suggested because some mines are taken over by receivers who do not have a relationship in respect of Corporations Law but we would still require them to observe the requirements of this Bill. If Hon Mark Nevill moves the amendment as I have suggested, the Government will accept it.

Hon MARK NEVILL: I move -

Page 11, after line 13 - To insert the following new definition -

"receiver" includes a receiver and manager;

Amendment put and passed.

Hon MARK NEVILL: Next to the definition of "rise" I have a note to ask the Minister whether these definitions of mining terms are consistent across Australia.

Hon GEORGE CASH: Western Australia, as the premier mining state and being the state with the largest mines department, has superior expertise in its Department of Minerals and Energy than that found in the other states. The definitions in this clause could also be said to be somewhat superior to the definitions used in other states. No conscious effort has been made to determine the wording in other mining legislation. However, the other states often rely on Western Australia to set the lead. In a definitions sense, the word "rise" as stated in this clause clearly indicates its intention.

Hon MARK NEVILL: I was not referring just to the term "rise"; I was referring to "quarry", "development heading" and expressions like that.

Hon George Cash: The same comments would apply to those.

Hon MARK NEVILL: I was referring to some consistency.

Clause, as amended, put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Duties of employers -

Hon MARK NEVILL: Phrases throughout the clause refer to "so far as is practicable" and "as is necessary". Now that the fines have been increased to $100 000, such phrases will be tested in the courts. When the fines were much lower, the companies would plead guilty by endorsement of the summons. Unfortunately I predict when the fines increase by that amount, the mining inspectorate will be facing many more lawyers across courtrooms. This is a natural progression with the amount of fines involved.

Hon GEORGE CASH: The member's comments are probably correct in that when someone faces a fine of up to $100 000, that person will seek the assistance of a lawyer to put a case before the court to mitigate against the penalty being applied. The words raised by Hon Mark Nevill have been tested in cases before courts, and clearly the courts have determined how those words are to be construed. Hon Mark Nevill is right in talking about expecting companies or owners to take action to reduce a penalty which may be $100 000.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Reporting of dangerous situations or occurrences -

Hon MARK NEVILL: I move -

Page 20, line 16 - To delete the word "immediately" and substitute the words "as soon as possible".

In many situations a greater hazard will be created if a person were to leave a dangerous place immediately. Someone else may then gain access to the area and be placed at risk

while that person is immediately reporting the accident. Sometimes people may travel in a different way into dangerous areas, and a person may not have a sign to rig up to alert others. It would be better for the legislation to allow a person to stay at the site until a supervisor or someone else comes along and makes the area secure before leaving it. The word "immediately" does not allow a person to use his or her discretion, but "as soon as possible" would allow that person to report a dangerous situation when it is safe to do so.

Hon GEORGE CASH: It is true that if the word "immediately" were used in its literal sense, the situation the member describes would occur. However, as I have had the amendment for a number of days I have been able to seek advice on this matter and the application of the word "immediately" as it would be applied in this legislation. I am advised that in this context "immediately" means without delay, and that the proposed phrase of "as soon as possible" has the same import. Clearly, the urgency with which a report is made would be proportionate to the level of hazard or risk.

Further advice indicates that in a drafting sense when the word "immediately" is used in the context of this legislation, the courts have already construed it to mean "with all reasonable speed considering the circumstances of the case". On that basis it is unnecessary to change the wording as proposed in the amendment. Therefore, the Government does not accept the amendment because the word "immediately" will achieve exactly what the member is trying to achieve with his amendment.

Hon MARK NEVILL: After hearing what the Minister has said, I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon MARK NEVILL: Also, although I do not intend to move an amendment, the reporting of a dangerous situation would apply just as much to self-employed persons as to others. Does "self-employed person" refer to contractors? Although contractors may come under clause 9, if clause 12 includes contractors it may give them the impression that they are not under the responsibility of reporting those dangerous situations even though clause 11 refers to every person. Therefore, it may be better to move that reference to after clause 12.

Hon GEORGE CASH: As much as I want to accommodate Hon Mark Nevill, I cannot agree to that proposal if it were to be moved at this stage.

Hon Mark Nevill: I said that I was not moving an amendment.

Hon GEORGE CASH: Yes. However, I am happy to consider that change regarding the order of the clauses of part 2 of the legislation when the Bill is before the other place. I cannot see that we will achieve a benefit by changing the order of the clauses. However, I give Hon Mark Nevill an undertaking that I will look at it and if it is clear that clause 12 is better placed before clause 11, that can be done in another place, but I will reserve that decision for later.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Duties of principal employers and managers -

Hon MARK NEVILL: My amendments are suggestions to improve the drafting of this clause. Where the principal employer includes the manager it seems that the words "and the manager" are redundant. My understanding is that the term "access" means both ingress and egress, so it also appears to be redundant to say that the principal employer and the manager of a mine must take such measures as are practicable to ensure "access to" and "egress from" the mine. It is an archaic term and I am surprised to see the word "egress" in such a well drafted Bill.

Hon GEORGE CASH: The proposed amendment to page 21, line 23 would delete the words "and the manager". In the original drafting of these provisions for the Mines Regulation Amendment Act which introduced the Occupational Health, Safety and Welfare Act duty of care provisions, careful consideration was given to where a duty is

invoked on a principal employer only or on employers, managers, etc. In this case the duty must rest with both the principal employer and his on-site agent who will be the manager. The principal employer could be someone at another site. It is critical that an on-site person have the duties and responsibilities that are provided in this clause. It is not redundant and the Government does not propose to agree that those words be deleted.

Hon MARK NEVILL: The Blair mine at Kambalda is operated by Western Mining Corporation Ltd, which has a manager at the mine as well as mining contractors. Would the word "manager" refer to the manager of the contract mining group and not just the registered manager at that mine? There could be some confusion.

Hon George Cash: The "principal employer" and "the manager" are to relate strictly to the mine manager.

Hon MARK NEVILL: I move -

> Page 21, line 25 - To delete the words "and egress from".

Hon GEORGE CASH: Section 22 of the Occupational Health, Safety and Welfare Act 1984 refers to "access to" and "egress from" and, as advised, some of the wording in this Bill has been taken directly from that Act on the clear understanding that there is a correlation between the two and that people understand that they relate to each other. As to whether the word "egress" is unnecessary because access applies to both ingress and egress, I argue that is not so. One could have access into one area of an underground mine and, assuming it is a one way road, have egress through another area. That access might not necessarily be the place at which someone leaves that mine. The other point that should be recognised is that it could also includes an escape route, which of course is required in most mining operations, in particular from an underground operation. Hon Mark Nevill might say that, in a grammatical sense, access has the same meaning as egress, and I will not argue that point. I am saying that in this Bill, we want to make a clear distinction so that people will understand that they have obligations in respect of both access to and egress from a mine, no matter whether it is said that they are the same point or some other point.

Hon MARK NEVILL: I do not agree with the Minister's interpretation because access means not that a person can go in and out of a mine at the same point but that there are places to go in and places to come out, some of which may be the same. However, I am not here to get into that sort of argument.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 14: Duties of manufacturers etc. -

Hon MARK NEVILL: The Opposition is pleased to see the inclusion in clause 14 of people who design and construct buildings or structures. That is a sensible and overdue inclusion in the Bill.

Clause put and passed.

Clauses 15 to 18 put and passed.

Clause 19: Employee's inspectors -

Hon MARK NEVILL: It seems to me that the power of an employee's inspector to report to a trade union has been removed from this clause. I believe that an employee's inspector should have that discretion. Can the Minister clarify whether there is another provision relating to an employee's inspector reporting to a trade union?

Hon George Cash: It is in clause 25.

Hon MARK NEVILL: Subclause (5) states -

> An employee's inspector may be removed from office by the Minister on the grounds of misconduct, neglect of duty or incompetence.

Will the rules of natural justice apply to any inspector who is charged with those offences when the Minister is considering that person's case?

Hon GEORGE CASH: Yes. This is an extension of the previous situation, where the Minister had an unfettered right to remove an employee's inspector from office without those rules of natural justice applying. Section 11 of the Mines Regulation Act 1946 states, in part, that a workman's inspector may be removed from his office by the Minister for any cause which the Minister may in his discretion deem sufficient. That is not the case in this situation. I said earlier that one of the good things about this Bill was the consultation that occurred between the various parties - employer, employee and departmental - and this was the type of suggestion that came forward during those many consultative meetings, which makes this Bill not only fairer but more acceptable to all parties.

Clause put and passed.

Clause 20: Assistant inspectors -

Hon MARK NEVILL: I move -

> Page 27, after line 3 - To insert the following new subclause -
>
> > (4) Any vacant position of employee's inspector must be filled as soon as possible where the person holding that office has been appointed an assistant inspector.

In my discussions with the Trades and Labor Council about this clause, there was concern that an employee's inspector might be appointed an assistant inspector before his term had expired, perhaps in anticipation of the result in an election, or something like that, and that because of financial constraints, the position would not subsequently be filled. The intent of the amendment is to ensure that that does not occur. Under the Interpretation Act, if that assurance could be given by the Minister, I presume that would ensure that it did not occur.

Hon GEORGE CASH: The intention at the moment is that the process of filling any vacancy that might occur will be provided for in the regulations. Those regulations are in draft form at the moment, but they indicate that the process must be commenced within two weeks of the vacancy occurring. Hon Mark Nevill will be aware that the regulations will provide for all sorts of requirements under this Bill. It is suggested at the moment that that will be sufficient, and I would be interested in Hon Mark Nevill's comments in that regard.

Hon MARK NEVILL: If the Minister can guarantee that the regulations will make it clear that that position has to be filled, then the Opposition will be satisfied with that and I will withdraw the amendment.

Hon GEORGE CASH: That is the point. That is the intention with the regulations; they will provide that the process must be commenced within two weeks of the vacancy occurring.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 21: Powers of inspectors -

Hon MARK NEVILL: Subclause (1)(d) states that a district inspector or a special inspector may take and remove samples of any substance or thing whatsoever at a mine without paying for them. That needs some qualification at least in the regulations. Mines have such things as valuable bars of gold and, should they be held in custody, a receipt should be issued. If anything is taken from a mine, the inspector should provide at least an itemised list of the property taken, but if gold is involved, a receipt should be issued.

Hon GEORGE CASH: I refer to section 43(f) of the Occupational Health, Safety and Welfare Act where similar words are used. That is, take and remove samples of any substance or thing, without paying for it. The intention in the regulations is that a procedure will be set out to provide clear direction regarding what the inspector will be required to do. Section 18 of the Interpretation Act relates to the regard to be had for the purpose of an object. It states -

> In the interpretation of a provision of a written law, a construction that would promote the purpose or object underlying the written law (whether that purpose or object is expressly stated in the written law or not) shall be preferred to a construction that would not promote that purpose or object.

That is the overriding requirement that must be observed by officers but, more than that, provision will be made in the regulations to ensure where any material or sample is taken off-site a receipt will be given.

Hon MARK NEVILL: Paragraph (j) states that a district inspector or special inspector may -

> require any person whom the inspector interviews under paragraph (i) to answer any question put to that person and, if the inspector considers it appropriate, to verify any such answer by statutory declaration;

Does that person have the right to remain silent or to request the presence of a company, legal or union representative? Will the rules of natural justice apply? I am not one to give extra work to lawyers but it seems that the clause as worded could be rough on some people in some situations.

As to Quorum

Hon Doug Wenn: Mr Chairman, I draw your attention to the state of the Chamber.

The CHAIRMAN: The member is out of order because he is not in his seat.

Committee Resumed

Hon GEORGE CASH: A similar provision applies under the Occupational Health, Safety and Welfare Act.

Notwithstanding that, a person is required to provide answers. However, that person can privilege that answer by a preamble, if desired, within any statement given, if the person believes that would protect him from some matter that might require further information. It is up to the individual.

Hon MARK NEVILL: Paragraph (m) provides that a district or special inspector may "initiate and conduct prosecutions of persons for offences under this Act". Am I correct in assuming that the costs awarded are paid by the state?

Hon George Cash: That is correct.

Hon MARK NEVILL: Paragraph (n) reads -

> obtain written statements from potential witnesses, and appear at inquiries held regarding mining accidents, and at inquests and call and examine witnesses and cross-examine witnesses;

The Minister needs to ensure that someone attending an inquiry will not lose any income. Is that the case?

Hon GEORGE CASH: That would depend on the circumstances of a potential witness being required to appear at an inquiry. It would depend on the type of inquiry to be held, so I cannot give a guarantee in respect of someone not losing wages or not suffering some cost burden. That will depend on the inquiry.

Hon MARK NEVILL: Can the Minister ensure that any reasonable costs incurred by a person when attending an inquiry, such as loss of wages, would be met? That is, presuming the cost was not paid by the company.

Hon GEORGE CASH: In formal court hearings they will receive a fee in that regard. In most cases an arrangement will be made with the company. However, the purpose of the Bill is to provide the inspectors with powers consistent with the powers that are provided. If necessary, departmental guidelines and directions will be available to inspectors. The point raised by Hon Mark Nevill is taken on board.

Clause put and passed.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Hon George Cash (Minister for Mines).

[Continued below.]

SITTINGS OF THE HOUSE - EXTENDED AFTER 11.00 PM

Tuesday, 16 August

On motion by Hon George Cash (Leader of the House), resolved -

That the House continue to sit beyond 11.00 pm.

MINES SAFETY AND INSPECTION BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon Barry House) in the Chair; Hon George Cash (Minister for Mines) in charge of the Bill.

Progress was reported after clause 21 had been agreed to.

Clause 22: Power to give directions -

Hon MARK NEVILL: It took me a long time to find in this Bill the power for an inspector to stop work at a mine. The unusual heading on this clause directed me away from it. Why is it not incorporated under "Powers of inspectors" but under a separate heading of "Power to give directions"?

Hon GEORGE CASH: In general terms this clause empowers inspectors and assistant inspectors to give directions in relation to a number of matters, including contraventions of the proposed Act and, in hazardous situations, stopping work in progress and withdrawing persons for safety or other remedial action as required. In a number of situations inspectors will be empowered under this clause, including being able to stop the work of the mine if there is good reason.

Clause put and passed.

Clauses 23 and 24 put and passed.

Clause 25: Liaison between employee's inspectors and health and safety representatives -

Hon MARK NEVILL: I move -

Page 33, lines 9 to 11 - To delete all the words appearing after the word "mine".

I had discussions with the Australian Workers Union and the Trades and Labor Council about this clause. It was contemplated that in subclause (2) the word "may" could be changed to "shall". I have moved this amendment because we have a capable and sensible complement of employee's inspectors in this state. I do not believe they would be frivolous with a power to have discretion to report to a trade union. Unions are another limb in the program of ensuring that our mining industry is safe. Whether people like it or not, over the years many safety initiatives have come from that quarter. This Bill should give the employee's inspector the discretion to report to a trade union on matters concerning safety. If the clause is to be restricted to their having the option of reporting to the union if a member of that union is working at the site, it will be far too narrow. In some cases it may not be known whether a member of a work force is a member of a union. There are union members on some non-union sites, but they do not advertise the fact that they are members because it is an unfortunate fact of life that some mine managers are intolerant of anyone who is a member of a union. Perhaps it does not apply to this clause. We should not restrict those rights of discretion for the member to ask the employee's inspector. That member may be involved in an accident and be unconscious; or worse still, the accident might involve a fatality. I do not see that this restricts the activities of unions to union members on that site. Unions have a broader interest in safety. If an incident happens at a mine, it might be relevant elsewhere. This

would put a more reasonable aspect on the Bill so that it read that an employee's inspector may report to a trade union on matters concerning safety factors and the safety of working conditions at a mine.

A lot of the reporting between employee's inspectors or working inspectors, as they are known, and union members occurs quite informally. That will occur anyway. Why is there a need to put such a prescriptive qualification on that? As stated, the amendment would strengthen the Act and I do not believe it would be abused. If it were, I could understand the Government amending it at a later date. I believe the amendment would make our mines safer.

Hon GEORGE CASH: If Hon Mark Nevill is stating that the relationship that exists between the inspectors and the unions is not working, I could understand the reason for this amendment. However, apart from it being basically the same provision as exists in section 14 of the Mines Regulation Act, I argue that on the whole a very good relationship exists between inspectors and the union movement. If we were to delete the words as proposed, that in itself would place an employee's inspector in a position of being called on to report to a trade union on matters at mines where there was no trade union involvement and no employees were members of unions. That would be an unnecessary burden on an employee's inspector.

Hon Mark Nevill: It is not to be obligatory; it is optional.

Hon GEORGE CASH: That is the very point. The union movement forms one of a number of limbs of the safety regime that we are trying to implement. This Bill was discussed by the various groups I described earlier, and the union movement was an important part of those discussions.

Some years ago I objected when people came into this place and stated that, as a tripartite agreement existed to whatever it was, it must have been perfect. I will not use that argument because it has been overused and almost abused. However, the unions have had an opportunity to sit down and have significant input into this Bill. That is one of the reasons Hon Tom Helm was prepared the other day to make the very complimentary remark he did about this Bill.

Hon Mark Nevill stated that if we agreed to his amendment and it proved not to work, he would understand why the legislation should be amended at some later time. There is no need for the amendment because in practice it is working now and has done for a number of years. However, perhaps we should attack it from the other side. If, for reasons unknown to me, we find ourselves in a position where employee's inspectors are no longer able to enjoy the good working relationship that has existed with union officials, perhaps then we could come back and amend it so that our mutual desires were achieved.

The present wording of the Bill will allow employee's inspectors to report to trade unions on the safety of working conditions at mines if there are trade union people involved on a mine. If not, there is no obligation for them to report to the trade union movement. That situation has existed for some time and has worked well. Consequently, the Government is not prepared to accept this amendment. I repeat that it is because we had the three groups - the Department of Minerals and Energy, employers, and employees, through the union representations - working together over a period of time that we have been able to get this Bill to where it is today. That shows the goodwill between the parties.

In Norseman last Friday week I had discussions with Paul Hogan and Ray Delbridge from the Australian Workers Union. Ray Delbridge came from Kalgoorlie for the centenary celebrations of the town of Norseman. A number of matters were discussed amicably. I later spoke to 20 or 30 people outside the place where the meeting was conducted and explained to them that a good meeting had taken place with the union officials. I later spoke to company representatives and put the views of the union to the company so they would understand what was happening. Today I spoke to Paul Hogan on the telephone to inform him of what was happening. He indicated that he appreciated the meeting held in Norseman a week ago. I have no problems working with the union movement and I know that the employee's inspectors have no problem. That has been

demonstrated over many years. There is no need for the amendment because we have a practical situation that is working.

Hon MARK NEVILL: I acknowledged before that the amendment was similar to the provision in a previous Bill, and that the matter was raised with me by people from the Trades and Labor Council and the Australian Workers Union. Perhaps it revolves around the interpretation of the last part of subclause (2). The subject matter of the report concerns the union member or his work at the mine. I suppose one could interpret that very broadly, and that is good. I am worried that at some minesites - and I will not name them here - union members are reluctant to put up their hands. It concerns me that it might be difficult for employee's inspectors to know whether a union member was employed on a particular site. For example, in a mine with 40 or 50 employees, only three might be members of the union. Whether we like it or not, some managers on minesites are very hostile towards employees who are members of the union. It could almost be described as an extreme pathological hatred. I do not understand it, but it exists. I am not sure whether employee's inspectors would know that a union member was employed on a mine for which he had responsibility and this amendment would allow them to cover these situations and report to a union where there was a bona fide problem. This information might only be drawn to the attention of the union and not necessarily given to cause a disruption. It might be similar to the serious incidents report which the inspectorate circulates. This report is a means of freely exchanging information to improve safety.

Hon GEORGE CASH: I understand from where Hon Mark Nevill is coming, but I do not think we should accompany him to where he is going. Clause 24(1) states that an inspector must inquire into any complaint. The legislation provides for persons working on minesites, regardless of whether they are union members, to complain confidentially to an inspector who has the duty to report on or remedy the matter brought before him. There is a good working relationship between employees and employee's inspectors and that was the reason for including that position in the legislation. It is working at the moment and the employee's inspectors do enjoy a good working relationship with the union movement and that relationship will continue. There is no need for this amendment. I repeat the point put to me that on many occasions employee's inspectors are aware of who is a member of a union and they treat that information with confidentiality.

Amendment put and negatived.

Clause put and passed.

Clause 26: Use and misuse of information by inspectors and assistant inspectors -

Hon MARK NEVILL: How does this clause sit with the whistleblowers provision in the Public Sector Management Act? I understand that that Act will override this legislation.

Hon GEORGE CASH: This clause provides penalties for people who contravene the provisions of subclauses (1) and (2). The fine is substantial and the reason it is up to $10 000 is that it will make it very clear to inspectors and assistant inspectors that any information received by them is not to be misused in any way. It is critical that this Bill include a specific clause dealing with responsibilities and with penalties that can be imposed if anyone misuses the information. The legislation does not prevent an employee's inspector and assistant inspector from taking whatever action they think appropriate with matters they want to draw to the attention of an official body. This clause is about the misuse of information, and whistleblowing is not a misuse of information; it is informing some other agency of a circumstance they believe needs to be properly investigated.

Clause put and passed.

Clauses 27 to 32 put and passed.

Clause 33: Registered manager -

Hon MARK NEVILL: Subclause (3) refers to a registered manager on a commute

schedule and states that he must reside at a location in relation to the mine which will allow him to control and supervise the mine effectively. Who decides whether that location is acceptable?

Hon GEORGE CASH: The State Mining Engineer makes that determination based on the information provided to him and having regard for the circumstances surrounding a particular operation.

Clause put and passed.

Clauses 34 to 36 put and passed.

Clause 37: Certificated quarry manager -

Hon MARK NEVILL: Subclause (2)(b)(iii) states that a quarry manager in a quarry in which explosives are not used must have a restricted quarry manager's certificate of competency. Does the Minister have the power to give written approval for a restricted quarry manager to manage a mine which has in excess of 25 employees?

Hon GEORGE CASH: Is the member talking about more than 25 persons being employed at the operation?

Hon Mark Nevill: Yes.

Hon GEORGE CASH: It is already provided for in that clause.

Hon Mark Nevill: For a restricted quarry manager?

Hon GEORGE CASH: Yes, it is a minimum situation.

Clause put and passed.

Clauses 38 to 41 put and passed.

Clause 42: Commencement or suspension of mining -

Hon MARK NEVILL: I mentioned subclause (3) earlier when I spoke about the definition of "exploration operations". This clause does not appear to be clear with regard to small operations. For example, a 500 metre costean program will exceed the tonnage limit on a tenement, yet the definition of exploration operations does not include any trial pit beyond the extent permitted under the tenement conditions. Hence, a 500 metre costean is a mining operation for the purposes of that subclause.

Hon GEORGE CASH: The clause is dealing with smaller operations, and the requirement of those operators to get the agreement of the State Mining Engineer. As indicated earlier, a number of regulations will be required, and those regulations will provide more detailed information of notification procedures and will be clearly supported by guidelines. I refer Hon Mark Nevill to clause 47(5), which refers to exploration operations, and may be of interest to him.

Clause put and passed.

Clauses 43 to 68 put and passed.

Clause 69: Discrimination -

Hon MARK NEVILL: I presume this is from the Occupational Health, Safety and Welfare Act?

Hon George Cash: Yes.

Hon MARK NEVILL: Under this clause it is an offence for an employer to penalise an employee who has made a complaint about safety at a mine. Subclause (2) states that the same applies to a trade union that in any way treats a person less favourably than it otherwise would have done in respect of that person functioning as a health and safety representative. Although this clause appears very evenhanded, it is my experience from a management side that management can make life very difficult for an employee, almost by stealth. In the case of a trade union it would be much more blatant. I do not know how much balance can be achieved in that situation. I understand the objective of the clause - to ensure that no one is discriminated against for reporting problems or making

complaints - and that protection is provided for people undertaking courses of action deemed to be in the interests of people at that mining operation. Even though it appears to be evenhanded, I do not think in practice it will work that way.

Hon GEORGE CASH: Industry understands the problems raised by Hon Mark Nevill. It will always be a difficult area and that is the reason for the provision in the Bill. It balances, as fairly as possible, the situation in respect of discrimination. It can be compared with section 56 of the Occupational Health, Safety and Welfare Act, except the new provision in the Mines Safety and Inspection Bill requires a lesser onus of proof than section 56. If anything, it is an improvement on the current situation.

Clause put and passed.

Clauses 70 to 74 put and passed.

Clause 75: Health surveillance of mine employees -

Hon MARK NEVILL: This clause states that a health surveillance will be set up for mine employees. We will be looking very closely at the regulations to see exactly what is being set up. The legislation is just putting the general framework into practice. I appreciated the Minister's comments in his reply at the second reading stage. That is an area in the regulations that will be of great concern to the Opposition.

Clause put and passed.

Clause 76: Notice of accident to be given -

Hon MARK NEVILL: I move -

> Page 80, line 20 - To add after the word "the" the words "principal employer".

The heading to clause 76 is not part of the Bill and, therefore, I cannot seek to amend it. It seems to me that the heading "Reporting of accident" would have been much more appropriate for this clause. Another amendment seeks to insert a new subheading "Recording of accidents in Accident Log Book". The heading "Notice of accident to be given" is not as clear as a heading such as "Reporting of accident". I am unable to move an amendment to change the heading, but I would like the Minister to contemplate it if it has not already been considered.

Subclause 76(1) states that a person who must cause notice of an accident to be given to the district inspector is the manager. From the definition in the interpretation clause the principal employer includes the manager. It certainly is not a crucial amendment, but it would ensure that the principal employer and the manager, if that wording were used, would be responsible for ensuring that notice of the accident was given to the district inspector and the representative of the trade union if the employee was a member of that union.

Hon GEORGE CASH: I have had the opportunity of considering this matter. The advice that has been received from Parliamentary Counsel is that the notice being given is very much a procedural matter and not one directly related to the obligation of the duty of care. The important point to note is that the principal employer, if we were to insert that, is a person who could be on a site remote from that on which an accident might occur. Again, Parliamentary Counsel indicates that where there is a specific requirement for a specific site and there is a designated person who is required to be on site, it should be in those terms; hence the "manager" rather than the "principal employer". As Hon Mark Nevill has pointed out, principal employer also includes the position of manager.

Amendment put and negatived.

Hon MARK NEVILL: I move -

> Page 80, line 25 - To delete the words "so requests" and substitute the words "is a member of a trade union".

This is the clause that the Minister discussed with Paul Hogan and Ray Delbridge at Norseman.

Hon George Cash: It was a general discussion.

Hon MARK NEVILL: I thought it related to this clause. Subclause (1) states that the manager must cause notice of the action to be given and paragraph (b) states "the injured person so requests, to the secretary or local representative of a trade union of which that person is a member." This is a classic case of where the person may be unconscious or too ill even to think about the request, as such. From the discussions I have had with the Australian Workers Union, I believe it would be preferable that if that injured person is a member of a union, the manager can give notice of that accident to the union. In some situations an injured person will not be able to request the information.

Hon GEORGE CASH: The Government does not accept this amendment. The suggestion that I dealt with this clause specifically with Ray Delbridge is not correct. We talked generally about accident statistics and how we might improve the reporting of them and also what was recorded and what was not. There are some matters that we will take up in due course, more on the reporting function than anything else. The intention with this amendment is to delete certain words and then insert the words "is a member of a trade union".

In moving this amendment Hon Mark Nevill suggested that if someone were injured he could not make that request and might be denied the opportunity of a union being made aware of the situation. The request itself does not have to be immediate. A request within a reasonable time will still require the manager to provide that information to the local representative of a trade union if it is requested at some stage relatively soon after the accident. There is no attempt here to avoid providing that information. The provision is framed in the most practical way and does not discriminate against - nor is it in favour of - any class of people.

Hon MARK NEVILL: Timeliness is the essence of reporting any accident. If a person is hospitalised in a town many kilometres from the mine he may not be in a position to request that a union be advised of the accident. It is more important that if there is something to investigate it is done promptly and not at some future date. At all the mining sites I have worked at things do not stand still for very long, and what might be useful to see may not be there a week later.

Hon GEORGE CASH: I come back to the point that the words are in clause 76(1)(b). It reads -

> . . . the manager must cause notice of the accident to be given . . .
>
> (b) if the injured person so requests, to the secretary or local representative of a trade union of which that person is a member.

It is very clear that there is an obligation on the manager to provide that information. It does not discriminate either positively or negatively against any class of person. If the request is made the obligation is on the manager to provide the information.

Hon Mark Nevill: What if the person is unconscious?

Hon GEORGE CASH: With a serious injury I remind the member that he said that things at a mining site tend to move on all the time. In a case of a serious injury it is not possible to disturb the site and, therefore, there is no need for these words to be inserted. I talked earlier about the good relationship that exists between various groups within the industry. I hope that will continue. Nothing is achieved by adding these words, and the Government does not accept the amendment.

Amendment put and negatived.

Hon MARK NEVILL: I would like the Minister to comment on the amendment to assure me it is clear as is written. I move -

> Page 81, line 8 - To insert before the word "month" the word "calendar".

Hon GEORGE CASH: It is clear as written. The Interpretation Act in section 62(1) provides that in a written law "month" means "calendar month". That is already taken care of.

Amendment, by leave, withdrawn.

Hon MARK NEVILL: As I mentioned earlier as regards the heading in clause 76, I would prefer "Reporting of accidents", and there seem to be two distinct parts of clause 76, one of which is the reporting of the accident and the other of which is the recording of that accident in a specific log book at each mine, which is called the accident log book. There are penalties for not noting that occurrence in the accident log book and not having that log book open for examination by interested and eligible persons. My personal preference is to have subclauses (5) and (6) appear as a clause separated into two new subclauses (1) and (2). I ask the Minister for his view on that.

Hon GEORGE CASH: I am quite happy to accept the new heading of "Recording of Accidents in Accident Log Book", as suggested by Hon Mark Nevill. I am bound to say that it will cause some consequential renumbering of the remainder of the clauses. In respect of page 81, line 28, to delete (5) and insert 77(1), it is consequential once we decide to put that in and should be agreed to. Do we know exactly where we are, because this is going to change some numbers?

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Hon Mark Nevill has sought advice and the Minister has indicated that he is happy to accept the recommendation for the insertion of a subheading. I assume now Hon Mark Nevill will move that.

Hon MARK NEVILL: I move -

Page 81, after line 27 - To insert the following new heading -

Recording of Accidents in Accident Log Book

Amendment put and passed.

Hon MARK NEVILL: I move -

Page 81, line 28 - To delete "(5)" and substitute "77. (1)".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 77 and 78 put and passed.

Clause 79: Examination of accident location by trade union representatives -

Hon MARK NEVILL: I had proposed moving -

Page 84, line 8 - To delete the word "and".

This clause restricts the capacity of trade union representatives to examine accident locations. Trade union members have many different interests in mining operations and it is in their interests to be aware of the hazards. My argument concerning this clause is very similar to that which I put regarding the previous clause, particularly if an employee who was a member of a union was unconscious or whatever. If my amendments were accepted the clause would read "Where an accident has occurred at a mine any employee involved in that accident can request a representative of a trade union to examine the place where the accident occurred."

Hon GEORGE CASH: The effect of the proposed amendments would be to change the provisions as stated in the Bill. The clause seeks to provide for a trade union representative to examine the site of an accident where a member of his union is involved. This is over and above any health and safety representative involvement. No similar provision is made in the Occupational Health, Safety and Welfare Act. If it were agreed, the effect would be that any employee could call in a trade union representative irrespective of the fact that no persons involved in the accident or even employed on the site were union members. It is not warranted and not accepted. I mentioned a few minutes ago that a place at a mine where a serious injury has occurred cannot be disturbed. That is provided for in clause 80.

Hon MARK NEVILL: Last Friday a person came to my office in Kalgoorlie about an industrial problem he had. He was a member of the Electrical Trades Union working as a service man, which traditionally would be an Australian Workers Union job, but he is not a member of the AWU. This did not involve an accident, but the person was servicing a

vehicle and lost his job because his helmet was not on his head when he was under the vehicle. I phoned Jim Boucatt, the district inspector of mines, who said that wearing a hat is discretionary as long as it is worn when the person is out from under the truck. If there is any threat of something falling on a worker he must wear his helmet. The man was an electrician by trade and working in the AWU, and he did not see any point in being a member of two unions. If there had been an accident, it would have facilitated his situation to have called in someone from the AWU. However, I respect the weight of numbers in this place and therefore will not move the amendments on the Supplementary Notice Paper in my name.

Clause put and passed.

Clause 80 put and passed.

Clause 81: Mines Survey Board -

Hon MARK NEVILL: I am concerned that the categories of people who will constitute the Mines Survey Board are not described in the Bill. Under the Mines Regulation Act I think it is the State Mining Engineer and two surveyors. A number of clauses following this clause involve disciplinary actions and inquiries. A legal practitioner should be on this board in order to undertake inquiries under clause 83. Who will constitute this board and why have they not been included in the Bill, rather than the regulations?

Hon GEORGE CASH: Subclause 81(2) provides that the Mines Survey Board is to be constituted in the manner provided in the regulations. It will be determined by regulation. Hon Mark Nevill is correct to say that the Mines Regulation Act provides specifically for certain persons. It was considered that there was a need for more flexibility and the inclusion of a person with legal qualifications and that those matters could be provided for in the regulation. There was also an additional suggestion that the Mines Survey Board might comprise more members than currently provided for.

Clause put and passed.

Clauses 82 to 88 put and passed.

Clause 89: Mines Occupational Health and Safety Advisory Board -

Hon MARK NEVILL: The Trades and Labor Council in particular is concerned that the people who will be constituting this board are not described in the Bill and again the categories of people will be appointed under the regulations. The Occupational Health, Safety and Welfare Act provides for three employees, three company representatives and three special representatives. Will the Minister enlighten the Committee on what will be the composition of the Mines Occupational Health and Safety Board?

Hon GEORGE CASH: The composition of the board will be detailed in the regulations. The role of the board is parallel to that of the Occupational Health, Safety and Welfare Commission but is limited in its scope to the mining industry. Provision is made in clause 89(3)(g) for the maintenance of liaison with the Occupational Health, Safety and Welfare Commission.

Hon MARK NEVILL: Will the liaison provided for in subclause (3)(g) be cumbersome? Will it be a formal relationship between the Mines Occupational Health and Safety Advisory Board and the Occupational Health, Safety and Welfare Commission or will they be linked in directly through both Ministers? One of the aims under subclause (3)(g) is "to co-ordinate activities on related functions and maintain parallel standards". I certainly hope that does not apply to noise levels if the Occupational Health, Safety and Welfare Commission leaves them at 90 decibels.

Hon GEORGE CASH: In relation to the liaison between the two commissions, a memorandum of understanding will be developed so that there is clear direction to the parties. We do not want a cumbersome situation. The situation that is provided currently by Brian Bradley is a very direct link. I will endeavour to see that we continue with that direct link and the memorandum of understanding will indicate that.

Clause put and passed.

Clauses 90 to 102 put and passed.

Clause 103: Power to make regulations -

Hon MARK NEVILL: I move -

Page 100, line 17 - To insert after the words "regulating the" the word "election,".

These regulations are incredibly detailed and very prescriptive. Being so detailed and prescriptive, they have to be careful to cover everything. Clause 103(1)(a) provides the power to regulate "the appointment and functions of inspectors". Employee's inspectors are elected before they are appointed. Therefore, the purpose of the amendment is self-evident.

Hon GEORGE CASH: I understand Hon Mark Nevill's argument. However, it is superfluous inasmuch as the words contained in clause 103(1) make it very clear which areas are gathered up for the purpose of making regulations. Listed under that are a number of paragraphs which are referred to at some stage during the Bill. With regard to elections, clause 19(1) deals with employee's inspectors. It does no more than provide a regulating power to the Governor to make regulations in respect of matters referred to in the Bill which includes the elections referred to in clause 19(1).

Amendment put and negatived.

Hon MARK NEVILL: I move -

Page 100, line 23 - To insert after the word "foreman" the words "and employees".

It seemed to me on reading paragraph (c) that employees have been left out. I do not know whether that was done on purpose, but it seems to be an omission.

Hon GEORGE CASH: The amendment is acceptable.

Amendment put and passed.

Hon MARK NEVILL: I move -

Page 107, after line 26 - To insert the following new subclause -

(4) Regulations may be made under this Act so as to provide procedures for employers and employees to consult with employer groups, the Chamber of Mines and Energy, the Trades and Labor Council, the Australian Workers Union Mining Division or any other body which may have an interest in the operation of this legislation in the development and formulation of safety legislation for mines and mining operations and its administration.

The purpose of this amendment is to give effect to clause 3(e). I could not see in the regulation making powers a power to give effect to the object provided for in that clause. I do not know how the wording of that clause stands up. If the power outlined in the amendment already existed to do that, this amendment would be unnecessary.

Hon GEORGE CASH: The power exists within the Act to make the regulations in that way. I refer Hon Mark Nevill to clause 103(1) which provides the Governor with the power to make regulations regarding the objectives of the legislation, particularly those outlined in clause 3(e). Therefore, the power exists to make recommendations in respect of those objectives.

The other point which needs to be made is that it is not appropriate that Parliamentary Counsel and the Government be restricted in their ability to draft regulations under consultation, as the amendment would do. I have said before that a great deal of cooperation has been involved with all parties outlined in the amendment, and I hope that the consultation will continue. However, to be prescriptive regarding the parties involved would be restrictive. Also, it would move away from the general thrust of the legislation; namely, to provide flexibility to achieve the objectives of the Act, and of the various groups to work together to the benefit of the employees in the mining industry.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 104 to 109 put and passed.

Schedule 1 put and passed.

Schedule 2 -

Hon MARK NEVILL: I move -

> Page 116, line 27 - To delete "27" and substitute "28".

This amendment relates to consequential amendments to the Coroners Act. Proposed new clause 25(2) refers to -

> A representative of the deceased person, or suspected deceased person, a representative from any trade union of which that person was a member, a representative of employees at the mine at which the accident took place, and a representative of the principal employer for that mine may each examine the locality of the accident, be present at the inquest, and, subject to the direction of the coroner, examine any witness as to the cause of the accident.

This relates to a fatal accident in a mine which a jury is selected to investigate. I have problems with the drafting of this provision. As the Minister outlined in his response to the second reading debate, the jury system is inadequate in this day and age; the sooner the Coroners Act is amended, the better. This provision indicates that a person on that jury can be a representative of any trade union of which that person was a member. It does not say that the person must be a member of that union when he died. He may have been a member of the shop assistants union 30 years prior to the accident. What is meant by the provision is obvious, but the wording leaves it open to other interpretations. Another member of the jury will be a representative of employees at the mine at which the accident took place. In my experience a representative of the employees is usually selected by the resident manager. The coroner may not be happy with the situation outlined in the provision.

The provision also refers to a representative of the principal employer for that mine. Therefore, the manager can select the principal employer's and the employees' representatives. This vague provision relates to an archaic system which places too much power into the hands of the manager; namely, the person who probably faces the most pressure in such an inquest situation. The amendment is a drafting correction. Proposed new subclause (5) refers to section 27 of the principal Act, when it should refer to section 28. Also, it refers to a penalty of $1 000, which appears to be low. If the manager of a mine refuses to provide the coroner and the jury with the courtesies and facilities expected to be provided to an inspector under the Act, he or she would deserve at least a $5 000 fine. The $1 000 penalty is not in keeping with the Bill. It may be in keeping with the Coroners Act, but that is not appropriate.

Hon GEORGE CASH: I said earlier in my second reading debate response that I recognised that the Coroners Act required amendment. However, that legislation is the responsibility of the Attorney General. The rewrite of the Coal Mines Regulation Act and the Mines Regulation Act did not presume to amend or rewrite the Coroners Act as such. However, the various matters which Hon Mark Nevill raised are relevant. The member just gave examples of the wording in proposed new clause 25(2) regarding inquests into fatal accidents at mines. The provision is somewhat vague and general and would result in some interesting consequences if it were applied in certain unintended manners. I agree with the member's comment that the fine appears to be extremely low. Again, the rewrite of the two Acts to which I referred earlier did not place us in a position to amend the penalty, which is part of the Coroners Act. The Government has an obligation to continue to press towards general amendments to the Coroners Act. The Government will agree to the amendment before the Chair; it results from a typographical error.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

ACTS AMENDMENT (PERTH PASSENGER TRANSPORT) BILL

Third Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [11.21 pm]: I move -

That the Bill be now read a third time.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [11.21 pm]: I take this opportunity of the third reading debate to seek some clarification from the Government on information I have received today. Hon Alannah MacTiernan and I have studied what appears to be a contract tender document. It raises concerns about the issues we have been debating in this House for some time. This matter clearly comes within the realm of third reading debate as it is new material. To assist in the whole process I hope the Minister for Transport will take the opportunity to clarify the significant matters we intend to raise. We will wait for the Minister's explanation on our concerns, and then we will decide whether to make any comment from that point.

The PRESIDENT: The rules with regard to the third reading debate are that members cannot traverse matters that have been debated previously, but must restrict their comments to reasons the Bill should or should not be read a third time. The path Hon John Halden is suggesting he will follow is acceptable, but I will not be letting a lot of members get up and ask the same questions. It must be new material and it must be directed towards determining whether the Bill should be read a third time.

Hon JOHN HALDEN: I appreciate your advice, Mr President, for the sake of the House and certainly for me. The matters that Hon Alannah MacTiernan and I will be discussing are clearly not matters that have been discussed before because we are referring to specific documents. By way of explanation, you might see the different colour coding on these documents. I will talk about what is coded with red, and Hon Alannah MacTiernan will talk about the yellow. They are distinctive and different areas based primarily on my lack of legal expertise and less specific concerns and Hon Alannah MacTiernan's legal expertise and her far more specific concerns. I do not want to avoid saying what the document is and I propose to tell the Minister so that there is no deception in this debate and he is able to answer specifically.

I have before me a draft of the "Calling for Tender: Documentation" which commences with "Section 1: Advertisement" and is followed by "Section 2: System Principles". In section 2 under the subheading "Cost-Effectiveness" it states -

> to achieve the above service development objectives in the most cost-efficient way by:
>
> > introducing a competitive operating environment;

One immediately goes to section 2.2, which says, "The operation will not be deregulated." The Minister has said that before. Section 2.2 continues -

> That is, there will be no competition between bus operators within individual contract areas. However, there might be some competition on trunk routes which form the boundary between contract areas.

We were not acquainted with that fact before. It would seem that the first point under the heading of "Cost-Effectiveness", which is "introducing a competitive operating environment", is contradicted by section 2.2, titled "Supplementary Principles", which states -

> The operation will not be privatised. That is, the incumbent operators (MTT and Westrail) will remain government-owned and be allowed to tender on an equitable basis.

We have some contradiction on that point and on what the House has been advised previously. Seemingly there will be competition on trunk routes, something which was not previously mentioned. Again, before deciding whether this Bill should be passed, the Minister should make some comment on that point.

I refer now to another document about a bus service, titled "Draft Agreement 1994". I presume it is an example. It refers to a suburb, but I do not think it is of any relevance to mention that. Under the heading "Financial" section 2.2(d) states -

> Determine, in consultation with the Operator, the form and process to be used in the submission of financial and operating performance information by the Operator.

However, section 3.6(c), under the heading "Revenue and Finance", says -

> Keep records and provide reports, in compliance with the financial and operating performance reporting requirements of the Department consistent with the Financial Administration and Audit Act.

I wonder, again, why we would be allowing performance indicators that are negotiated with the operator rather than their being consistent, as it says at section 3.6(c), with the FAAA. It may be that some consistency is required both ways, but it definitely does not say it in this document. I would have more confidence in a performance audit that was undertaken by the Auditor General than in one that was agreed to in consultation with the operator.

Section 3.2, systems operations, states at point (ii) -

> Manage, operate and maintain the Joondalup North Bus Service in accordance with the Operations Plan approved by the Department. In consultation with the Operator the Department may from time to time add to, vary or delete from, the area shown in Appendix 1 & 2 hereto by notice to the Operator in writing given by the Director General of Transport. Any such variance is to be received by the Operator at least one (1) month before implementation.

In general terms, one would not have any problem with that, but there should be at least some negotiation between the operator and the Department of Transport in regard to the operator's being able to perform that task. If the operator cannot or does not want to do that, the proposed increases in the bus system could be placed at some jeopardy, and ultimately commuters could be placed at some jeopardy. There should be a requirement that there be a cooperative arrangement between the bus operator and the Department of Transport. If that is not the case, I can foresee a number of eventualities and concerns to consumers.

Hon E.J. Charlton: So the point you are making is that the operator could change it without -

Hon JOHN HALDEN: No. The Department of Transport could change it without any direct reference to the operator, because from my reading of that document, there is no reference to the operator, and on that basis we might find that the operator never envisaged going to a bigger operation - or perhaps even to a smaller one, but I am sure a bigger one is more likely to be the case - and without some negotiation and agreement on that basis, that would have to be fixed appropriately. Hon Alannah MacTiernan and I have different opinions about section 3.2, and we would like the Minister to try to explain. Point (j) states -

> Negotiate all labour and service contracts of the Operator in the context of the Department budget allocation.

I understand that, but the document states over the page at point (l) -

> Establish that all reasonable inquiries have been made to ascertain the conditions of all relevant Industrial Awards or Registered Agreements (and submit a copy of such awards or agreements) and demonstrate to what extent those awards or agreements affect the cost of providing the Service. Any costs of complying with

> such awards or registered agreements that could reasonably have been anticipated but which are not incorporated in the Operators Tender will be borne by the Operator and the Operator will not be permitted at a later stage to vary the tender to take into account any such costs.

Page 12 of the document states, in the last line -

> It would normally be expected that only labour and fuel costs be the basis of any review.

That refers to the costs which the operator can claim. The difficulty is that pages 8 and 9 of this document state that labour costs cannot be taken into account, yet page 12 states that it would normally be expected that only labour and fuel costs be the basis of any review. That is a contradiction, but again I am more concerned about what is the reality, and at this third reading stage I will not enter into an inflamed debate with the Minister about the pros and cons of anything else. I am just looking for an answer.

Hon E.J. Charlton: What is that document called?

Hon JOHN HALDEN: There is a name, but I am sure it is fictitious. It is headed "Call for Tender: Documentation", followed by "Section 1: Advertisement" and "Section 2: System Principles".

I turn now to another document entitled "An Invitation to Tender for Transperth Bus Services". It states that tenders close at 3.00 pm on Wednesday, 30 November 1994, and is from the Department of Transport, Western Australia, dated August 1994. I refer to section 2.4, contract and contract price variations, which states that the amount of service provided under the contract may be varied within a range of plus or minus 20 per cent as measured by the gross contract price, without the contract being terminated. I guess I had formed the view, from the information which we have received in this lengthy debate, that people would negotiate for a contract and that is what they would get, and there could then be private negotiations, or even new contracts. I was never aware at any stage during the debate on this Bill that there was a provision that the gross contract price could be varied by plus or minus 20 per cent without the contract being terminated. I imagine that some contracts could be particularly large and that a variation of 20 per cent - a fifth of the total contract price - could be an enormous amount of money.

That relates to the issue I raised at both the second reading and Committee stages that I do not believe the Parliament should allow a variation of plus or minus 20 per cent on the gross contract price without the contract being terminated. Such a significant variation should be tendered for and should be clearly in the public domain. If we did vary the gross contract price by plus or minus 20 per cent, what would we be varying apart from the gross contract price? We could be varying the service that was being provided to people, and it could be either a reduction or an increase of 20 per cent, according to the words used in this document. There should be more safety in regard to these matters than has been exhibited so far in the discussions we have had. I had no knowledge whatsoever that there could be this range of variation in the contract.

In regard to quality and performance standards, the document states at point (n) that the prescribed Transperth uniform is provided by the Department of Transport or its nominated contractor and the cost is to be met by the Department of Transport. I find it amazing that the Department of Transport will provide the uniforms.

As I read the document, I find also amazing the whole concept of some financial benefit as a result of the process. I use this as a trivialised example, but here we have a case where the Department of Transport will provide uniforms. I further understand that the department is saying that Transperth buses will be used, and that Transperth will be responsible for the provision of services to the buses, particularly repairs and when there is an accident. I further understand that wages will not be greatly varied between those currently enjoyed and those likely to be enjoyed. Ultimately, the question I must ask and which the House should be asking is, where will the savings be made? We have a situation where the Department of Transport and Transperth will provide a whole range of services - although not in every instance - and Transperth buses will be used, and there

will be little change in who will provide the service and how the costs are structured. If the savings are to be through wages, that is not reflected in the documents. I suggest that the only difference is that we have a system where we must, obviously by way of subsidisation, pay to the owner of the private company a profit margin, it would seem, and Transperth is to be left with a number of significant responsibilities, as it has currently. Also we will use the same buses, with the same problems currently experienced because of size or because they do not meet the demand, being either too big or too small depending on the time of the day. In addition, I understand that Transperth must make provision, for every 12 buses leased or hired, for one on stand-by in case of a problem with a bus.

I cannot be convinced from the documentation that the Government will receive significant financial rewards. I do not want to be inflammatory, but ultimately I see a situation where, if there is to be any financial benefit from the process, it is likely that the benefits will not be obvious after the private provider has been paid the profit margin that it legitimately demands.

I refer now to item 6, "Tender and contract validity", at page 20. We had a lengthy discussion at the Committee stage about this matter but I want to stress again that this area exemplifies my fears. Item (d) refers to the Freedom of Information Act as -

> All information contained within tenders, and information on the successful tender including the price, is *commercial in confidence*, and will not be made available under either Federal or State Freedom of Information Acts.

As I said before, when talking about being able to vary commuter services up or down by 20 per cent - and the community may not need to know the price - it seems this provision is saying exactly what I suggested. That is, the whole content of the process will be handled behind a veil of secrecy. I do not think the service provisions are necessary. There may be a necessity - and the Minister and I could debate the matter - for some provisions to be covered by the Freedom of Information Act. However, a lot is being said to be covered by state and federal Freedom of Information Acts. I do not know that that is necessarily totally the case but I accept the Minister's word on the matter. However, again, it would have been far better if that had not been the case and if we had a more open process.

Item 6.6 refers to contract renewal, at page 21. At the time we debated this matter I said that I understood that the contracts were to be for five years, that they could be renewed for five years, and that there did not need to be a re-tendering process. Item 6.6 confirms that what I said is the case; that is the term of the contract may be requested at least 150 days and not more than 180 days prior to the expiry date of the contract at the time.

The situation is clear. Someone can tender for a contract for 10 years and, at the halfway point, there is no necessity whatsoever for that contract to be negotiated.

Hon E.J. Charlton: That is exactly what your government and other governments have been doing in relation to Bunbury City Transit.

Hon JOHN HALDEN: It could be, but I do not agree with it. This document is introducing a competitive operating environment. I am at a loss in this regard, and perhaps the doyens of private enterprise can explain a situation where someone can tender once, can reapply on 150 days' notice and can be given a contract again -

Hon E.J. Charlton: Do you think that school buses should be tendered for every five years?

Hon JOHN HALDEN: Generally, I would say yes, but I could be wrong.

Hon A.J.G. MacTiernan: Who provides school buses?

Hon JOHN HALDEN: Private operators.

Hon A.J.G. MacTiernan: That makes it different.

Hon E.J. Charlton: Why?

Hon A.J.G. MacTiernan: There is no capital expenditure because the bus is provided.

Hon E.J. Charlton: Who said it is provided?

Hon JOHN HALDEN: It does not imply all buses will be provided by Transperth or by the Department of Transport but it is clear from the documentation that a number of buses are likely to be provided by the department.

Hon E.J. Charlton: Not "are likely to be".

Hon JOHN HALDEN: Or may be - we are entering the area of semantics.

Hon Tom Stephens: I heard the Minister say earlier that under the changed arrangement he envisages a situation where rolling stock could be available for the private operator.

Hon E.J. Charlton: It could be. What do you want to do - give them away?

Hon JOHN HALDEN: The document shows a preference in specific areas for the use of Transperth's existing fleet. That is further exemplified by the benefits to be provided - and I mean "benefits" such as replacement vehicles, and maintenance and repair responsibilities. The Minister is right, there is some disposition towards wanting to use the Transperth fleet, which could be underutilised if this were not the case.

The concern about point 6.6 is that it seems to me that if one of the cost effectiveness issues is to introduce a competitive operating environment, this contract renewal provision is a direct contradiction. I do not want to be inflammatory. I want this House to consider these implications based on - I will be fair with the Minister - a draft contract and various other draft bits of paraphernalia. There still seems to be a lot of fuzziness about this proposal. Until the Department of Transport and the Government are clearer about these matters than is reflected in this documentation we as a Parliament should not pass this legislation. However, if the Minister can provide an appropriate explanation and point out where we are wrong or indicate that the problems no longer exist, I will be confident that this House can deal with the matter. It is incumbent on members to consider the issues and other matters Hon Alannah MacTiernan will raise. I do not propose to put forward a position as to what the Opposition may do. After Hon Alannah MacTiernan raises further matters we will await the Minister's response and make a decision based on that.

HON A.J.G. MacTIERNAN (East Metropolitan) [11.50 pm]: I follow on from the comments of Hon John Halden. There may well be good reason this Bill should not be read a third time. The tender documentation we have before us suggests strongly that the Bill as a whole may be imperfectly conceived and that a great deal of ambiguity and detail is yet to be resolved. That lack of clarity is potentially central to our concerns and must be resolved before we proceed with this legislation. I do not pretend to know a great deal about this legislation; however, I was asked to look over some of these documents and comment on them. A number of issues cause me concern.

Quite a few factors - some of which may be minor - indicate that the Bill has not been put together professionally. There seems to be quite a bit of conflict between the terms of invitation to tender and the draft agreement, which I understand will be supplied in conjunction with the invitation to tender as a sample document. At the most general level one of my concerns, which reflects the sorts of concerns to which Mr Halden referred, is from where the profits will come. The system does not seem to be all that deregulated. From the look of some of these documents there is not a great deal of flexibility to the operator. There is a strong suggestion that buses and livery may be provided by the Government. The Opposition understands the notion of providing a seamless system; however, to provide such a system will require a great deal of intervention on the part of the department in bringing into line the various proposals and performances of these individual operators. It is possible that the advantages and efficiencies of having a single operator who can painlessly implement a seamless system are lost in the situation proposed with disparate operators whom we are trying to box into a seamless system.

Similar arguments have been raised about the Federal Airports Corporation. The benefits that are lost through the integrated network undermine any cost advantages that may

result from some competitiveness that might be introduced into the system. This seems to be exacerbated in this Bill because it is difficult to see where a great deal of competitiveness will occur. Further, if we consider the responsibilities and obligations of the department and of the operators as set out in the draft agreement it is not clear how it will be possible to assess the tenders. The draft seems to suggest - perhaps the Minister will clarify this - that in the tender documents the operator proposes some sort of plan. Presumably this is what the tender is assessed on. However, this is not necessarily the plan that is put into place. The department has a post-tender obligation to develop and implement all the standards. This appears to occur after the tender has already been let.

I refer members to clause 2.1 of the draft agreement which outlines the obligations of the department in setting out the minimum service, specification, fare levels and structures, operating budgets and fleet requirements. The operator has an obligation to conform with the plan that is being set out. The difficulty the Opposition has with the obligations as they are set out in the agreement is that if it is not done until after the tender has been made and awarded, on what is the tender based?

Hon E.J. Charlton: What do you reckon?

Hon A.J.G. MacTIERNAN: I have no idea.

Hon E.J. Charlton: I think you have it right. You have no idea.

Hon A.J.G. MacTIERNAN: I have no idea of what could possibly go on in the Minister's mind. The Opposition is more than happy to hear his comments on and explanation of these matters.

I turn to more detailed issues. A number of strange sorts of matters are referred to in these documents. We wonder whether they have simply been copied from another jurisdiction.

Hon E.J. Charlton: They might have been. That is probably how you came to get them.

Hon A.J.G. MacTIERNAN: I do not know how many Departments of Transport, Western Australia, there are. That is written on the front of the document.

Hon E.J. Charlton: It might be just what you said. They might have got it from somewhere and copied it and you managed to get hold of one. You take that as your final argument and are basing all your subjective points on that.

Hon A.J.G. MacTIERNAN: The Opposition recognises that the agreement is a draft, because it has "draft" written on it. We are considering the invitation to tender for bus services, which is dated August 1994 from the Department of Transport. The document states that the provider must be a registered and/or licensed business company. That does not make sense in the Western Australian context. What is a licensed business company? We do not have a creature of that type in this state. In the draft agreement that translates as the tenderer must be a business or authority established under "The Small Business Act" legislation. No trace of that legislation can be found. The invitation to tender sets out that the public liability insurance shall be $1m for each and every service under the contract. That is an inadequate figure. In the draft agreement a figure is discussed of some $10m. These are small points but they indicate that this proposal has not been developed to a stage where it should be approved.

Hon E.J. Charlton: Parliament is not approving a contract. Parliament is amending the current Acts. The Parliament is not approving contracts and setting up the basis on which contracts will be called.

Hon A.J.G. MacTIERNAN: I am well aware of that. The Opposition is stating that what is indicated in these documents are concepts which have not been properly developed and are not fully coherent. Some of those are more peripheral issues and some are more fundamental issues. This 20 per cent variation, as pointed out by Hon John Halden, is a very large variation. The question that is not resolved in these documents is whether one is allowed a whole range of variations of 20 per cent which might over the period of the contract be shown to be an arrangement that is totally different from that which was originally tendered for. That would not be fair to those people who missed out on the

tender, because it can quite radically change the economics of a proposal; an arrangement which will vary it up or down 20 per cent is significant.

Hon E.J. Charlton: Does the member think it could have anything to do with the fact that they might be required to do a larger or smaller area under their contract?

Hon A.J.G. MacTIERNAN: It might well be so. If that is the case then there are others who might have been prepared -

Hon E.J. Charlton: Does the member think if they have to travel 20 more kilometres that they might have to be paid more?

Hon A.J.G. MacTIERNAN: I have no difficulty with that. The principle we are enunciating is that there may well have been others who would have tendered or indeed have tendered who would have submitted quite different prices had they been aware or had the opportunity to tender over that larger or smaller area.

Hon E.J. Charlton: The member thinks everything is set in concrete, that it cannot be varied. The whole thing is varied. The MTT changes bus routes from day to day. Don't you think the MTT operation has changed over the years?

Hon A.J.G. MacTIERNAN: Even the Minister must see that this is a submission concerning principle, that one cannot possibly put out a tender and then fundamentally change the nature of that tender and state that the person who won the tender is the most competitive. Surely the Minister must understand and be able to see that as the size of the service to be tendered for changes, certain other operators may well want to either tender for the first time or be able to change the basis for their tender. There must be some flexibility.

The Opposition thinks that 20 per cent is very high. In addition, what is not clear is whether one will be limited to one variation of 20 per cent or whether one would have access to a variation of 20 per cent over every six months. By the end of the contract what was being offered would be vastly different in scope, and a vastly different service, from that for which the person had been awarded the contract. I am not saying the operator would not be providing the services for which he was being paid. We are stating it is not fair to those people who entered into this tender in relation to a much smaller or a much larger area. A different price structure may have been recommended if that had been the case.

Hon P.R. Lightfoot: I hope the honourable member will be a little more lucid.

Hon A.J.G. MacTIERNAN: I am absolutely surprised that the Minister should have such a difficulty with the basic principle of tendering.

Hon E.J. Charlton: The member is the one who has the difficulty. She does not understand what it means.

Hon A.J.G. MacTIERNAN: I do.

Hon P.R. Lightfoot: The member is tantalisingly incoherent.

Hon A.J.G. MacTIERNAN: Is that right? The Minister is suggesting that the size of a project is quite irrelevant to the sort of tender that a person might operate. The Minister cannot conceive a situation where an operator may say that this project is too small for him to be involved in. However, if it was a project that was 20 per cent, 40 per cent, 60 per cent or 80 per cent bigger, it may be an economic project for a potential tenderer, or the scale of the project might affect the unit price that a particular tenderer was able to offer. The Opposition states that the Minister sets out certain proposed tender conditions which indicate the scale of the project. Then people tender and someone is awarded a tender for a project of that scale. Obviously there must be a degree of variance within that. I suppose we are querying whether this 20 per cent may be too large. Of even greater concern is whether this 20 per cent will be the total limit over the life of the project or whether it will be possible to give to the preferred tenderer these increments of 20 per cent at a regular interval. When one has changes in scope of that scale, the matter should go out to re-tender because it is a different thing that is being tendered for.

Most of the other comments relate to the sorts of provisions that appear in the draft contract. The Minister may state that some of them relate to a drafting problem and those things can be amended. To some extent some of the basic concepts have to be more thoroughly developed to ensure that under a privatised system proper accounting is conducted for the sort of revenue that is returned. It is clearly conceived in this document that the operator has an obligation to retain the revenue received through fare boxes and other revenue related to services to offset the cost of operating, which is fair enough. It will be deficit funded, so we have a very direct interest in ensuring that the moneys receivable or the fares charged are collected and are accounted for. There is no independent way of monitoring how many people get on the bus. Some attention must be paid to this matter. Some sort of accounting system must be implemented to verify the amounts of money received by an operator. This goes to the question of the efficacy of a semi-privatised system of the sort we are discussing, one which will be deficit funded. The Opposition has a direct interest in ensuring that mechanisms will be put in place to monitor the collection of fares and that they are properly accounted for by the operator. To a large extent, the operator will not have a great interest in accounting for those moneys. I hope the Minister will clarify the tender arrangements which will be put in place.

HON TOM STEPHENS (Mining and Pastoral) [12.11 am]: An article in today's *The West Australian* increases my concern about this legislation. It gives some very solid new reasons why this Bill should not be read a third time. The article, headed "The New Workplace" and followed by a bold subheading "Six claim unfair sacking", is written by Wendy Pryer and reads -

> SIX meatworkers claimed yesterday they were sacked and replaced by new staff under a workplace agreement after asking for award conditions.
>
> Don Begunovich, 53, who worked at Midland Exports for 19½ years, said he found out a few weeks ago he and his five workmates had been replaced.
>
> And he was not offered the workplace agreement offered to the new staff.
>
> The Meat Workers Union, which is representing the workers, criticised the State Industrial Relations Commission yesterday, claiming it had told the union it could not take action against the employer because it was operating under a new name.
>
> Midland Export and the IRC refused to comment on the case.

Point of Order

Hon E.J. CHARLTON: What does that article have to do with the third reading of this Bill?

The PRESIDENT: I am frantically trying to ascertain that. If the member does not get to the point in the next three or four words it will be the conclusion of his speech.

Hon TOM STEPHENS: Mr President, I thought you would give me the opportunity to build my argument by dealing with this quote.

The PRESIDENT: The member should do that pretty quickly because it has nothing to do with it at the moment.

Hon TOM STEPHENS: It does.

The PRESIDENT: I am saying it does not and the member had better demonstrate otherwise to me very quickly.

Debate Resumed

Hon TOM STEPHENS: I will interrupt the flow of my argument to show the House how my comments relate to why this Bill should not be read a third time. I will then come back to the logical flow of the presentation of my argument that otherwise would have occurred.

This Bill, which will be read a third time unless the Minister is wise enough to seek its adjournment, withdraw it or allow it to be defeated, enables this Government to

effectively proceed to dismember the government agencies involved in providing transport in the metropolitan area. It is doing that in a way that will allow private companies to provide that service under contracts about which Hon John Halden and Hon Alannah MacTiernan have expressed concern.

Point of Order

Hon I.D. MacLEAN: This argument was debated in the second reading stage.

Hon Tom Stephens: It could not have been because it is only in today's paper.

The PRESIDENT: There is no point of order.

Debate Resumed

Hon TOM STEPHENS: I cannot be wrong on both points of order. If my comments were irrelevant as you, Mr President, alleged they were in the last point of order -

Hon I.D. MacLean interjected.

Hon TOM STEPHENS: The member is reflecting on the Chair.

The PRESIDENT: Order! I will make the decisions. The member on his feet should not have a conversation with the member who raised the point of order. I have already said there is no point of order and the member does not have to justify it.

Hon TOM STEPHENS: I might take another point of order.

The PRESIDENT: Order! The member cannot do that.

Hon TOM STEPHENS: The member is reflecting on the Chair.

The PRESIDENT: I am in the Chair and I do not think he is reflecting on it. If Hon Tom Stephens wants to continue, he should tell me what the relationship is between that article and this Bill. I am giving him the opportunity to do that.

Hon TOM STEPHENS: To complete that argument -

The PRESIDENT: The member has not started it.

Hon TOM STEPHENS: Mr President, I know the hour is late but it does not provide members with any excuse not to listen to the argument.

The PRESIDENT: I am listening.

Hon TOM STEPHENS: Then, Mr President, you will understand this Bill will enable the Government to give private operators the opportunity to provide public transport to the metropolitan area. Those private operators will come under the new regime that is in place because of the workplace agreements legislation. It will govern the working agreements for workers in the private sector because of the Kierath legislation which passed through this Parliament earlier this year. That legislation has been described as not allowing the sort of situation which has been reported in today's *The West Australian* to develop. It carries a story which describes quite clearly the dismissal of workers in the private sector.

My argument is this: If the House allows the passage of this legislation tonight the group of public transport employees currently employed and protected under awards will be placed at risk by future private operators.

Hon E.J. Charlton: Who will drive the buses?

Hon TOM STEPHENS: Hopefully, even while Hon Eric Charlton is Minister for Transport, a bus driver.

Hon E.J. Charlton: Go on!

Hon TOM STEPHENS: I have been told there is a risk of the Minister driving road trains. It thrills the hearts of the voters of Helena to think that the Minister will be behind the wheel of a road train coming down Greenmount Hill.

I have outlined the reason why this article is relevant. The public transport sector will, as a result of the passage of this legislation, find itself in a similar situation to those people

referred to in this article. Therefore, it is important for the House to understand what is happening in the workplace because of the workplace agreements legislation. In spite of the arguments that were made when that legislation was debated in the House the article illustrates what is happening in the workplace. I can well understand why the Minister wants to stop me from reading this article. No doubt he is embarrassed it is in *The West Australian*. It continues -

> But Labour Relations Minister Graham Kierath said he believed the commission could force Midland Exports to reemploy or compensate the old workers if they were sacked unfairly - despite the new company or new staff.
>
> He said employers had the right to sack workers and replace them, and the union could not twist the issue to attack his new workplace agreement laws because they did not cover those six workers who had been employed under the award.
>
> Mr Kierath said his new workplace agreement laws only stopped employers sacking workers and reemploying them under workplace agreements, not replacing staff altogether.

That is a very critical paragraph in the article, and impacts on the exact circumstances countenanced by the new contracts permitted by virtue of the passage of this legislation. An example of such a contract has been outlined to the House by Hon John Halden and Hon Alannah MacTiernan. The specific contract brought to the attention of the House relates to this type of workplace agreement, and will enable this situation to develop for public sector transport employees. They are currently provided with some protection, but will soon be robbed of that protection as a result of the passage of this legislation. The article continues -

> Mr Begunovich said the problem started when the workers - who have worked at the Maida Vale factory for an average of 15 years each - wanted to be paid for days they were forced to stay home because there was not enough stock around to kill.

I return to the precise reason I want the House to adjourn this debate rather than proceed with this legislation. In previous debates in this House Ministers have stood and said what their legislation will and will not do. We have been told that circumstances such as those reported in *The West Australian* could not happen. However, these workers have lost their jobs as a result of the passage of the workplace agreements legislation. The workplace agreements that will in future apply to public transport employees could place their employment at risk by virtue of a company choosing to shut down one operation and then open another. The second company could be used to employ the workers under workplace agreements if the employees of the original company were not prepared to accept the workplace agreement contracts offered to them. A horrific prospect awaits the employees of the public transport system in this state. I hope the Liberal Party colleagues of this Minister will understand, although the Minister may not, that many public transport employees are residents of the electorate in which the by-election is to be held. The Premier is desperately keen to win this by-election, and it must be recognised that large numbers of public transport sector employees living in that area will be adversely affected by the passage of this Bill, when taken in conjunction with the workplace agreements legislation. The results of that legislation are demonstrated in the Press today.

It seems the Minister is using this process to privatise the profits and socialise the losses of government agencies that have traditionally operated in this State in such a way as to mix costs and benefits to the maximum advantage of the community. Different circumstances altogether will soon emerge. I agree with the Minister that the state will not achieve any significant financial advantages from the passage of this legislation. It seems that on the Government side of the House are people from that very worrisome class one of my goldfields colleagues has described as the representatives of the hoarding creeps of capitalism. The Government will do anything to advantage that sector of the community which wants to profiteer, rather than enable a mixed economy to operate in this state and allow governments to provide those services appropriately provided by

government. Of course, the public transport system is such a service, and should be maintained.

I conclude by referring to a recent example of the superior quality of service that operates in this state and city, compared with the services offered in conservatively controlled states on the other side of the nation.

Hon E.J. Charlton: This was all discussed in the second reading debate.

Hon TOM STEPHENS: The House should know that since then this state has been visited by a select committee of the Legislative Assembly of New South Wales, specifically because problems have arisen in the public transport area as a result of these types of changes.

Hon E.J. Charlton: What has this legislation to do with what is in Sydney? You do not know.

Hon TOM STEPHENS: The Minister's counterparts in the east have, on some of the routes previously operated exclusively by government controlled transport networks, succeeded in changing the standards in the public transport system. They have reduced and lowered the standard of public transport provided, not only in the private sector but also in the public sector, as a result of the initiatives of the coalition government in New South Wales. One of the results has been the very tragic accidents that occurred because of a reduction in standards, as a consequence of these types of initiatives being played out in the east. I recently had the opportunity to meet Mr Mick Clough, who has been conducting an inquiry into the quality of service maintained in the metropolitan area of Perth. He has been able to contrast that with the tragic circumstances that developed in New South Wales as a result of this type of change. For all those reasons, and not simply the arguments previously presented in the second reading debate, and because of the new information available to the House through today's edition of *The West Australian*, and the experience of the Legislative Assembly select committee of New South Wales, conducted by Mr Clough, I urge the Minister and his colleagues, particularly in the face of the by-election the Premier is so desperate to win, to adjourn the legislation. He should provide this House with an opportunity to avoid committing a travesty and perpetrating an assault on the quality public transport service that operates in the metropolitan area of this state.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [12.29 am]: Hon John Halden, in highlighting some concerns with this legislation, stuck specifically to some pertinent points. I made a note of all of the comments and intend to go through each one. Hon Alannah MacTiernan and our friend from across the way, Hon Tom Stephens, then made a whole range of comments which had nothing to do with this third reading stage of the Bill. I will treat them with the contempt they deserve. Nothing whatsoever was raised by them about this legislation. They were on a little political hunt for the reason that the decisions of the Labor Party for 10 years were political decisions, and never made with any factual basis.

Hon John Halden raised the point about competition on trunk routes. It is related to the fact that buses may use the same route in operating part of the contract. On those roads it may come to pass that they will be in competition with each other. In other words, an additional service will be provided for people who live along those routes and may want to take advantage of it. That is why that provision is incorporated in the Bill. The financial performance of the operator is based on requiring, before any tender is accepted or contract drawn up, the capacity and performance of the operator to be judged by the Department of Transport. The audit is not part of the Government's responsibility; it is the responsibility of an operator to be able to perform the contract.

Hon John Halden: The part that relates to the subsidy and the capital that may be leased from Transperth surely has to do with the Auditor General's response or with that of the Minister or the department.

Hon E.J. CHARLTON: Of course. As was debated at some length, the funds that are allocated from the Department of Transport will be totally scrutinised on an annual basis. If in the extreme we want to examine what financial allocation will be given to the

successful operator at the end of the year and beyond that and if we want to see how it correlates with the current funding - it is right and fair to do this - we will be considering some extreme situation which the Department of Transport or the Government would not want to see take place because it would not be in their best interests. We will have the opportunity to make that judgment if it were to happen. We would have a totally inefficient public transport system costing millions of dollars more than it costs to operate now; therefore, the taxpayers of Western Australia would not be getting value for money. This is the same sort of judgment. I agree with the point that Hon John Halden is making. However, he is saying that the scrutiny and accountability for the money that will be handed over by the Department of Transport to some company in the private sector is not good enough. I agree with that. Of course, it would not be. However, that is the judgment we will all make when the time comes for Hon John Halden and everybody else to assess how the department has handled this task. Obviously the document from which Hon John Halden was quoting is a draft. I was aware that a draft document had been procured by people in the public transport system. I made this comment at the time: To be giving out a draft document which the Department of Transport advised me was put together from several components from around the world, did not seem a very sensible thing to do because it would mislead people. Although the draft document may show something that may be very close to the basis on which the contract will be made, it is not.

Hon John Halden: I was talking about performance indicators. The document says that they are drawn up between the Department of Transport and the operators. As the FAAA is being used as the basis for accountability, why would the Auditor General not be allowed to assess this on the performance indicators that he or she would establish?

Hon E.J. CHARLTON: The Department of Transport calls for performance indicators to judge whether the tenderer has the financial capacity to perform the task for which it will make a commitment. Questions were raised about the tender price and how real and competitive was the basis for that tender. The basis of the tender price is that the prospective operator will supply the specifications of its operation under the guidelines set down by the Department of Transport. It will have all of those service requirements including the type of vehicle, the type of service, routes and fares. Questions were also asked about operating costs and how this state would benefit. This state will benefit because the operator which tenders the price will obtain the tender only if the company can demonstrate that it will be at a lesser cost to the state than that of Transperth. If the operator cannot do it cheaper, it will not be privatised and will remain in place; the tenderer will not get the contract. That is how the guarantee will be achieved. The benefits will come from the operator's demonstrating that it can provide adequate staff and scheduling and a whole range of initiatives that will ensure that the operator will provide the service for less than it is currently provided for. The current operator has already cut costs because it has entered into an agreement with staff to ensure that will occur. Even if not one additional operator comes into the business, we have already seen a significant reduction in the operating costs of the public transport system in this state. Whether the variation remains at 20 per cent remains to be seen. Whatever it is, even if a percentage is not put on it, if the Department of Transport, which is responsible for negotiating the contract and ensuring the service is provided over a given period - we discussed that fully during the debate - requires an increase in the kilometres involved in the operation by the contractor, the Government will have to pay for it. If there is a reduction in the area to be covered, the Government will require a reduction in the contract price. That is the reason for that negotiability. We would not want to call tenders for a contract every time the service dimensions on a given route for which the tenders had been called previously are changed.

Hon John Halden: Is it correct that you would envisage that there would be multiple variations by up to 3 per cent? Would three or four times the contract price be raised by 3 per cent in the light of the contract?

Hon E.J. CHARLTON: The facts are that now Transperth is a coordinator of arrangements and of regular changes to operations of the transport system in Perth.

While the projections are put forward about the cost, at the end of the day the service it provides is what ends up being the cost. The same will happen in this case. The coordination has moved out of Transperth and is now part of the Department of Transport. There is no change to that. The only difference is that we are dealing with the possibility of private operators as well as one government operator.

Hon John Halden made comment about uniforms and savings. It is most unlikely that the Department of Transport will be providing uniforms. It is done in some places, but in this case the only continuity will be the livery of the buses. The reason some buses currently owned and operated by the MTT may be part of a private operator's system is that if the MTT does not win a tender or contract it will not need those buses. Therefore, it may be that the operator will want to lease or buy those buses. That is another reason for that flexibility to happen; it will suit both parties. Obviously the MTT will not want to leave those buses sitting in its yard. More importantly, at this moment the MTT has assessed that under its new working arrangements with its staff, whereby they are able to work different hours, it will need fewer buses. It is likely that a number of buses will not be needed in the immediate future before tenders are let.

On the point about freedom of information, private operators will not be subject to freedom of information, because they will be like people who contract for the Main Roads Department, or those who contract for anybody else. They are not subject to that Act and nor should they be. The length of the contracts is envisaged to be between five and seven years. If it is considered that a contract in a particular area is in the best interest of the Department of Transport as operator, it will not call tenders for one or a number of reasons. That will be its decision. It is envisaged that it will be calling tenders every five to seven years. As it is now, Transperth does not call tenders with Westrail. They have entered a negotiated agreement on an annual basis. It is likely that will continue, so there will be no difference from the current situation. The only difference may be that it could be with a private operator instead of another government operator. I have covered the ownership of buses.

Hon John Halden made some good comments, which I take on board. It seems to me that the problem some members have is that they are reading a whole range of matters into this legislation that are not there. The basis of the legislation was to amend the three current Acts in order to allow to be separated the sort of thing currently done by Transperth as part of the MTT and to put it into the Department of Transport; hence, the changes that are in place. None of the things brought forward by Hon John Halden, and certainly not by the other two people who took the opportunity to extend their time tonight, added anything whatsoever. The points raised by Hon John Halden were fair and square, and I appreciate them. The fact is that they will be of benefit to those people with the responsibility of implementing the legislation.

Question put and a division taken with the following result -

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Ayes (16)

Hon George Cash	Hon Barry House	Hon B.M. Scott
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon M.J. Criddle	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon I.D. MacLean	Hon Muriel Patterson *(Teller)*
Hon Max Evans	Hon N.F. Moore	
Hon Peter Foss	Hon M.D. Nixon	

Noes (10)

Hon Kim Chance	Hon A.J.G. MacTiernan	Hon Doug Wenn
Hon J.A. Cowdell	Hon Mark Nevill	Hon Bob Thomas *(Teller)*
Hon N.D. Griffiths	Hon Sam Piantadosi	
Hon John Halden	Hon Tom Stephens	

Question thus passed.

Bill read a third time and transmitted to the Assembly..

OFFENDERS COMMUNITY CORRECTIONS AMENDMENT BILL

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Minister for Health) in charge of the Bill.

Clause 1: Short title -

Hon PETER FOSS: When this matter was read a second time I undertook to ascertain why it was that the continuous sentence periods where a person was under remand were not to be counted. I have been able to take advice and I understand the reason is this: The period of 12 months' continuous sentence is marked by programs intended to prepare a person for release into the community. Of course, a person who is under remand has not been found guilty and is not under sentence and does not have those processes of rehabilitation and preparation for release into the community because he is presumed to be innocent and, therefore, not in need of rehabilitation. Those programs do not occur until that person has been convicted. As a result of that, the 12 months of preparation for a community corrections order would not occur if a person were counting in that period the period under remand. It is for that reason that the Bill specifically does not provide for remand to be included within the 12 months which are used as the period of preparation for community based work release programs.

Hon N.D. GRIFFITHS: I listened with interest to what the Minister said. I note he was not able to give a reason during debate on the second reading of the Bill. It seems to me that this exercise is about being harsh for the sake of it. Section 5X of the Act contains a number of criteria on work release orders. There is no real risk of the community being impaired in any way. The matter should be dealt with in accordance with the amendment the Opposition proposed to move in Committee; namely, that the question of "continuous" was acceptable but that there was nothing wrong with "remand" and "in custody" being combined provided an element of discontinuity did not occur. This Government lacks something - it uses rhetoric and it talks about being tough on crime, but it continually fails to be tough on the causes of crime. In doing so it ends up being spiteful towards people who, regrettably, have offended against the community. In the second reading debate I foreshadowed an amendment. My colleague Alannah MacTiernan proposes to move that amendment and to speak at length on this matter.

Hon A.J.G. MacTIERNAN: I was waiting eagerly for the response of the Minister on this issue. It seemed that he was prepared to listen to the argument we had made earlier that there was no justification for not allowing a period in remand to be joined with the period served under sentence when determining the access to this work release program. However, the explanation given by the Minister is unsatisfactory. It is important to understand the rationale for a work release program and the requirement that a person should have already served a term of imprisonment of at least 12 months. Only when someone has served an extended period of imprisonment is there a need for a resocialisation program, which is the basic aim of the work release program. Our point is that regardless of whether the 12 months was served under remand or under sentence, that does not change. The need for resocialisation is as great if one spent the entire period under sentence as if one spent three months of that period in remand and, say, nine months under sentence. There is, logically, no difference.

The Minister's response, which I am sure was the explanation provided to him by the Ministry of Justice officials, is not adequate. He says that there has not been time for a regime of programs to be put in place for particular prisoners where there has been a period served under remand. That, quite patently, is nonsense. It would depend very much on exactly how long that remand period had been. If it were a matter of three or six months, the prisoner would have had a good six months to engage in these supposed programs. Indeed, depending on the offence the prisoner had committed, there may not be any programs available for that prisoner other than the work release program itself. If, for example, a prisoner has been moved immediately to a minimum security prison and is not eligible for a sex offenders program, and his offence is not characterised by violence, it is difficult to see what program could be offered to him.

I do not think that which the Minister gave was a satisfactory explanation, but rather a piece of sophistry. I am not blaming the Minister entirely for this, because obviously he was fed by the Ministry of Justice. Nonetheless, he has some obligation to check the credibility of such explanations given to him. The Opposition has been prepared to support the essential thrust of this legislation and it agrees that the work release program is put in place to rehabilitate people who have had an extended period of imprisonment and, therefore, it is not appropriate that prisoners be able to combine a series of former periods of imprisonment to gain eligibility for work release.

The rationale for the work release program is that after 12 months' imprisonment there is a need for resocialisation. This need does not change simply because part of that period has been spent on remand. As was pointed out to us by the Youth Legal Service, a great iniquity is embedded in this proposal to not allow that period of remand when served continuously with the period under sentence to be taken into account. Often, with court delays, a prisoner is under remand for many months. That period of remand is taken into account when determining the sentence. Effectively we are punishing those prisoners whose cases have not been able to be brought forward into the courts because of court delays and they will be doubly disadvantaged. Although the court is prepared to consider that the period in remand is the equivalent of a period served under sentence and in fact discounts the period to be served under sentence by reference to the remand period, in terms of eligibility for a work release program we are saying that if someone has had to hang around in prison because of court delays before his case is heard, he will be disadvantaged because he will not have access to the work release program in the same way as if the case had been brought before the courts in a timely fashion.

I ask the Minister to reconsider the explanation he has given us. In most instances, prisoners who spend three to six months on remand and then serve six months under sentence will not have a plethora of programs in the prison system to occupy them. There may be additional programs for prisoners who are in for longer stretches, from which they can benefit. We should bear in mind that, in pronouncing sentence, the period of remand has been taken into account. In the class of offences that we are talking about where this issue will be a problem, there is not a huge range of programs for a prisoner to work his way through. All of the programs are likely to have been undertaken within a period of six months. The explanation we have been given is complete nonsense. There is no reason for prisoners, during that period under sentence, not to undertake any programs that might be available to them from the Ministry of Justice - if there are any appropriate programs, which for many prisoners there are not.

Hon N.D. GRIFFITHS: I was not going to speak again on this matter; however, I have reflected on the words of Hon Alannah MacTiernan and I think I should raise some matters that occurred to me during that reflection. The Minister, in carrying out the directions of his Cabinet colleagues, is engaging in an exercise of arrogance. I say that with some regret because I am not calling the Minister arrogant; I am calling the exercise arrogant. The Government thinks that it can do no wrong and that all of its actions are beyond question. We have watched this exercise in arrogance for the last 18 months. I suppose it began with that promise published in January 1993 to rejuvenate the Midland Workshops with the suggestion that it would be a major engineering site. The Government was going to give it a big boost when it was elected. Of course, without any evidence given to this place and without anything being gained by way of a profit -

Point of Order

Hon PETER FOSS: I have counted the number of times this argument has been put forward. This member has put forward each of his arguments twice. The previous speaker, Hon Alannah MacTiernan, mentioned each of hers three times. Now we are listening to references to the Midland Workshops, which have nothing to do with this Bill. I ask that the member deal with the short title of the Bill.

The CHAIRMAN: Order! There is a point of order. I listened carefully to the member's comments and tried to establish some relevance to the Bill. I had trouble. I ask the member to stick to the Bill before the Committee.

Committee Resumed

Hon N.D. GRIFFITHS: The point I was making was very relevant, I suggest, because the explanation given by the Minister reeks of arrogance. We listened to him this evening and we listened to him on 10 August 1994 when he did not know the reason, and he still has not given us a proper reason. That sort of behaviour is something that we as a so-called House of Review - what a joke that is - should not have to put up with. I was trying to demonstrate that this sort of explanation is typical of the conduct of this Government. That is why I raised the Midland Workshops. I was not suggesting for a moment that the Midland Workshops pertained to the Offenders Community Corrections Act or to its proposed amendment. I was pointing out that the Midland Workshops was the first example of real arrogance by this Government. The relevance is this: By that action, this Government showed that it would not be accountable and that it would engage in the worst form of misconduct that a government could engage in.

The CHAIRMAN: Order! The member is straying a long way. I have not heard anything to do with the Offenders Community Corrections Amendment Bill for some time. I ask the member to relate his comments to the Bill.

Hon N.D. GRIFFITHS: The Minister's explanation for his foreshadowed rejection of the Opposition's foreshadowed amendment to clause 3 reeks of arrogance.

Hon P.R. Lightfoot: You have said that several times.

Point of Order

Hon PETER FOSS: We are now having tedious repetition. I understand that the member is saying that this reeks of arrogance. I got that point. Could the member move on to the next point?

The CHAIRMAN: Order! I have asked the member three times to relate his comments to the Bill. I think he understands that.

Committee Resumed

Hon N.D. GRIFFITHS: I do, indeed, and I am pleased the Minister is sensitive to the allegation, because it is patently true. This proposal brought forward by the Government without any explanation other than that arrogant supposed explanation has the potential to severely harm people who are quite defenceless but who have broken the law and who have been punished, are in the process of being punished, will be punished, or are subject to the wording of section 50X in so far as it imposes quite substantial restraints on work release orders. Notwithstanding that, this Minister, on behalf of this arrogant, insensitive, incapable Government has given this Committee a tardy explanation for refusing to accept a most reasonable amendment by the Opposition. Frankly, if all the Minister can do is make tedious, repetitive points of order, I will sit down.

Hon A.J.G. MacTIERNAN: I was hoping that we would be able to engage in some dialogue on this matter because it is important. The Government has said repeatedly that it wants to reduce the rate of imprisonment in Western Australia. Yet, here we have what seems to us to be a quite pointless move to increase the amount of time that individuals spend in prison. I want to illustrate what makes this proposal stupid by referring to a hypothetical case of two persons each being charged with non-violent theft.

If person A received bail up until the time the matter was brought before the court and then received a 15 months sentence, after a period of 12 months that person would be eligible for a work release program. By the time that person was eligible, setting aside any remissions available, he or she, after a period of 12 months, would have access to the work release program. By the time that person was fully released into the community after serving a 15 month sentence, he or she would have had that period of resocialisation. We could have a person B who has committed exactly the same offence but who for some reason or other - perhaps he did not have the resources to offer surety - may have served a period of some three or four months in prison before his case was heard. When it was heard the judge issued a similar sentence but took into consideration the fact that the person had served four months on remand - that is typical of what judges

do in those circumstances - and so sentenced the person to 11 months' imprisonment. Thus person B would be imprisoned for some 15 months. Although the offence is identical to our earlier case, person B does not have access to that vital program of resocialisation because only 11 months of his 15 months was served under sentence. For reasons out of his control that case took four months to get to court, and during that period he was on remand. The Opposition has demonstrated the illogical nature of the explanation given to us and, perhaps more importantly, the injustice that is likely to be inflicted upon individuals by this decision. The only explanation to counter that is that this is founded on the notion that there are rehabilitation programs. I can tell members there are not many of those programs in the Ministry of Justice.

Point of Order

Hon PETER FOSS: We have been told three times already and this is the fourth time, that there are not that many programs. I am keeping a check on this. I noticed from the beginning that we are getting tedious repetition.

The CHAIRMAN: Order! The amendment that the Opposition wished to move has been foreshadowed and I think it is more appropriate that you hold your discussion for clause 3 when that comes up. The member has canvassed the issue quite sufficiently, so I ask the member to make the point that is relevant to the short title and then deal with the amendment when it comes.

Committee Resumed

Hon A.J.G. MacTIERNAN: I would like the Minister to explain to us, to provide some examples of how this will work and to allay our fears. I was hoping that we could enter into some dialogue on this. The Opposition was prepared to support the major thrust of this legislation. We have, however, identified a subsidiary problem. Our concern cannot be easily dismissed. The Minister himself could not think of an argument in the first instance to justify the change. I am asking the Minister to seriously look at the case we are presenting and to provide some response to the points we are raising rather than simply stating that we are repeating our case. The reason we are repeating our case is that we are not clear that the Minister has understood it because he is not prepared to defend this supposed explanation that he recited, presumably an explanation given to him by some ministry official and not subject to any independent, thoughtful scrutiny on his part.

Hon N.D. GRIFFITHS: I will not be repetitive and I do not wish to hear a tedious interjection from the Minister regarding a rather tedious, repetitive point of order. The Minister's explanation deals with prisoners not undertaking programs. The Minister should consider the purpose of work release orders. It is set out in section 50X(5) of the Act and it states -

The CHAIRMAN: Order! If the member wants to debate the amendment now I will not allow any further debate when we come to move it. It should be debated when you move the amendment under clause 3. I will not allow any further debate if you wish to debate it later on.

Hon N.D. GRIFFITHS: I am debating the short title of the Bill and I am pointing out the purpose of work release orders. This Bill is to do with an amendment to the Offenders Community Corrections Act 1983, and the substantive part of the Bill is contained in clause 3. I am aware that an amendment has been foreshadowed. It is important that when we consider the short title we bear in mind the purpose of work release orders so that when the Opposition's proposed amendment is debated the Chamber will be better informed as to the context of that amendment. I trust I will be permitted to enlighten the Chamber as to the function of work release orders at this stage in the debate.

The CHAIRMAN: If it is unrelated to the amendment that you proposed to move in clause 3, it is relevant.

Hon N.D. GRIFFITHS: It is relevant to the short title of the Bill that I wish the Chamber to reflect on.

Hon Peter Foss: I ask that the member does not duck the issue. He must indicate whether he is addressing his amendment or whether he is not doing so. It is getting beyond a joke at this stage.

The CHAIRMAN: Order! What I was trying to point out is that if the member was speaking to the amendment, and it sounds very much me to that he is, that debate should take place when we get to clause 3.

Hon N.D. GRIFFITHS: I am speaking to the short title of the Bill and none of the words I am about to read pertains to the amendment other than in the most general way. We are dealing with a two page document. I wish to point out to the Chamber and for the record what is stated in subsection (5).

Hon P.R. Lightfoot: The member is filibustering.

Hon N.D. GRIFFITHS: You are a disgrace.

The CHAIRMAN: Order! Can I suggest the member get on and state what he wants to say under the short title.

Hon N.D. GRIFFITHS: I will read out what subsection (5) states so that members can reflect on it when considering this important matter of public policy that we are dealing with this morning. It states -

> A work release order entitles a prisoner to be released from prison -

I hope the Minister is reading it because he clearly had not read it at the time of the second reading debate. It continues -

> (a) for the purpose of undertaking and performing a program; and
>
> (b) for the purpose of -
>
> (i) seeking or engaging in gainful employment; or
>
> (ii) engaging gratuitously in work for a charitable or voluntary organisation approved by the chief executive officer.

I think those words should be taken on board by the Chamber when the next two clauses are considered.

Hon PETER FOSS: I am aware of that section of the Act and it does not mean that programs cannot be carried out while people are imprisoned. I understand the example given by Hon Alannah MacTiernan. It is correct and is the intended purpose.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 50X amended -

Hon A.J.G. MacTIERNAN: I move -

> Page 2, line 9 - To delete the words "under sentence".

I did not catch what the Minister said in response to the debate on the short title, apart from his saying that the example I gave was correct and it was a possibility.

Having demonstrated the inherent injustice in this proposal and the propensity it will have to keep more people in prison, which is running against the avowed policy of the Government, will the Minister advise the Chamber what programs he has in mind for people during their period of imprisonment? By counting in a remand period of three or six months it does not mean there would not be a period of six months under sentence in which programs could be undertaken - that is, if such programs were available - before the prisoner became eligible for the work release program. It is simply not the case and the Minister should consider the reality that in most of these instances there will not be 12 months' worth of program prior to work release that a prisoner can undertake in preparation for his ultimate rehabilitation and release.

Any of the vast majority of the programs that would be available could be undertaken during that part of the 12 months that is actually served under sentence. The Minister's

explanation, firstly, presumes a plethora of programs and, secondly, does not take into account, even in the sorts of scenarios we are referring to, a period of the imprisonment which is under sentence in which such programs could be carried out. Members should bear in mind that I am referring to relatively minor offences that will attract terms of imprisonment slightly longer than 12 months. The Minister's answer is based upon a couple of misconceptions about the range and plethora of programs available. He does not take into account that even in the scenarios I am talking about there will be a period of imprisonment under sentence in which pre-work release programs can be undertaken. This is incredibly important and I emphasise that this amendment of the Government's is almost an accidental amendment and will have the effect of keeping people in prison longer. The clause, as it stands, is a very silly step for the Government to take and it is one which financially it cannot afford. It is certainly not one which would give any greater benefits for rehabilitation. A class of prisoners who have served in excess of 12 months in prison, but who have had no access to the important resocialisation program, will be released into the community. That is a silly outcome and it will not assist the community financially or in terms of security.

Hon PETER FOSS: The Government opposes the amendment. I thank the member for telling me six times that she does not believe there are enough programs.

Hon A.J.G. MacTiernan: I did not say there were not enough; I said there were not any.

Hon PETER FOSS: She said three times that it was pointless to increase the time and twice that it was an injustice. We had this debate when the short title was debated. The Government has made it quite clear why it wants this situation to prevail. I have no more to add apart from repeating what I said previously, and I do not intend to do that.

Hon N.D. GRIFFITHS: I am very disappointed in and surprised at the Minister's response. I had not realised that Senator Crichton-Browne's mantle had been taken by the Minister.

Hon P.R. Lightfoot: Speak to the amendment.

Hon N.D. GRIFFITHS: I am, and if the member had a few brains he would understand what I am saying. I was not aware that the Minister is the numbers man for the Liberal Party. I can tell members that he cannot count when it counts. In this case he does this Chamber a disservice. I was not here, but I understand that for years he spoke at great length - some say tediously -

Hon Tom Stephens: It was purgatory.

Hon N.D. GRIFFITHS: I do not want to be uncharitable, because that is not in my nature. I enjoy listening to Hon Peter Foss speak so long as he does not shout, because when he does it hurts my ears.

The amendment was moved so eloquently by my colleague, Hon Alannah MacTiernan, who has great concern for the people of Western Australia even if they have transgressed the law. This amendment is based on her realisation that people, regardless of how badly they have offended, are capable of being rehabilitated. It is not for us as legislators to engage in procedures which unnecessarily close the door on the rehabilitation of our fellow human beings who have regrettably transgressed the law.

I am aware that some people are beyond rehabilitation. I regret some of them are on the other side of the Chamber - they should be on this side and the Opposition should be on the side they occupy. Certainly they are beyond rehabilitation, especially when one considers how they have behaved and continue to behave towards the people of Western Australia by closing the door on rehabilitation for many people.

Hon Tom Stephens: The Attorney General prances around about her association -

The CHAIRMAN: Order! I am being very tolerant. The amendment is specific and that is what the debate should be about.

Hon N.D. GRIFFITHS: That is correct. When I referred to the amendment in the second reading debate, I was aware that the essence of it was somewhat discrete. Behind those

two small words which Hon Alannah MacTiernan wants to delete is an important moral issue which needs to be examined; if it needs to be done again, so be it. We are talking about the fact that some of our fellow Western Australians who have transgressed in the community will be having the door of rehabilitation unduly slammed in their faces by an unfeeling and callous government.

I do not want to refer to the untruths said by some people prior to the last election regarding the Midland Workshops, but that is evidence of the callousness of this Government. We hoped that Hon Alannah MacTiernan would be successful in giving people in prison who have transgressed against our community a real hope regarding rehabilitation. This Government has dashed such hopes. This Government in reality is soft on crime, despite its claims, as we all know.

Hon A.J.G. MacTIERNAN: The Minister now takes out his pencil.

Hon N.D. Griffiths: He is a numbers man, you know!

Hon A.J.G. MacTIERNAN: That is right. I have had to repeat some of these matters because we do not seem to be able to elicit a response from the Minister. I am not quite the bleeding heart which Mr Griffiths painted -

Hon N.D. Griffiths: I never painted you that way; you're a hard person.

Hon A.J.G. MacTIERNAN: I am also concerned about the risk and expense to the community regarding imprisonment -

Points of Order

Hon PETER FOSS: I think you ruled earlier, Mr Chairman, that if issues were debated in clause 1 they should not be debated again in clause 3. We are now returning to the point previously made. It is now tedious repetition.

Hon JOHN HALDEN: My understanding of standing orders in relation to the Committee stage and matters raised during the second reading debate is that there is no rhyme or reason for a point not to be raised at more than one stage. In this case an issue is raised under clause 1 and then again, with relevance, under clause 3. If it were a longer Bill, the same point could be raised, if relevant, in clauses 7, 8, 9 and 10. The Minister has no point of order. It is not beyond the realms of possibility that a point could be raised numerous times providing it is relevant to the matter before the Chair. The cost to the community in relation to this amendment is relevant.

The CHAIRMAN: I will give the member some latitude. As I have explained before in relation to the short title, the debate was concerned exclusively with the amendment which was to arise during that clause. Considering that some of the debate I assume has already been covered, the member has some latitude to complete her comments.

Committee Resumed

Hon A.J.G. MacTIERNAN: I raise varying points - they are not all the same. To some extent the point has been covered before, but it did not seem to sink in with the Minister.

Hon N.D. GRIFFITHS: It needs to be covered in greater detail because the Minister has no understanding; he is ignorant.

Hon A.J.G. MacTIERNAN: This work release program is not designed to benefit only the prisoner, but also the community. When a prisoner has served a substantial period in prison - under the definition, which we accept, a period of 12 months or more continuous imprisonment must be served - that person has a much greater risk of re-offending if he or she does not undertake a resocialisation program along the lines of a work release program. It is inherent in the very nature of a work release program that that is the case.

The program's existence is the acknowledgment that if the person who has served a substantial term of imprisonment does not engage in such programs, certain consequences will follow. One need not be a bleeding heart to recognise that; one can be a hard nosed pragmatist and say that it has consequences for the community and our constituents. With this amendment we are saying, "A class of persons will not be created

who having served a substantial term of imprisonment - in excess of 12 months - will not have access to work release programs for totally irrelevant factors."

One irrelevant factor is whether the person is able to obtain bail before the court hearing, and another factor may be delays in the court system caused by the maladministration of the Ministry of Justice. This clause, if not amended, will put the community at threat. We have recognised the work release programs on the basis of the need for rehabilitation so that prisoners do not re-offend, causing hardship for the community. However, for reasons totally unrelated to the nature of the crime, this clause will create for the first time a new class of persons who will not have the benefit of work release programs. It is a complete nonsense, and that issue has not been addressed by the Minister. He has not discussed why the preparatory programs could not be undertaken during the term of imprisonment served under the sentence. The Minister said that I claimed that the programs did not exist, but I said that they were not on the scale that he was suggesting. It is unnecessary to have an entire imprisonment sentence served under sentence, as the programs he refers to could be undertaken during the term of imprisonment.

Hon N.D. GRIFFITHS: I cannot understand why the Government does not take into account the constraints which already exist. The Minister has control over the system without placing on the Statute book this obvious injustice. Section 50X(2) discloses the power the Minister has in relation to providing for work release orders. It indicates that a work release order may be made in respect of a prisoner only if each of certain conditions is satisfied, and refers in paragraph (d) to -

> the prisoner has been rated by the chief executive officer under the rating system approved by the Minister as a prisoner whose absence from the prison would impose a minimum risk to the security of the public;

Paragraph (e) reads -

> the chief executive officer has referred the case of the prisoner to the Board for consideration whether a work release order should be made.

The safeguards are profound. It is unnecessary for this callous Government to be concerned about the Opposition's amendment. Frankly, the Government is just being bloody-minded, as it has been for the last 18 months, in not accepting a perfectly reasonable proposal.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (9)

Hon Kim Chance	Hon John Halden	Hon Tom Stephens
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Doug Wenn
Hon N.D. Griffiths	Hon Sam Piantadosi	Hon Bob Thomas *(Teller)*

Noes (16)

Hon George Cash	Hon Barry House	Hon B.M. Scott
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon M.J. Criddle	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon I.D. MacLean	Hon Muriel Patterson *(Teller)*
Hon Max Evans	Hon N.F. Moore	
Hon Peter Foss	Hon M.D. Nixon	

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Peter Foss (Minister for Health), and transmitted to the Assembly.

House adjourned at 1.45 am (Wednesday)

QUESTIONS ON NOTICE

FIRE BRIGADE - GERALDTON
Volunteers' Support Rather than Professional Firefighters

197. Hon KIM CHANCE to the Leader of the House representing the Minister for Emergency Services:

(1) Is the Minister aware that the Fire Brigades Board has advised the Geraldton Fire Brigade that it must rely on support from volunteers, rather than call-backs of professional firefighters, in the event of unforeseen staff shortfalls?

(2) Is the Minister aware that the average response to calls for volunteers in Geraldton was only 1.2 persons when a survey was conducted of the response rate of the 28 volunteers? (Ref, Cribb report 1992.)

(3) Is the Minister aware that on three of the eight occasions between 15 January 1992 and 25 August 1992 that volunteers were called to assist there was a nil response? (Incident Nos 150, 161 and 30.)

(4) Is the Minister aware that of 33 weekly pager tests, conducted by the Geraldton Fire Brigade to determine availability of volunteers, there were 12 occasions when no response was received?

(5) If the Minister is aware of the matters contained in parts (2), (3) and (4), does the Government support the view of the Fire Brigades Board that the Geraldton Fire Brigade should rely on volunteers to make up the minimum numbers required for safety in the initial response to a fire or incident?

(6) If the Minister's answer to part (5) is no, what steps will he take to ensure that minimum safety levels of staffing can be achieved by calling back professional firefighters?

(7) Is the Minister aware that the reason professional firefighters cannot currently be called back is the limit of overtime imposed on the Geraldton Fire Brigade by the Fire Brigades Board?

(8) Will the Minister immediately direct the Fire Brigades Board to lift overtime limits to the extent necessary to allow minimum safety standards to be met?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

(1) The statement that the WA Fire Brigades Board has advised the Geraldton Fire Brigade that it must rely on support from volunteers rather than call back permanent firefighters is not correct. While the station officers and firefighters are instructed to call out volunteer brigade members when necessary, they are able to call back off-duty permanent officers in the event of a major incident or an emergency situation. This has been the case and the practice for many years. The use of volunteer firefighters to support permanent staff at country regional towns - that is, Geraldton, Bunbury, Albany, Northam and Kalgoorlie - is, and has been, a longstanding strategy. The volunteer contingent of the above towns has been maintained for that purpose.

(2) I am informed that the report was received by the Assistant Chief Officer, Country Fire Division, and actioned. The volunteer contingent at Geraldton was instructed to be more responsive to calls.

(3) No. I have been informed that when this information was requested by senior country fire officers in June, the firefighters could not provide the details or confirm the allegations.

(4) No. I have been informed that senior officers of the brigade are unaware of the details. It appears that the firefighters on station have provided this information but they have not been able to confirm the allegation.

(5) It appears that the surveys referred to in questions (2), (3) and (4) have not all been the result of management directives but of unofficial surveys done by firefighters on the station. Questions (2) and (3) apparently refer to incidents which occurred approximately two years ago. I am aware that volunteer firefighters are utilised on station to assist as required at emergency incidents. The volunteers are trained by the permanent firefighters and are available for incident response. The firefighters on the station can call out the volunteers by telephone and/or paging system.

(6) The utilisation of permanent firefighters for all absenteeism and consequential staff shortages is allowed, providing budgets are not exceeded. The brigade senior management encourages the use of volunteers whenever practical to assist in bolstering the town's fire emergency response capability. However, if the incident is of such consequence that further support is required, then "off-duty" permanent personnel may be called in on overtime.

(7) The overtime budget for the Geraldton brigade for 1993-94 was $30 780. In order to limit expenditure to enable the board to meet the unexpected extra costs resulting from the recent wage decision, overtime has been restricted to the most serious unavoidable incidents and station officers have been instructed to utilise volunteers whenever possible.

(8) The volunteer contingents of Geraldton, Albany, Bunbury, Northam and Kalgoorlie have been maintained for the purpose of providing support to permanent staff at these country regional towns. All officers in charge and firefighters are instructed that when necessary, the volunteer members of the brigade are to be called out. This has been a longstanding policy of the WAFBB. However, if an incident is of such consequence that further support is required, then "off-duty" permanent firefighters may be called in on overtime. It is not my intention to direct the WAFBB to alter this policy.

POLICE ACT - AMENDMENT, INTRODUCTION

348. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

(1) Will a Bill be introduced this session to amend the Police Act in substantive accord with the recommendations of the Law Reform Commission?

(2) If not, why not?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1)-(2) Discussions are still continuing between the Law Reform Commission, the Attorney General, the Police Department and me in relation to a number of issues. I intend making a submission to Cabinet as soon as possible.

POLICE ACT - AMENDMENT, INTRODUCTION

366. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

(1) Has the Government finished its consideration on the recommendations of the Law Reform Commission for the introduction of amendments to the Police Act?

(2) If so, will the Government be introducing legislation to amend the Police Act in accord with the Law Reform Commission's recommendations; and if so, when?

(3) If not, why not?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1) No.

(2)-(3) See response to Legislative Council question 348 of 1994.

ROTHWELLS TASK FORCE - COST TO POLICE FORCE

411. Hon P.R. LIGHTFOOT to the Leader of the House representing the Minister for Police:

What is the total cost to date, including travel and accommodation, to the Western Australia Police Force as a result of officer and staff secondments to the Rothwells task force?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Acting Commissioner of Police has advised that readily identifiable costs to the Western Australian Police Department in relation to the Rothwells task force are approximately $980 000.

GOVERNMENT DEPARTMENTS AND AGENCIES - FINANCIAL RECORDS, COMPUTERISED

436. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

With respect to question on notice 80 of 1994 -

(1) Are the financial records of the Police Department computerised?

(2) If not, why not?

(3) If so, why does it require considerable research to answer question 80?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1)-(3) Details are unable to be supplied of payments to individual media organisations. This information is managed by Media Decisions WA, which won the Government's media contract through public tender.

GOVERNMENT DEPARTMENTS AND AGENCIES - FINANCIAL RECORDS, COMPUTERISED

437. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

With respect to question on notice 81 of 1994 -

(1) Are the financial records of the Police Licensing and Services computerised?

(2) If not, why not?

(3) If so, why does it require considerable research to answer question 81?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1)-(3) Details are unable to be supplied of payments to individual media organisations. This information is managed by Media Decisions WA, which won the Government's media contract through public tender.

GOVERNMENT DEPARTMENTS AND AGENCIES - FINANCIAL RECORDS, COMPUTERISED

438. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Emergency Services:

With respect to question on notice 82 of 1994 -

(1) Are the financial records of the Bush Fires Board computerised?

(2) If not, why not?

(3) If so, why does it require considerable research to answer question 82?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

(1)-(3) Details are unable to be supplied of payments to individual media organisations. This information is managed by Media Decisions WA, which won the Government's media contract through public tender.

GOVERNMENT DEPARTMENTS AND AGENCIES - FINANCIAL RECORDS, COMPUTERISED

439. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Emergency Services:

With respect to question on notice 83 of 1994 -

(1) Are the financial records of the Western Australian Bush Fires Board computerised?

(2) If not, why not?

(3) If so, why does it require considerable research to answer question 83?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

(1)-(3) Details are unable to be supplied of payments to individual media organisations. This information is managed by Media Decisions WA, which won the Government's media contract through public tender.

GOVERNMENT DEPARTMENTS AND AGENCIES - BODIES ADMINISTERED; ORGANISATIONAL STRUCTURE; POSITIONS

447. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

With respect to the Minister's department and to each of the bodies administered within that department -

(1) What are the bodies administered within the department?

(2) What is the current organisational structure of his department and those bodies?

(3) What are the senior executive service positions within his department and those bodies?

(4) What are the other senior positions within his department and those bodies?

(5) What are the policy adviser positions within his department and those bodies?

(6) What are the public relations positions within his department and those bodies?

(7) With respect to each of the above mentioned positions -

(a) who holds those positions;

(b) what is their period of service within the Public Service or in employment by the Government or contracted to the Government;

(c) what were their previous positions held within the Public Service or in employment by the Government or contracted to the Government and the dates for which they were held;

(d) what was their experience immediately prior to entering the Public Service or contracting with Government; and

(e) are they presently on contract and what is the date of expiry of that contract?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for these purposes. If the member has a specific question, I would be pleased to respond.

GOVERNMENT DEPARTMENTS AND AGENCIES - BODIES ADMINISTERED; ORGANISATIONAL STRUCTURE; POSITIONS

448. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Emergency Services:

With respect to the Minister's department and to each of the bodies administered within that department -

(1) What are the bodies administered within the department?

(2) What is the current organisational structure of his department and those bodies?

(3) What are the senior executive service positions within his department and those bodies?

(4) What are the other senior positions within his department and those bodies?

(5) What are the policy adviser positions within his department and those bodies?

(6) What are the public relations positions within his department and those bodies?

(7) With respect to each of the above mentioned positions -

(a) who holds those positions;

(b) what is their period of service within the Public Service or

in employment by the Government or contracted to the Government;

(c) what were their previous positions held within the Public Service or in employment by the Government or contracted to the Government and the dates for which they were held;

(d) what was their experience immediately prior to entering the Public Service or contracting with Government; and

(e) are they presently on contract and what is the date of expiry of that contract?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for these purposes. If the member has a specific question, I would be pleased to respond.

POLICE - ACCIDENT, 24 FEBRUARY 1990
Internal Affairs Officer, Charges

505. Hon J.A. SCOTT to the Leader of the House representing the Minister for Police:

It was reported in *The West Australian* on 24 February 1990 that an internal affairs police officer had consumed alcohol prior to having an accident in which the other car struck was badly damaged and the occupants received serious injuries -

(1) What was the internal affairs branch officer charged with?

(2) What was the result of those charges?

(3) When were the charges heard and in what court?

(4) Did this officer get charged under police regulations?

(5) If so, what were the charges and penalty?

(6) Is the officer still attached to the Internal Affairs Unit?

(7) Did Mr Ayton attend either the accident scene or the hospital where the officer was taken?

(8) Was any attempt made to cover up the fact that the officer had consumed alcohol?

(9) Why was the car fitted with bogus plates when the officer was returning home from duty?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Acting Commissioner of Police advises as follows -

(1) (a) Two charges of dangerous driving causing bodily harm.
(b) Unauthorised use of police vehicle (Police Regulations).

(2) (a) Cases dismissed.
(b) Fined $200. Transferred from Internal Affairs Unit.

(3) (a) 30.5.90 - Armadale Court of Petty Sessions.
(b) 5.6.90 - Police Headquarters by Mr Bull.

(4) Yes - as (1)(b) above.

(5) As above.

(6) No.

(7) Mr Ayton was out of the state at the time and not aware of the incident until returning to duty.

(8) No, the driver was breath-tested and found to be under the blood alcohol limit.

(9) This is an operational matter. It is not appropriate for information relating to operational matters to be divulged.

NOYE, DETECTIVE SERGEANT JEFFREY - STOCK SQUAD, MIDLAND

570. Hon JOHN HALDEN to the Leader of the House representing the Minister for Police:

(1) Was Detective Sergeant Jeffrey Howard Noye, currently charged with offences related to the Argyle Diamond theft, previously serving with the stock squad at Midland?

(2) If so, when did Detective Sergeant Noye commence with the stock squad and when and for what reason did he finish that duty?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Commissioner of Police has advised as follows -

(1)-(2)

Yes, a temporary secondment for a specific purpose commencing on 13 May 1993. Detective Sergeant Noye took sick leave on 13 August 1993 and did not return to the stock squad.

AWARDS (INDUSTRIAL) - EMPLOYEES COVERED BY STATE AND FEDERAL; NON-AWARD, NON-WORKPLACE AGREEMENT EMPLOYEES

572. Hon J.A. COWDELL to the Minister for Health representing the Minister for Labour Relations:

Further to question without notice 29 asked on 12 May 1994 -

(1) Could the Minister for Labour Relations indicate why the Government has no up to date statistics for workers employed under state and federal awards in Western Australia?

(2) On what date were the figures on non-award, non-workplace agreement employees compiled?

Hon PETER FOSS replied:

(1) The Government has not, to date, required this data in the detail that is provided in survey form by the Australian Bureau of Statistics. Estimates have been sufficient. The next ABS survey of awards is planned for 1996. To request ABS to conduct a supplementary survey before then will be at considerable cost to the Western Australian Government. The Government is, however, currently analysing the justification for such a supplementary survey to be conducted, given the renewed interest in this data.

(2) All figures provided were the most up-to-date available but were not for the same periods. Using ABS total number of wage and salary earners working in Western Australia - that is, 561 600 employees at September 1993 - an estimated figure of the total number of non-award, non-workplace agreement employees was provided. This was obtained by subtracting the total number of employees in federal or state awards or workplace agreements from the total number of all wage and salary earners.

FIRE BRIGADE - REVIEW

580. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Emergency Services:

With respect to the review of funding arrangements currently operating in Western Australia for the provision of fire protection service in all those districts which have a permanent fully paid fire service provided by the Western Australian Fire Brigades Board referred to in the answer to question on notice 363 of 1994 -

(1) When did the review commence?

(2) Who is the independent outside consultant carrying out the review?

(3) What remuneration is being provided to the independent outside consultant?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

(1) As at 12 August 1994, the review has not yet commenced. Arrangements for this review are still being finalised.

(2)-(3) Not applicable.

HILMER REPORT - NATIONAL COMPETITION POLICY

599. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Local Government:

Will the Minister for Local Government do all that is practicable to ensure that the Western Australian Municipal Association is involved in discussions on implementation of any Hilmer report recommendations relating to national competition policy which may affect local government?

Hon E.J. CHARLTON replied:

The Department of Local Government has already had discussions with the Western Australian Municipal Association on the implications of the Hilmer report. This issue will be further considered at the forthcoming Council of Australian Governments meeting, following which the State Government will be discussing the outcome with the Western Australian Municipal Association.

CHRISTIAN BROTHERS - CROWN LAND GRANT

610. Hon CHERYL DAVENPORT to the Minister for Lands:

(1) Was the Crown grant of land made to the Order of Christian Brothers pursuant to the Land Act 1933-1958 and in respect of clause 21 of the schedule to the Chevron-Hilton Hotel Agreement Act 1960?

(2) Was that grant made in respect of a portion of land being a strip 33 feet wide adjoining and extending along the north western boundary of land adjoining the south eastern boundary of grounds owned by the Western Australian Cricket Association Inc and being land shown on Department of Lands and Surveys plan No CD 632?

(3) Will the Minister table the documents relating to any such Crown grant of land?

(4) If not, why not?

Hon GEORGE CASH replied:

(1) No. The relevant Crown grant of Perth Lot 814 was made pursuant to the provisions of the Chevron-Hilton Hotel Agreement Act 1960-1964 to the

City of Perth. The land was subsequently transferred to the trustees of the Christian Brothers.

(2) No. The original grant to the City of Perth included a 66 feet wide portion of Riverside Drive which was closed pursuant to the above Act, and included in Perth Lot 814.

(3) Yes. See tabled papers -

(a) copy of Crown grant for Perth Lot 814;

(b) reduced copy of public plans BG34 28:47, 29:47. CD plan 632 is not held by DOLA but is held in archives at the Battye Library where the member may access it.

[See paper No 257.]

(4) Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - DEMENTIA CARE SERVICES

611. Hon CHERYL DAVENPORT to the Minister for Health:

The present Government committed itself to progressively provide 1 000 dementia care beds throughout the State in its seniors' interests policy document prior to the 1993 State election -

(1) Will the Minister indicate whether extra dementia care places have been created in C class hospitals and nursing homes and are being paid for from the State Budget?

(2) If not, why not?

(3) If so, when does the Minister envisage meeting the 1 000 place target?

Hon PETER FOSS replied:

(1) The State has committed itself to the provision of additional services to 20 dementia care beds at Nazareth House in Geraldton.

(2) The provision of residential care for people with dementia is primarily a Commonwealth responsibility. The Commonwealth has provided 90 additional nursing home beds since the State election of 1993. A further 233 hostel beds were approved in 1993 and 352 hostel beds have been offered in 1994.

(3) In order to address the special needs of people with dementia, the Health Department will be entering into purchase of service agreements with non-government providers for additional services, over and above those provided through the Commonwealth nursing home subsidy. Officers of the Health Department are currently assessing the extra care needs of people with dementia and possible means by which the additional services can be purchased.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - ABORIGINAL COMMUNITY HEALTH WORKERS

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

(1) What is the average wage of Aboriginal community health workers?

(2) What is the average time Aboriginal community health workers work for in their professions after being trained and what is the drop out rate in the profession?

(3) What is the total amount of funding given for Aboriginal community health workers in capital and recurrent funding for the different components of wages, training and equipment costs?

(4) What is the current number of Aboriginal community health workers working in Western Australia?

Hon PETER FOSS replied:

(1)-(4)

I refer the member to my answer to his similar question, No 494 of 14 June 1994.

CHRISTIAN BROTHERS - CHILD SEXUAL ABUSE CHARGE

618. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Community Development:

(1) Is the Minister aware that on 3 June 1993 in the Perth District Court a Christian Brother - formerly in charge of a dormitory housing some 60 young boys between the ages of six and 10 years - was convicted of sexually abusing some of the boys by performing acts of oral and anal sex upon them?

(2) Will the Minister for Community Development assure the House that no child care institution currently exists in this State where possibly 60 children, housed in similar dormitory style accommodation, could be vulnerable to similar abuse?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

(1) Yes. It is assumed that the conviction referred to is that of Brother Gerard Dick, who was convicted on 3 June 1994, not 3 June 1993 as stated in the question.

(2) Yes, with respect to the Department for Community Development's sphere of responsibilities.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - NURSES, EMPLOYMENT

619. Hon BOB THOMAS to the Minister for Health:

(1) How many nurses were employed by the Health Department in -

(a) hospitals; and

(b) community health offices

in the south west health region at 30 June 1994?

(2) What are the Health Department projections for nurses employed at 30 June 1995?

(3) What proportion of the region's Health Department budget was consumed by fees to doctors in 1993-94?

(4) What is the Health Department's projection for the proportion in the 1994-95 budget?

Hon PETER FOSS replied:

(1) (a) 565.3 FTE

(b) 65.9 FTE

(2) 593.7 FTE.

(3) 10.9 per cent.

(4) 10.9 per cent.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - NURSES, EMPLOYMENT

620. Hon BOB THOMAS to the Minister for Health:

(1) How many nurses were employed by the Health Department in -

(a) hospitals; and

(b) community health offices

in the great southern health region at 30 June 1994?

(2) What are the Health Department projections for nurses employed at 30 June 1995?

(3) What proportion of the region's Health Department budget was consumed by fees to doctors in 1993-94?

(4) What is the Health Department's projection for the proportion in the 1994-95 budget?

Hon PETER FOSS replied:

(1) (a) 448.09 FTE
(b) 35.41 FTE

(2) 483.5 FTE.

(3) 12.5 per cent.

(4) 12.5 per cent.

SEWERAGE - QUAIRADING

630. Hon KIM CHANCE to the Minister for Finance representing the Minister for Water Resources:

(1) Is the Minister for Water Resources aware of the clearly identified need for a sewerage scheme in Quairading to deal with on-site effluent disposal problems?

(2) Has a sewerage scheme been planned for Quairading?

(3) What priority has been allocated to the scheme?

(4) When is it likely that work will commence on the scheme?

Hon MAX EVANS replied:

(1) Yes.

(2) Not at this time.

(3)-(4) Preliminary planning anticipates that sewerage may occur in the mid to latter part of the program.

CLONTARF ORPHANAGE - MILITARY USE

633. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Community Development:

(1) Is the Minister for Community Development aware that on page 79 of the Master of Social Work thesis written by Barry Hickey at the University of Western Australia in 1971 and called "The Development of Catholic Welfare Services in Western Australia, 1946-1970" the writer claims that the Commonwealth Government in 1942 asked the then Archbishop of Perth for a large institution for military use and that the then archbishop first thought of offering Aquinas College to the military but then offered Clontarf Orphanage, requiring the evacuation of orphans and state wards to St Joseph's Farm and Trades School at Bindoon and to St Mary's Christian Brothers' Agricultural School at Tardun?

(2) Did the Manager of Clontarf Orphanage or the then Archbishop of Perth seek the approval of the Child Welfare Department before offering Clontarf Orphanage to the military, rendering it necessary to evacuate orphans and state wards?

(3) If so, on what date was approval granted?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

It will take research into the thesis referred to and possibly extensive research into official files currently held at State Archives to address these questions. An appropriate response will be provided in due course.

DYING WITH DIGNITY COMMITTEE - MEMBERSHIP

640. Hon N.D. GRIFFITHS to the Minister for Health:

Who are the members of the Western Australian Dying with Dignity Committee?

Hon PETER FOSS replied:

The members of the joint Health Department and Law Society Dying with Dignity Committee are -

Professor Michael McCall - Australian Medical Association
Ms Susan Milos - Australian Nursing Federation
Ms Deborah Williams - Crown Solicitor's Office
Mr Bruno Illari - Law Society of Western Australia
Mr David Bruns - Law Society of Western Australia
Mr Ronald Bower - Law Society of Western Australia
Dr Andy Cumming - Health Department
Ms Sioux Brooks - Health Department
Ms Lisa Warner - Health Department

HOSPITALS - SUNSET
Closure

642. Hon N.D. GRIFFITHS to the Minister for Health:

What is the full text of the psychiatric advice provided to the Minister on his decision to close Sunset Hospital and stated by the Minister on 6WF at approximately 5.30 pm on 22 July 1994 to be "freely available"?

Hon PETER FOSS replied:

See tabled psychiatric advice provided to me on 11 July 1994 by Dr Geoff Smith, Director of the Health Department's mental health policy, on the effects of transferring residents from state government nursing homes to other nursing homes. [See paper No 248.]

COMMERCIAL TENANCY ACT - REVIEW

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

(1) Is the Government reviewing the Commercial Tenancy Act?

(2) If so, when did the review commence?

(3) When will the review be completed?

(4) What amendments, if any, are currently being proposed for the Commercial Tenancy Act?

Hon PETER FOSS replied:

(1) Yes, the Ministry of Fair Trading is consulting key stakeholders to determine their position.

(2) The review commenced during the term of the previous government.

(3) I expect to receive a final report by the end of August.

(4) It would not be appropriate to discuss proposed amendments until I have had the opportunity to consider the report.

PASTORAL INDUSTRY - LEASES
Regular Inspections

647. Hon KIM CHANCE to the Minister for Lands:

What steps does the Minister intend to take to ensure that an adequate and systematic inspection of pastoral leases is implemented following the identification of the deficiency in this function, by the Office of the Auditor General in Report No 2, May 1994?

Hon GEORGE CASH replied:

I am advised that the Department of Agriculture commenced a system this year which will ensure regular inspection of all pastoral leases in the state. Normally, these inspections will be effected every five or six years but there is provision for more frequent monitoring according to the rangeland condition of the particular lease, or other circumstances that would dictate a requirement for inspection within the normal routine cycle.

PASTORAL INDUSTRY - LEASES
Lessee's Competence; Rangeland Management Monitoring

648. Hon KIM CHANCE to the Minister for Lands:

(1) Does the Minister plan to introduce reforms to the transfer process for pastoral leases which can provide some assurance of a potential lessee's level of competence and experience as a rangeland manager?

(2) If so, what changes are proposed to the powers of the Pastoral Board which will enable it to meet its responsibility to ensure appropriate rangeland management practices?

Hon GEORGE CASH replied:

(1) The Pastoral Board is currently examining the concept of introducing a system that would, as part of the transfer approval process, closely examine the competence and financial ability of a transferee, and/or pastoral lease manager who may be appointed by the prospective owner of a pastoral lease, to manage the acquired station property. Industry input has been sought in this regard.

(2) The Pastoral Board, supported by the professional assistance of the Department of Agriculture, has for a number of years been primarily concerned that pastoralists employ appropriate and responsible rangeland management practices and will continue to ensure that this occurs.

PASTORAL INDUSTRY - LEASES
Regular Inspections

649. Hon KIM CHANCE to the Minister for Lands:

Following the recommendations from the Office of the Auditor General, does the Minister intend to establish a system to determine the frequency of inspection required for pastoral leases after consideration of the rangelands on those leases?

Hon GEORGE CASH replied:

See answer to question on notice 647 of 9 August 1994.

PASTORAL INDUSTRY - LEASES
Rangeland Management Monitoring

650. Hon KIM CHANCE to the Minister for Lands:

What response has the Minister so far made to the need for general reform

of rangeland management, and his responsibilities under the Land Act 1993, subject to the recommendations of the Office of the Auditor General in report No 2, May 1994?

Hon GEORGE CASH replied:

All the recommendations of the Auditor General's report No 2, May 1994 are being positively addressed. Prime responsibility for monitoring rangeland management rests with the Minister for Primary Industry and the Western Australian Department of Agriculture.

MONKEY MIA DOLPHIN RESORT - CROWN LAND GRANT

652. Hon KIM CHANCE to the Minister for Lands:

(1) Have the owners of Monkey Mia Dolphin Resort been granted, or have they acquired, an area of Crown land at Monkey Mia to be used to facilitate the expansion of the resort?

(2) If so, what is the area of that land?

(3) What is the nature of the proposed development of the land?

(4) Is the development consistent with the recommendations of the Shark Bay region plan?

Hon GEORGE CASH replied:

(1) No.

(2)-(4) Not applicable.

MONKEY MIA DOLPHIN RESORT - CROWN LAND GRANT

653. Hon KIM CHANCE to the Minister for Lands:

What consultation has taken place in respect of a grant of land to the owners of the Monkey Mia Dolphin Resort with -

(a) local Shark Bay residents;

(b) the Shire of Shark Bay; and

(c) the Department of Conservation and Land Management

prior to the grant/acquisition taking effect?

Hon GEORGE CASH replied:

No land grant has been made to the owners of the Monkey Mia Dolphin Resort. However, as Minister for Lands I requested from the resort owners their views on what facilities would be required at Monkey Mia to cater for future tourist needs. I sought this information to ensure any further development does not occur on an ad hoc basis as has occurred in the past. The resort owners have submitted a preliminary outline development plan which has yet to be considered by the relevant authorities including the Shire of Shark Bay.

MONKEY MIA DOLPHIN RESORT - CROWN LAND GRANT

654. Hon KIM CHANCE to the Minister for Lands:

Which parties, other than the proprietors of Monkey Mia Dolphin Resort, or related entities, were given the opportunity to acquire the land which the resort intends to develop at Monkey Mia?

Hon GEORGE CASH replied:

Refer to answer to question on notice 653 of 9 August 1994. The owners of the Monkey Mia Dolphin Resort have not acquired nor been offered land at Monkey Mia.

LANDCORP - INKPEN SPECIAL INDUSTRIAL SITE

694. Hon KIM CHANCE to the Minister for Lands:

(1) Has LandCorp commissioned a study of the hydrology and soils of the special industrial site at Inkpen, for which it is the proponent?

(2) If so, who conducted the studies?

(3) Are these reports available for public scrutiny?

Hon GEORGE CASH replied:

(1) No. However, it is planned that a study be commissioned within the next three weeks.

(2)-(3) Not applicable.

LANDCORP - INKPEN SPECIAL INDUSTRIAL SITE

695. Hon KIM CHANCE to the Minister for Lands:

(1) Is it correct that the special industrial site at Inkpen, proposed by LandCorp, is planned to include up to 100 hectares of effluent ponds directly above Blackboy Gully, a tributary of the Avon-Swan system?

(2) What is the nature of the proposed effluent?

(3) Does effluent of this nature pose an environmental risk if accidentally discharged into the Avon-Swan system?

(4) What is the annual rainfall at Inkpen?

(5) What consideration did LandCorp give to locating the special industrial site further east in a low rainfall area where non-leaching clay soils are more prevalent?

(6) Is it correct that of the nine alternative sites considered by LandCorp in its site selection process (sites designated A to I inclusive) all lie in the same general vicinity?

Hon GEORGE CASH replied:

(1) Yes. Ultimate development of the site as hypothesised in the public environmental review - PER P.56 - would require an evaporation area of approximately 110 ha allowing for ponds with sloping sides.

(2) Secondary treated bio processing waste water - PER P.46.

(3) Every effort is being made to ensure any risks of accidental discharge are minimised. The proposal incorporates ponding systems designed to standards that incorporate sufficient safeguards to ensure this result - PER P.114.

(4) The average annual rainfall at the CSIRO research station Yalanbee, four kilometres north east of the site is 607 mm - PER P.14.

(5) Location further east was considered. Industry advised that areas further east were unattractive due to increased distance from sources of raw material and associated transport costs.

(6) Yes.

PASTORAL INDUSTRY - KIMBERLEY LEASES
Excisions for Other than Pastoral Activities

701. Hon TOM STEPHENS to the Minister for Lands:

(1) How many pastoral leases in the Kimberley region have had excisions of land from the lease for the purpose of releasing that land for activities other than pastoral activity since 1 January 1983?

(2) Which pastoral leases, by name, have had such excisions?

(3) What number of excisions have been made on each of these pastoral leases and what was the date, size and purpose of the excision?

(4) To whom was the excised land subsequently leased or granted?

Hon GEORGE CASH replied:

The answer to this question would require considerable research and I am not prepared to allocate resources for this task. If the member wishes to ask a more specific question, I would be pleased to assist with an appropriate response.

PASTORAL INDUSTRY - KIMBERLEY LEASES
Used for Non-pastoral Purposes

702. Hon TOM STEPHENS to the Minister for Lands:

Which Kimberley pastoral leases are no longer being utilised by the leaseholder for pastoral purposes?

Hon GEORGE CASH replied:

Pastoral leases can only be utilised for pastoral purposes. If the member has information to the contrary, he should pass it on to the appropriate authorities for investigation.

PASTORAL INDUSTRY - WATERBANK LEASE, FUTURE

703. Hon TOM STEPHENS to the Minister for Lands:

What is the Government's proposal for the future of the Waterbank pastoral lease?

Hon GEORGE CASH replied:

Subject to the satisfactory acquisition of the Waterbank pastoral lease a detailed land use plan will be formulated. Over the years a number of land uses have been proposed which will be considered including -

(a) Townsite extensions
(b) Tourism developments
(c) Horticulture
(d) Aboriginal heritage
(e) Aquaculture
(f) Water supply protection
(g) Conservation/national park
(h) Airport

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - SEXUALLY TRANSMITTED DISEASES, RECORDS
Herpes, Warts, Retro Viruses, Urethritis, Pelvic Inflammation

707. Hon N.D. GRIFFITHS to the Minister for Health:

(1) What mechanisms does the Health Department have in place for the collection of statistics on the following sexually transmitted diseases to ensure the determination of extent, trends and outcomes of prevention/treatment programs -

(a) herpes simplex infection;

(b) human papilloma virus (venereal warts);

(c) HTLV-I and II (retro viruses);

(d) non-specific urethritis; and

(e) pelvic inflammatory disease?

(2) Are any other mechanisms being considered; and if so, what and when is it anticipated they will be in place?

Hon PETER FOSS replied:

(1) (a) Collecting data from the State Health Laboratory Service.

(b) None.

(c) Blood donor screening.

(d) The main cause of non-specific urethritis is genital chlamydia infection. The latter has been a notifiable disease since March 1993.

(e) Available from the hospital morbidity database.

(2) A mechanism being considered is reporting from laboratories. This will be covered in the proposed new infectious diseases legislation that is currently being drafted. Another mechanism that is being considered is the use of general practices as sentinel reporting sites. This will require extensive consultation so it is difficult to predict an operational date.

TYRES - RECYCLING, ANZECC RECOMMENDATIONS

708. Hon N.D. GRIFFITHS to the Minister for Education representing the Minister for the Environment:

(1) Which of the recommendations of the Australian and New Zealand Environmental and Conservation Council to do with the recycling of used tyres, namely -

(a) consumers of tyres in metropolitan areas be required to pay a disposal levy when the used tyre is exchanged for a new tyre;

(b) the tyre industry be asked to voluntarily apply the disposal levy at the point of sale;

(c) the levy collected should be used to ensure the used tyre is shredded if not suitable for retreading;

(d) the tyre industry be required to ensure that shredding facilities are available in metropolitan areas;

(e) in country areas, the consumer may be given the choice of keeping the used tyres, or paying the levy for disposal by the retailer, in accordance with local authority requirements;

(f) the Commonwealth examines the sales tax implications of the levy, with a view to ensuring it has no tax liability;

(g) ANZECC seek industry agreement to a suitable implementation date, and contribute to a promotion campaign for the disposal levy scheme; and

(h) State pollution control and waste management authorities review their legislation and enforcement procedures to minimise improper disposal of whole tyres;

does the Government support?

(2) In each case what steps has the Government undertaken to support the recommendations?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

The Government has not had to take any action with respect to (a) to (e) inclusive as industry has voluntarily implemented these recommendations and collection, storage, shredding and disposal of tyres is being well managed under the provisions of the used

tyre regulations. Recommendation (g) is not applicable. Recommendation (h) has been done. The transport, storage and disposal of tyres has been regulated since 1993 under Regulations "To Control Storage and Disposal of Tyres". In the metropolitan area passenger vehicles and truck tyres since 1992 are disposed of by reducing to pieces and landfilling at Chris Hill quarry as part of a scheme to rehabilitate the quarry for inclusion in the Avon Valley national park.

The landfilling of tyres at Chris Hill is subject to the regulations and a detailed management plan approved by the Department of Environmental Protection as well as other relevant government agencies. Since the introduction of the regulations, the control of used tyre storage and disposal has not been a problem. Chris Hill quarry will take all used tyres generated in the metropolitan area for at least the next five years. This should provide adequate time for the implementation of suitable recycling and further disposal options. Scrap tyres continue to be landfilled whole in many country areas.

SMITH, KARRI - GOVERNMENT EMPLOYMENT

711. Hon JOHN HALDEN to the Minister for Health:

(1) When was Karri Smith appointed to the Minister's staff?

(2) Which government department is her employer?

(3) What is the Public Service level she is employed at, and what is her salary?

(4) Is her appointment to the Minister's office temporary or permanent?

(5) What are Ms Smith's duties?

Hon PETER FOSS replied:

(1) 30 June 1993.

(2) Department of the Premier and Cabinet.

(3) Substantive level 3; currently paid temporary special allowance to year 1, level 4. Salary of $34 669.

(4) Term of government appointment.

(5) Research officer. Duties include -

(i) Coordinates legislation and Cabinet submissions relating to the Minister's portfolio responsibilities.

(ii) Undertakes special projects, research and investigations as required by the Minister.

(iii) Liaises with staff from other Ministers' offices, members of Parliament, chief executive officers and other senior government officials, members of the public and interest groups on major matters being considered by the Minister's office.

(iv) Attends meetings and represents the Minister as requested, and initiates any necessary follow up action.

(v) Prepares correspondence and briefing notes for the Minister.

(vi) Maintains and coordinates the Minister's Bring Up System on matters of urgency outstanding from departments.

(vii) Carries out other duties as directed.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - BUNBURY REGIONAL OFFICE
Staff Transfers

712. Hon DOUG WENN to the Minister for Health:

(1) Have any staff employed at the regional office of the Health Department in Bunbury been transferred to other regions?

(2) Have any of these staff members been offered a redundancy package?

Hon PETER FOSS replied:

(1)-(2) Yes.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - ROEBOURNE, ASBESTOS CONTAMINATED SITES

713. Hon TOM STEPHENS to the Minister for Education representing the Minister for the Environment:

(1) Has the Department of Environmental Protection confirmed the existence of a number of sites in Roebourne at which there is substantial remaining asbestos contamination within the Roebourne town boundaries?

(2) If yes, what is the extent of this contamination and what action is the department recommending be taken in respect of this situation?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

(1) The Department of Environmental Protection has confirmed the presence of asbestos contamination on the old Roebourne fire station site in Sholl Street, Roebourne, and on land adjacent to the station site.

(2) Officers from the Health Department and the Department of Environmental Protection will visit Roebourne to determine the extent of the asbestos contamination. The action recommended by the Department of Environmental Protection will largely depend upon the findings of the officers' investigation.

QUESTIONS WITHOUT NOTICE

SCHOOLS - CLOSURES

362. Hon JOHN HALDEN to the Minister for Education:

In view of the Minister's ability to notify the electors in Helena of their exclusion from the school closure hit list, will he now -

(1) tell the parents, teachers and students at the 10 schools in the Merredin electorate of the Leader of the National Party that they too are excluded;

(2) tell the parents, teachers and students at the seven schools in the Moore electorate that they are excluded; and

(3) tell the parents, teachers and students at the four schools in the Wagin electorate of the Minister for Police they are excluded; or

(4) grant to the parents, teachers and students of all schools in the state the same courtesy he extended in Helena, or do they need a by-election to get his attention?

Hon N.F. MOORE replied:

(1)-(4) As I have explained on a number of occasions, there is no schools closure hit list. I also spent one and a half hours last Thursday explaining the

situation in Helena, and if the Leader of the Opposition wants an answer he should read those explanations. The bottom line is that as the Opposition sought to make this into a political issue - as it has done from the beginning - it was necessary to advise the people of Helena of the situation. As I explained, it was possible to do that because the schools in Helena were excluded from the process and no cluster situation had developed in that electorate.

DOHERTY, BILL - WARWICK POLICE STATION, WORK PERIOD

363. Hon JOHN HALDEN to the Leader of the House representing the Minister for Police:

When Bill Doherty, current Chairperson of the Juvenile Justice Advisory Council, was a member of the Western Australia Police Force, over what period was he based at the Warwick Police Station?

Hon GEORGE CASH replied:

I thank the member for some notice of this question to which the Minister for Police has provided the following reply -

I have been advised by the Commissioner of Police that retired Superintendent Bill Doherty was stationed at the Warwick Police Station as follows -

Assistant Regional Officer - 19 March to 29 August 1990.
Regional Officer - 29 August 1990 to 8 March 1992.

DOHERTY, BILL - LINKS WITH DR WAYNE BRADSHAW

364. Hon JOHN HALDEN to the Minister for Health representing the Attorney General:

Is the Attorney General aware of any business or social links between former police officer and Chairperson of the Juvenile Justice Advisory Council, Mr Bill Doherty, and the former Mayor of Wanneroo, Wayne Bradshaw?

Hon PETER FOSS replied:

No, other than that she is aware that Dr Bradshaw was the Doherty family's doctor.

AME HOSPITALS PTY LTD - HEALTH SERVICES, BUNBURY DISCUSSIONS

365. Hon TOM HELM to the Minister for Health:

Has AME Hospitals Pty Ltd or any of its related companies held discussions with the Government on any aspect of the planned new Bunbury Regional Hospital or on the provision of health services in the Bunbury region?

Hon PETER FOSS replied:

Without notice of this question, all I can say is: Not that I am aware.

ROAD TRAINS - SOUTH WESTERN HIGHWAY-ALBANY HIGHWAY

366. Hon A.J.G. MacTIERNAN to the Minister for Transport:

In respect of the road train trials proposed through the South Western Highway-Albany Highway route -

(1) Does the Minister expect that all permits issued will be for 27.5 metre units, or will they be issued for both 25 m and 27.5 m units?

(2) If the Minister expects that the permits will be issued to trucks of both lengths, can he estimate what percentage of permits is likely to be granted in each category?

(3) As the Main Roads Department has recommended that, in the long run, road trains over these routes should be limited to 25 m in length, why is it proposed that the trial should permit road trains of up to 27.5 m in length?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) They will be issued for both.

(2) No. It depends on which operators seek to participate and what length vehicles, up to 27.5 m, they choose to use.

(3) Many vehicles currently hauling fertiliser are up to 27.5 m in length and it would be unrealistic to expect operators to modify vehicles without a reasonable lead time. Any permanent operations will be limited to 25 m vehicles in the long term and operators will have to ensure that their vehicles meet this limit.

As I said last week, 25 m combination vehicles use this road and they do not operate under permit. That was introduced by the previous government and no discussion or consultation took place then.

WESTRAIL - NATIONAL RAIL CORPORATION
Agreement

367. Hon MARK NEVILL to the Minister for Transport:

(1) Has a commercial agreement been reached between Westrail and the National Rail Corporation Ltd, and has this agreement been ratified by Cabinet?

(2) Subject to the agreement, will Westrail employees or NRC employees crew NRC trains for interstate freight operations?

(3) How many Westrail employees from Kalgoorlie, Merredin and Forrestfield will be displaced by the NRC deal?

(4) Can the Minister guarantee that every displaced Westrail employee will be offered suitable and acceptable employment and that none currently resident in country towns will have to leave those towns?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) Agreement in principle has been reached; however, drafting detail is still to be negotiated.

(2) It is proposed that National Rail employees will crew National Rail's interstate trains.

(3) Westrail is currently attempting to estimate accurately the effect on Westrail employees located at Kalgoorlie, Merredin and Forrestfield due to the crewing function of interstate trains and the operation of the Kewdale terminal transferring to National Rail. National Rail has not operated trains in Western Australia under its crewing conditions, therefore the number of Westrail staff likely to be recruited by National Rail is still unknown.

(4) No; however, under current arrangements one of the conditions available to Westrail employees made surplus by the transfer of interstate freight to National Rail is the offer of appropriate alternative employment. Revisions introduced to the National Rail Corporation Agreement Act - No 56 of 1992 - require me to present to each House of Parliament -

an agreement with the relevant unions on the terms and conditions for relocation, redeployment or voluntary redundancy of employees of the Commission (Westrail) affected by the implementation of the Agreement; the findings of a review of any adverse impacts on country towns of changes to the Commission's (Westrail's) work force arising from the implementation of the Agreement and proposed means of ameliorating any such impacts.

I also want to make it clear, because of comments that have been made by Hon Kim Chance for one, that the Opposition entered into the original agreement with the Federal Government.

Hon John Halden: You entered into a deal with the locomotive engine drivers union and you got caught. You are going to betray them. Do you want to hear what they are saying about you?

Hon E.J. CHARLTON: I know what they are saying about me.

Hon John Halden: It is not very complimentary, is it?

Hon E.J. CHARLTON: Although they do not like the recent decision, the one thing they are saying about me is that at least I was honest about it. That was not the case when they sat in this place and listened to Hon John Halden giving them false expectations about their future for his own political wellbeing. Hon John Halden entered into an agreement with the Federal Government behind their backs.

Hon John Halden: What have you just done?

Hon E.J. CHARLTON: The agreement is a consequence of the original decision by the Lawrence government. Members opposite do not like the truth. They would rather give me a blast than listen to the facts. On every question they ask on this issue I will take the opportunity to remind them that they should know all about the facts: They entered into an agreement to sell Westrail to the National Rail Corporation, and they did it as a shareholder. Western Australia was not only required to sell off the infrastructure, but also those opposite ensured that $8m of taxpayers' money had to go with it. Out of that despicable situation we have been able to salvage a position where we do not have to put up that $8m. In addition, we now have a commercial position. Western Australia is no longer a shareholder and is able to negotiate any commercial activity without any restrictions. As for the locomotive engine drivers' union, the significant change is that people will be employed by NRC, which is what the Labor government agreed to. The former government gave away their jobs. Westrail now has a future in Western Australia because it is carting more freight than it used to, and we have ensured that Westrail has an economic future.

WESTRAIL - NATIONAL RAIL CORPORATION
Merredin Workers, Displacement

368. Hon JOHN HALDEN to the Minister for Transport:

(1) Will the Minister confirm his statement on ABC Radio this morning that 40 workers from Westrail will be displaced from Merredin?

(2) Will the Minister advise how many Westrail workers will be displaced from Forrestfield?

Hon E.J. CHARLTON replied:

(1)-(2) The Opposition is trying to get itself out of a very difficult hole which is getting deeper by the day. The decision by National Rail Corporation to crew its trains will be made by it and will take effect from about -

Hon Tom Helm: How many? You sold out. Answer the question.

Hon John Halden: It's your fault.

Hon E.J. CHARLTON: Opposition members should listen. They are good at asking questions but not at listening to the truth and getting the facts. The decision about the number of workers who will not be required from Merredin will be made by NRC about June next year. That was known long before the last election. If those crewing arrangements were to be placed at Kalgoorlie and not at Merredin, probably about 40 engine drivers who are employed from Merredin would go. Unlike the previous government, which promised these workers nothing, we will ensure that for the work that will be done in country areas Westrail will employ people from country areas. As a consequence 10 people have been placed in Merredin to be involved in other Westrail activities. One of the major contracts which was done in an inefficient way at the Midland Workshops is now carried out by a private operator. This has resulted in the creation of more employment for the people of Merredin. The decision by locomotive engine drivers to be displaced from Merredin is as a consequence of the original sell off by the previous government - and those opposite know it.

HOSPITALS - COUNTRY

No Closures due to Owner-purchaser-provider Model

369. Hon MARK NEVILL to the Minister for Health:

I refer the Minister to the reported statements of the Deputy Premier on page 4 of the *Sunday Times* of 14 August to the effect that the health and education bureaucracies were running their own policy agendas and not the Government's.

(1) Is the owner-purchaser-provider model a policy consistent with that of the coalition Government or is it, as the Deputy Premier suggests, a policy imposed on the Government by the Health Department of Western Australia bureaucracy?

(2) Can the Minister guarantee that country hospitals will not close as a result of the owner-purchaser-provider policy?

Hon PETER FOSS replied:

(1)-(2)

Yes, it is part of our coalition policy. I do not believe the Deputy Premier made any such statements. I can guarantee that the hospitals will not close because, unlike the former government, I gave an undertaking as soon as I became Minister that I would not close country hospitals. I will make certain that the funder-purchaser-provider model is used in such a way that they do not close. I am very confident that that will occur.

ROAD TRAINS - ARMADALE, FERTILISER TRANSPORT

370. Hon A.J.G. MacTIERNAN to the Minister for Transport:

I have given some notice of this question. In respect of the proposal to allow road trains to carry fertiliser through Armadale, what information does the Minister have on the percentage of these fertilisers normally transported by farmers and by cartage contractors, respectively?

Hon E.J. CHARLTON replied:

It is the type of vehicle that is relevant, not the ownership; therefore, ownership information has not been sought.

Hon A.J.G. MacTiernan: Is it whether they are amateurs or whether they are professional drivers?

Hon E.J. CHARLTON: Yes.

Hon A.J.G. MacTiernan: This is a relevant question. Are people who are experienced now using those road trains rather than people off the farm who have very little experience? This is a very relevant question.

Hon E.J. CHARLTON: It is very relevant to set the record straight about this innuendo, fear and smear that comes out of the mouth of this member and other members opposite. They continually deliver this campaign -

Hon A.J.G. MacTiernan: I just want to know who is driving them.

The PRESIDENT: Order! I told members my view about question time developing into a rat race, and I will not tolerate it. If members want to ask questions, they should let the Minister answer. If he does not give the answer they want, they should ask another question; but they should at least let him answer the question.

Hon E.J. CHARLTON: The Labor Party has another agenda. I found that out, as I walked out of this place last Thursday, by the comments made to me by Labor Party members who were encouraging me to proceed with this because they felt it was great politics.

Hon T.G. Butler: Name them.

Hon E.J. CHARLTON: I understand that is what they are interested in. They never made a decision in the past 10 years which was not political. Every decision they made was always made on that basis. Decisions about road trains were never made for safety reasons. In the case of road train operations, unlike the previous government, we have embarked on a safety strategy to implement two new categories of drivers' licences which will be required for those people who operate large combinations and articulated vehicles.

When we travelled in the bus with a number of other people recently, the Mayor of Armadale made an irresponsible and totally disgraceful statement about farmers driving vehicles to collect fertilisers. Members should listen to this because I think it is fairly important. He said, "It is one thing for farmers to do a one day welding course and then make a trailer, hook it on behind a truck, come down and interact with road users in the metropolitan area to pick up fertilisers." For members opposite this will probably mean nothing. Those who have a little nous will know that farmers simply do not do a welding course and then make a trailer. That is the sort of sneer and smear that is associated with a question asked by Hon Alannah MacTiernan.

In addition to the points I have just made about the change of category of licence and making it tougher, all people who operate a road train can only do so with a permit. All other trucks and combinations currently carting fertiliser on that road are not required to operate under a permit. Therefore, conditions cannot be put on those operators in the same way as they can on the operators of road trains. I emphasise that we are talking about road trains measuring between 25 and 27.5 metres, not 36.5m, which is the normal length of road trains which operate in other areas. The problem is compounded by road safety. Any decision made to have a trial will have the potential to enhance safety. We will guarantee the type of person who drives the vehicle because permit conditions will specify the people who can drive, the speed and the time of operation. This will bring about a great deal of improvement in safety when road trains pass schools. One of the irresponsible statements being made by Opposition members is that the trial will subject parents and children to greater safety problems. The fact is that road trains will not be permitted to go past schools when children are arriving or leaving, or even when they are in

class for that matter. Road trains will operate only at certain times of the day or night. It is about time the Opposition, first, got its facts right and, second, became sincere about doing something positive to reduce the number of heavy vehicles on the road. The number of heavy vehicles in the Armadale area will be reduced from 6 000 to 4 400. They will operate at reduced speeds and outside peak traffic hours in relation to the opening and closing of schools.

ROAD TRAINS - CLASS C LICENCES

371. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Will the new classification of class C licences, of which the Minister has just spoken, be introduced before the road trains are permitted to commence the trial in the Armadale area?

Hon E.J. CHARLTON replied:

No; that will be part of a nationwide change, with this state leading the way in this nation, as it does in most things concerning transport. That is why a number of matters have been put forward. I reiterate that road trains are a special category and, as a result, certain conditions can be placed on them which involve a range of factors. These conditions will improve safety aspects, which is not possible with any of the existing trucking combinations being used in that area and on other roads in the metropolitan area.

ROAD TRAINS - PERMITS, CONDITIONS

372. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Before granting a permit, will there then be any vetting of the drivers' capacity to handle road trains other than ensuring that they hold class C licences?

Hon E.J. CHARLTON replied:

I emphasise that any permit allocated to a road train is subject to a range of conditions which can, and do, apply. It is up to the Main Roads Department, when issuing a permit -

Hon Tom Helm: Will you apply them?

Hon E.J. CHARLTON: I will not be applying them.

Hon Tom Helm: You are the Minister.

Hon E.J. CHARLTON: When a permit is sought for any movement of vehicles on the road which is not for one of the regular vehicles allowed on the road under normal conditions, specific conditions can be applied. It is up to the Main Roads Department to apply them because it is the governing authority with the power to allocate permits. The Minister does not allocate them.

ROAD TRAINS - PERMITS, CONDITIONS

373. Hon A.J.G. MacTIERNAN to the Minister for Transport:

The Minister is ignoring the essential point. Is it anticipated that, as part of the permit requirements, the Main Roads Department will inquire into the driver's capacity beyond the possession of a C class licence -

The PRESIDENT: Is that not the question you put last time?

Hon A.J.G. MacTIERNAN: I did not receive an answer; I thought perhaps the Minister did not understand it.

The PRESIDENT: It is not a matter of whether the Minister answered it; if the answer is not what you want, you cannot do much about it.

SCHOOLS - EDUCATION BUDGET
Students, Expenditure

374. Hon JOHN HALDEN to the Minister for Education:

(1) Can the Minister confirm that average expenditure on Western Australian school students fell this year in real terms by approximately $70 a student compared with the 1993-94 Education budget?

(2) If yes, does this indicate a trend in government spending on education?

The PRESIDENT: Order! I will not call on Hon Tom Butler to order again; if he does not stop carrying on a conversation I will take some action.

Hon N.F. MOORE replied:

(1)-(2)

No.

BUNBURY STATE HEALTH LABORATORY SERVICES - CLINICAL PATHOLOGIST, REPLACEMENT

375. Hon TOM HELM to the Minister for Health:

Some notice of this question has been given. As the Bunbury State Health Laboratory Services have now been without a clinical pathologist for over four months, can the Minister indicate what steps are being taken to find a replacement and when he believes the position will be filled?

Hon PETER FOSS replied:

I thank the member for giving me notice of this question in writing.

The position has been widely advertised in the local and national media, including the Australian and British Medical Journals. One application was received, but the applicant did not possess a basic medical degree registerable in Western Australia. Efforts will continue in order to attract a replacement officer to this position but I cannot advise if this will be successful. In the interim a private pathologist in Bunbury has been engaged to perform certain urgent investigations for the State Health Laboratory Services.

SCHOOLS - EDUCATION BUDGET
Maintenance Funding

376. Hon JOHN HALDEN to the Minister for Education:

What is the level of maintenance funding in the 1994-95 Education budget?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The amount of $38.7m has been allocated for school maintenance and minor works in 1994-95.

SCHOOLS - EDUCATION BUDGET
Maintenance Funding

377. Hon JOHN HALDEN to the Minister for Education:

(1) Is it correct that the funding shortfall for 1993-94 has increased the backlog of maintenance and that there is a requirement for $40m a year to be paid out in maintenance funds by the Education Department to reduce maintenance to a tolerable level and therefore avoid a continuation of the backlog?

(2) If this is correct, why has the Minister been so critical of the former Labor government's efforts on this issue when he himself has not as yet reduced the backlog to tolerable levels?

Hon N.F. MOORE replied:

(1)-(2)

I could spend some hours on the last government's performance regarding maintenance of schools.

Hon John Halden: We are worried about your performance, which is horrendous.

Hon N.F. MOORE: For a number of years the previous government did not allocate any money for maintenance in the government school sector. It then had to borrow, I think, $75m to alleviate the backlog it had created itself. For reasons best known to itself, that government abandoned the cyclical maintenance program which once applied in government schools, where every school was rigorously maintained, I think, every seven years irrespective of whether it was needed. The present Government inherited a very difficult financial situation. That has been discussed at some length today. Even though members opposite tend to want to believe that did not happen, the fact is we do have a financial problem. Fortunately, because the present Government is dealing with the finances in a proper way, the problem is being fixed.

I acknowledge that the first Budget this Government brought down allowed only $25m for maintenance - significantly less than I would have liked. As were all other Ministers, I was prepared to accept some pain as a result of the necessity for the Government to do something about the state's financial situation. However, towards the end of the 1993-94 financial year, as a result of savings in the system, it was possible to allocate another $5m towards school maintenance, which made the total budget allocation for that year $30m - again not enough. I am pleased that we have been able to allocate $38.7m this year, which will go very close towards meeting maintenance needs this financial year.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND

378. Hon A.J.G. MacTIERNAN to the Minister for Employment and Training:

Is the Minister aware that the major employer groups, unions and, indeed, most employers in the building industry support the continuation of the building and construction industry training fund?

Hon N.F. MOORE replied:

No.

Hon Peter Foss (Minister for Health) was granted leave to table a document relating to question on notice 642.

[See paper No 248.]