

# Legislative Council

Thursday, 28 June 1990

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

## STATEMENT - BY HON R. G. PIKE

### *Standing Committees - Accountability and Responsibility*

HON R.G. PIKE (North Metropolitan) [2.34 pm] - by leave: This statement deals with the recently established Standing Committees -

- (1) Constitutional Affairs and Statutes Revision.
- (2) Estimates and Financial Operations.
- (3) Legislation.

These committees were established as a consequence of motions moved by me and carried by the House on 21 December 1989. It also deals with the Standing Committee on Government Agencies and the Joint Standing Committee on Delegated Legislation.

The tradition of and results from Westminster style Parliaments justify second Chambers and establish roles and functions for them that sit well with the necessity for responsible government. Our American cousins, wedded to the separation of powers, likewise have no difficulties with the purpose of upper Houses at State and Federal levels. It is therefore appropriate that as Western Australia enters its second century of representative and responsible government this House should reassess its role. Certainly, this House has generated a lot of heat in the past year. I want to talk about something that promises to turn this Chamber into a leader in forging a proper and popular balance between Parliament and Government.

Next Sunday, 1 July, is the day on which the remaining two Standing Committees that the House created on 21 December 1989 will commence operations. The first tentative steps towards setting up a Standing Committee system were taken by me when I was last in this House in 1982 when I initiated the Standing Committee on Government Agencies. Now that the upper House's comprehensive Standing Committee system is visible it is for us, as parliamentarians, to ensure its success.

It is not Parliament's function to assume Executive Government, but Governments must also accept that responsibility for their Administrations goes beyond mere accountability. All governmental systems "account" but few make any real provisions for that ongoing duty of responsibility that transcends post facto tabling of returns, outcomes, and other generally bland statements of account.

In appointing these committees the Council has acknowledged the differences between the roles of the two Houses. One role of this House is to review. Review, for me, does not mean merely casting one's eye over Government activity or legislation and, despite manifest shortcomings, having to acquiesce in the decisions of the Executive-controlled other place. Review of any activity is effective only for so long as there is a better than even chance that the results of that review will result in correction of deficiencies. This House is not the contemporary successor to and guardian of the reserve powers, if any, of the Crown. The powers of this House are derived from the Constitution and are to be used responsibly as circumstances dictate. Nevertheless, I believe that, through the functioning of the Standing Committees, proper and accountable potential imbalances between Parliament and Government will be identified and hopefully rectified before they can develop as cancers that impair the proper function of Parliament.

I anticipate that the Standing Committees will benefit the State not simply because they stand to review the conduct of public administration but because they are well placed to inquire into any matter affecting the State's interests and viability; for example, this will also publicly give and be seen to give interested persons a continuing opportunity to express their views and make an input to the subject being dealt with before final decisions are made. This is a significant and proper change for the Parliament. Standing Committees are neither



designed nor intended to bring a Government to its knees; they are designed and intended to secure information from different perspectives that will place this House in a far better position to make intelligent decisions on issues that come before it. Some of those issues will be committee-generated.

I welcome the appearance of the committees and the re-evaluation of the House's personality that that will cause. It suits Governments of every political persuasion to thwart structural development and change in Parliament, particularly change that alters form and substance. Chambers that refuse to be frozen in a guise acceptable to Governments are seen as threatening. I do not pretend that this committee system will allay this Government's reservations about upper Houses. Experience demonstrates that both conservative and Labor Governments may be far from joyous about their prospects with such a system in place.

I therefore make the plea that both sides in this House sink their differences sufficiently to ensure that what is done by and through the Standing Committees benefits the peace, order and good government of the State to the cost of partisan self-interest.

I close by stating the obvious. Nothing will come from committees that are starved of resources. Committees must be administered, informed and advised. The Government has a duty to ensure that adequate funding is provided and I hope that, well before the time that this House's estimates are considered by the Estimates Committee, the House's officers are able to advise that proper funding has been made available.

I thank the House.

#### MOTION - SELECT COMMITTEE ON DE FACTO RELATIONSHIPS

##### *Report Tabling- Extension of Time*

On motion without notice by Hon J.N. Caldwell, resolved -

That the date fixed for the presentation of the committee's report be extended from 5 July 1990 to 31 October 1990, and that the report do lie upon the Table and be adopted and agreed to.

[See paper No 345.]

#### MOTION - SELECT COMMITTEE ON PAROLE

##### *Report Tabling- Extension of Time*

On motion without notice by Hon John Halden, resolved -

That the date fixed for the presentation of the committee's report be extended from 5 July 1990 to 30 November 1990, and that the report do lie upon the Table and be adopted and agreed to.

[See paper No 344.]

#### MOTION - STANDING COMMITTEE ON GOVERNMENT AGENCIES

##### *Twenty-fourth Report*

HON N.F. MOORE (Mining and Pastoral) [2.38 pm]: I am directed to present the twenty-fourth report of the Standing Committee on Government Agencies (Implementation of the Committee's Recommendations). It is a follow-up of a recent report which recommended the need for the Government to respond by a certain time to particular recommendations made in the committee's reports.

The twenty-third report was not considered by the House and the motion lapsed at prorogation. The committee is of the view that it should persist with its recommendations. This report therefore recommends -

That the following clause be inserted into the Standing Orders of the Legislative Council:

After tabling, the Clerk shall send to the responsible Minister, a copy of any Report recommending action by, or seeking a response from, the Government. The Leader



of the Government or the responsible Minister (if a member of the Council) shall, within 4 months, report the Government's response to the House. Where the House is adjourned at the time the response is provided, it shall be given forthwith to the Committee and reported to the House at the earliest opportunity.

I move without notice -

That the report of the Standing Committee on Government Agencies do lie upon the table and be printed.

Question put and passed.

[See paper No 343.]

## IRON ORE (HAMERSLEY RANGE) AGREEMENT AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Minister for Resources), and read a first time.

## RESERVES AND LAND REVESTMENT BILL

### *Third Reading*

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Lands), and transmitted to the Assembly.

## COAL MINES REGULATION BILL

### *Second Reading*

Debate resumed from 21 June.

**HON W.N. STRETCH** (South West) [2.49 pm]: The Bill has the full support of the Opposition. It is the fruition of great effort on the part of the coalmine workers and the mine management to lift the efficiency and productivity of the Collie coalfields.

Western Australia has huge resources of coal which are suitable for power generation. Many sources have estimated that Collie has between 200 and 400 years of coal reserves. That estimate depends upon whom one listens to and on the quality of the coal. It is certainly suitable for power generation and it will underline the power generation scene in Western Australia for decades. Our power requirements have been brought into focus by the current shortage of power generation capacity, which is exacerbated by several factors. One of those factors is the threat which is foreseen by the coal industry of supplies of gas coming from the north of Western Australia. The gas resources should not be seen as a threat, because they are probably a stimulus to the coal industry and it is because of that stimulus that this legislation has come forward. It is important to note that all parties involved with this legislation are agreed that it should pass through this Parliament quickly.

I draw the attention of the House to a Liberal Party option paper which was released earlier this year. It is a highly acclaimed document which deals with the options of power generation in Western Australia and it is worth studying it on a bipartisan basis. It deals with the direction in which this State is going and outlines the best way in which it can use the resources available. It suggests ways of combating some of the threats to the general power supply, the environment and the ecology. The executive summary of the option paper underlines the fact that we are running dangerously short of power generation capacity. Unless work is started on the next power station almost immediately, the south west of this State will be dangerously short of power by 1995. I have no doubt that a base load power station should be built in Collie, fired, of course, by coal. To combat the difficulty of power supply in the short term, gas generation stations will have to be established. The Opposition accepts that the two will go side by side and it will ensure the continuation of adequate supplies. This legislation is really two years too late. The power station should be well under way. With all parties working towards the same end, and with the will on the part of industry and the unions, we can make up for lost time.

The need for the power station is self-evident. If we are to develop the important downstream industries which this State so urgently needs we must have a supply of power which is reliable and economical. It is the economics of this issue which worry me. I refer



members to the electricity tariffs for Australian industrial users set out in the option paper. The cost per kilowatt hour in Victoria is 5.56¢, Tasmania 6.26¢, Queensland 6.77¢, New South Wales 7.33¢, the Australian Capital Territory 7.4¢, South Australia 8¢, and Western Australia 9.34¢. It illustrates the handicap under which we labour in attracting industries to Western Australia.

This legislation is aimed at lifting the productivity of the coalfields, and the unions have taken it on board as a necessary step. The unions and management have made concessions and it behoves this Parliament to do the same to ensure that the thrust for productivity is successful and that we establish a sound base for coal costs for this State which, in turn, will mean a levelling off of electricity costs for both the consumer and industry.

The Liberal Party's option paper refers also to energy reserves at Collie, Hill River, the Vasse Shelf and the underdeveloped gas fields in the north. It is hard to put a handle on the gas supplies in the north, but massive finds which are viable are expected to come on stream. It appears there is ample power generation in this State and part of the Liberal Party's policy is to establish an industrial base in the north, using readily available and cheap gas supplies. It will take nothing away from the south of the State. Members will realise that this is a very large State and that we have an urgent need to decentralise our industrial base, so it makes sense to have an industrial base in the Pilbara. The natural resources are available and there is the potential for reasonably priced electricity. It is only a question of having the vision and foresight to go ahead with such an industrial base. When one talks to industry about relocating in the Pilbara the argument put forward is that the costs are too high. Of course they are, but like all industrial pioneering one has to start somewhere and one way in which to start is to have a supply of reasonably cheap and reliable power. There is no question that one day there will be an enormous industrial site established in the Pilbara and it will serve Western Australia very well. I hope that before long it will start to come to fruition.

In recent times an enormous leap forward has been made in technology for the actual use of coal in power stations and we must ensure that the coal is forthcoming and the technology is established to utilise the coal in a more environmentally friendly way. No limit can be placed on the processes that are being explored, but a few of the more common ones include fluidised bed combustion systems, which have been referred to previously in this House. This sort of system is effective but it is still in its early stages and does not lend itself to base load power stations, but it is a useful contribution to technology and I am sure that in the future it will fill a role in our power generation structure. The direct fired pulverised coal fuelled combined cycle plants are taking over as the leaders in this field. Other processes being explored include the integrated gasification combined cycle and magnetohydrodynamics plants and these will be used further down the track.

I commend the Liberal Party's option paper to those people who are interested in the power generation scene because it puts forward interesting options which are explained clearly. The Liberal Party believes that the next base load power station should be coal fired because the infrastructure is in place. Whether the power station will be privately or Government built, owned or operated is dependent on financing and on the tenders that come forward.

The purpose of this Bill is to put in place the legislative machinery to ensure that coal will be available when the decision is made and the users need it. This is not a complicated Bill and I will refer briefly to it in order to refresh the memories of members. It provides for mine managers to sit for examinations for a certificate of competency and for their previous experience to be recognised. It removes restrictions on the hours that can be worked by people on the field and allows the undermanagers' qualifications system to be simplified so that the certificate of competency can be more quickly realised. It allows the portability - I suppose one could call it - of the qualifications from experience gained in other sectors of open-cut mining to be employed at Collie. It is aimed at productivity but not at the expense of safety.

The safety factor is strongly emphasised in Collie, because the winning of coal, as all members know, is very much a team game, and the interrelation of workers is absolutely vital to the upholding of the excellent safety record the Collie coalfield has always had. If one looks at the nature of the mining there, particularly the deep mining, one sees it is a wet field. However, its safety record is probably unsurpassed for that type of mining anywhere in the world.



As I said before, the major aim and thrust of this legislation is to increase production and productivity and to allow the introduction of new and better methods of mining that will meet the needs of users in the future. This is absolutely essential if Collie coalfield is to meet the challenge of gas pricing or the pricing of any other alternative fuel source put forward.

In closing I make two points. First, I re-emphasise the need for increased research into the cleaner burning of coal fuels. The world we live in today is calling for a cleaner environment, one cannot deny that. One cannot deny, also, that power generation by its very nature tends to leave a residue in many ways and it is my belief that the great challenge of fuel generation is not so much its generation but the cleaning up of the by-products of power generation. No-one wants to flick a switch to find that no lights come on. We all need power.

The industrial development of Western Australia depends greatly on getting the price of power down or at least getting it competitive with the cost of power in other States. We are at a disadvantage in that regard because geographically we have areas of industrial growth that are far apart, so our transmission costs are higher than those in most States. We also face the tyranny of distance, which adds to the cost of our industry at many levels. This is one area where we can help industry put itself in a competitive position to face the years ahead.

My last point relates to the urgency of this legislation. The industry is gearing up to introduce new work rosters on 1 July and it is now 28 June, so time is running out. I urge the Government, with what I believe will be the total support of all members of this House, to proceed with the urgent confirmation of this legislation so that the people trying so hard in the coalfields to lift their game will be able to do so with the legislative backing of this Parliament. The proclamation of this legislation is urgent, so I repeat that we must get this Bill through with all despatch, have it proclaimed and let the people get on with a job they are doing well. They have our good wishes because they are meeting the challenge and it is up to us to back them up.

**HON MURRAY MONTGOMERY (South West) [3.04 pm]:** I will commence by picking up on the last point raised by Hon Bill Stretch. It is important not only to Collie and the people who work in its coalfields but also to industry in Western Australia that this Bill be passed expeditiously and that the people of this State gain the benefits accruing from that. This Bill has been brought forward with the concurrence of the unions, the companies and the Government.

I turn particularly to the extension of hours that mine workers are prepared to work. It is interesting that they have asked for the exclusion of the seven hour day and for it to be extended to an eight hour day. That is interesting, if one looks back 18 to 21 months to when a discussion was held between the National Party and the trade union movement. During those discussions the 40 hour week was mentioned. The interesting part was that some three or four months later that suggestion was boomeranged back at the National Party; the 40 hour week was something that they were prepared to have put back on the notice paper in renegotiating awards. We have here a union that wishes to include that provision in its award. That is commendable because it relates back to production and costs associated with that production and how that flows through to the cost of power. It was a responsible attitude by the union to include that provision in its award. It is imperative that we give these people support to ensure that we gain as great a benefit as possible throughout industry and commerce in Western Australia.

Another area of interest to me is that of the undermanagers and the mine staff being able to work in either underground or open-cut mining without any loss of privilege, and what that entails for them. We will see mine safety being upgraded, and that is important. These legislative changes need to bring these areas of training and safety up to present day standards, so they are important.

I believe this Bill certainly looks at setting up a base load power station. We must obviously look at where the Collie power station proposal might be. My view, and the view of a number of people in this House, is that the Government should accept that the next base load power station should involve Collie. That does not mean we cannot use gas but that gas should be an alternative rather than the primary source of our power. This State has huge known reserves of coal, as Hon Bill Stretch has indicated, and the coal industry is already



well established at Collie, so there is no reason why the Government could not decide to construct a new base load coal fired power station in Collie. The coal industry unions have recognised that they must lift their game; they are attempting to do so, and these amendments have been made at their request. So, were a second base load coal fired power station to be constructed, the people of Collie would be in the running for it to be located at Collie.

The National Party supports this Bill and would like to see it proceed speedily through this House.

**HON DOUG WENN** (South West) [3.12 pm]: I support this Bill. I thank the Leader of the House for having allowed it to move expeditiously to the top of the Notice Paper because this is an important issue to the people of Collie, who are looking forward to the changed work practices which this Bill will put in place. We are very fortunate that the Bill has reached this stage because the National Party has indicated it intends to delay the passage of many of the Bills which are introduced into this place and the other place. The member for Collie is on record as voting in favour of that intention, and she will be recognised in Collie for that decision. The comments made by Hon Bill Stretch on the need for this Bill to be proclaimed as quickly as possible will be gratefully received by the people of Collie.

**Hon Murray Montgomery**: This Bill could have been proclaimed last year were it not for the Government -

**Hon DOUG WENN**: In 1946, when the Coal Mines Regulation Bill was first introduced, the working practices of miners were very different from what they are today. The seven-consecutive-hour work restriction was introduced because the miners were using horses, and they needed that extra hour of daylight to get the horses out of the pits before it got too dark. The type of equipment being used today is long wall equipment, which is very expensive and must be kept in use for as long as possible; therefore the seven-hour restriction is to be removed to enable the introduction of eight hour shifts in underground mining operations. That will result in increased productivity in the mining industry. The mining companies and the unions are very pleased with these amendments. I have spoken today with a number of people in the industry who want to say a special thanks to all those members who have helped the Bill reach this stage.

The Bill will enhance the work practices at Collie. It is unfortunate that a lot of unnecessary criticism has been levelled at the work practices which have existed in the past. In the 1960s a company by the name of Amalgamated Collieries went out of existence, causing a great deal of disruption in Collie at that time. It was claimed that the company had gone out of existence because of the inefficient work practices which had been adopted. I was not involved in politics at that time so I can only take people's word about that, but it is unfortunate that 30 years later some people are, for their own reasons, badmouthing the work practices in the coal industry. During the last five years in particular, the unions and the companies have worked together closely to try to change this situation, and as a result of their efforts - and I spoke about this during the Address-in-Reply debate - those work practices are now becoming more efficient and productive. The unions and the companies must be congratulated for the work they have done.

The Harman report has been both praised and criticised. I have read that report thoroughly, as have most members from the south west region and the Collie area, and I have been able to find a few holes in it. I put that down to the fact that the Harman committee was led in the direction it took by the information given to it. It is unfortunate that the committee had to refer to the work practices in the coal industry and decide in favour of gas.

**Hon W.N. Stretch**: Julian Grill did not help you much either.

**Hon DOUG WENN**: I thought Julian Grill was saying we must look seriously at both options.

**Hon W.N. Stretch**: He talked about the cosy relationships which have increased the cost of Collie coal. I do not think that was very helpful.

**Hon DOUG WENN**: Julian Grill is a very deep thinking person, and what he said was very to the point. Perhaps he was trying to stir people to get off their butts and have a good look at what they are doing.

**Hon W.N. Stretch**: I do not deny that, but it was not very helpful.



Hon DOUG WENN: It may not have been, but at this stage the people in the coal industry have picked up the gauntlet; they have accepted the challenge and are doing an extremely good job.

I have grave reservations about the Harman report. The people involved in the industry say that the committee was able to refer to the price of coal only in respect of its availability in the market today. In light of the changed work practices which will be introduced by the companies and the unions, the cost of coal could come down dramatically. The companies obviously will not disclose what they believe the price can come down to because they are competing in a market and they want to keep some of these things confidential, but I am sure that on 16 July, which is the closing date for companies to provide submissions on the coal versus the gas option, the people of Western Australia will be pleasantly surprised to learn that the price of coal is extremely competitive.

One can argue about the availability of gas as opposed to coal. I have spoken in this place before, both on the adjournment and very briefly in my Address-in-Reply speech, about the availability of gas. I am yet to be convinced that the gas may be available now. We must not think of today but of 20 years into the future. We do not yet know what we can use gas for in this State, although I am sure that many industries, with a little support from the State Government, could put gas to much better use. However, as Hon Murray Montgomery said, we cannot discount gas altogether. It has already been used in a backup power station and we must consider it, but at this stage coal can outprice gas, or at least equal it. We know that coal is available, we know exactly how much is there and, especially in the Collie basin, the new work practices will enable that coal to be extracted at the best possible price.

I refer now to the Mt Lesueur issue, which has been around for some time. I do not oppose coalmining at Mt Lesueur on the environmental grounds cited by people in the green movement - that is, the burning of coal; I oppose it because Mt Lesueur is such an environmentally sensitive place that we must be extremely careful not to damage it. Therefore, I cannot support a coalmining operation there. Another important factor is that a grid is already in existence from Collie. If we have to set up a new grid from any other power stations, we are talking about thousands of kilometres that must be claimed and cleared.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! There is too much audible conversation in the Chamber.

Hon DOUG WENN: Vast tracts of trees and shrubbery would have to be disposed of to allow a new grid to be put in place. With the existing grid in Collie those areas have already been claimed and cleared and are in good working condition. Also, the land is already available - a great deal of land which is almost on top of one of the main coal seams. The total infrastructure is available to go into operation in Collie, if we only received the go-ahead. I urge my Government at all times to do that, as my colleagues can testify. They know that even in Caucus when the subject is raised I support this option fully.

Hon Barry House: In other words, you agree totally with our power policy.

Hon DOUG WENN: I have not read the Opposition's power policy. Is it available?

Hon Barry House: I will give you a copy.

Hon DOUG WENN: Is it a Green Paper or a White Paper?

Hon N.F. Moore: Everything is green these days, isn't it?

Hon DOUG WENN: Hon Norman Moore has already gone into that.

I totally support this Bill. One of the important outcomes of the new infrastructures and the discussions between the companies and the unions is the very high standard of safety that has been implemented. I agree with Hon Bill Stretch when he says that safety must go hand in hand with improved working conditions. I support the Bill.

HON MARK NEVILL (Mining and Pastoral) [3.23 pm]: I also support the Bill. The most important provision in the Bill is that which removes the seven hour consecutive work restriction on underground coalminers. That will allow the industry to change to eight hour shifts underground and hence to implement a three shift rotation. It is very strange to find the working hours of a group of people in an Act of Parliament. That sort of thing is usually found in industrial awards or perhaps in the regulations to an Act.



Coal is now competing with gas, and in previous years Collie really has not had much in the way of competition. Most of the legislation for Collie was put together after the second World War and practices did not change very much until perhaps the last five years. Collie is now undergoing a revolution and it is good to see that everybody there is contributing to that change, because if they do not they certainly would not increase Collie's share of future power generation in Western Australia. For Collie to contribute at an increasing level to Western Australia's power output, the costs must come down and this Bill will assist that to happen.

In the early 1940s the restriction to a seven hour working day underground was probably necessary. In those days mining was very different from what it is now. Workers often had very poor ventilation and very heavy machinery, an air-leg, and a drill which could weigh anything up to 140 pounds, or 60 or 70 kilos, which is a pretty savage weight to carry around. It was very demanding work. Nowadays there is better ventilation and hydraulic and pneumatic equipment which certainly makes life a lot more bearable underground. Seven hours of work underground in the 1940s would have been far more demanding than eight hours of such work in today's environment. The other reason I am pleased to see changes occurring at Collie is that, like Hon Doug Wenn, I strongly support the coal option for our next power station. I remain to be convinced that gas is really in a position to compete. I think the Harman report lacks detail and makes some rather unwarranted assumptions in that area.

I want to discuss the Coal Mines Regulation Act itself. I had a very close look at the Mines Regulation Act last year, and I also examined, although not in as much detail, the Coal Mines Regulation Act. It is my view, although it would not get much support from the Collie area, that the Coal Mines Regulation Act should be incorporated into the Mines Regulation Act. This would be a step forward, and in the process we should endeavour to get uniform mines regulations throughout Australia. It is unacceptable for every State to have very different mines regulations. That may not have been a problem 20 or 30 years ago, when someone who was born in a town probably worked there almost all his life, but nowadays miners shift interstate. Many New Zealanders, Tasmanians and New South Welshmen work in the Western Australian mines and it is unacceptable, if not crazy, to have different bell systems on shafts in different States. It is a recipe for disaster. Many differences exist between the Mines Regulation Acts around Australia and that is one area that we can address.

Some people have said to me that the Coal Mines Regulation Act and the Mines Regulation Act cannot be amalgamated because coalmining is very different from other mining. The problem with that argument is that we have far too much detail in both of those Acts. Much of the detail should be removed from the Acts and put into the regulations, with the general principles remaining in the Acts; then those two Acts could be merged quite comfortably.

I regard this as a fairly general Act which requires more detail in the regulations, but I would like to see the regulations split into different codes of practice which could be used by the industry. For example, a code of practice could be developed for rock bolting, explosives or ventilation. Perhaps the court case taking place in Southern Cross this week suggests that a code of practice in rise mining would be appropriate. It has been reported how a young, inexperienced rise miner was asphyxiated in a rise - this is a blind opening which rises to another level. As this matter is before the courts I will not go into detail, but had that miner been given a code of practice for rise mining he would have been aware about the carbon monoxide build up in rises.

Hon Max Evans: Do we need to revert to breeding canaries; this could be a good industry?

Hon MARK NEVILL: That is what the British miners used to do.

Hon Graham Edwards: If you brought a few canaries into this Chamber, they would not last very long! However, I am not reflecting on the comments of the member on his feet because, as usual, he is making a useful and informed speech.

Hon MARK NEVILL: The point is that not many miners read the regulations, and codes of practice should be distributed so people know how to do the job safely. When the statistics arrive regarding forklifts, perhaps they will indicate that a code of practice should be developed for people who operate forklifts. The regulations in the Act are prescriptive regarding penalties and such things, but they are not particularly informative and a code of practice could be achieved with much less pain.



I refer now to the language used in the Coal Mines Regulation Act. Admittedly, this is the older style of drafting but it indicates how many of the Acts need to be rewritten in plain English. I do not wish to go into detail during the second reading debate, but subsection 19(6) is an example of obtuse language. This is one subsection we will be amending. It is written in the negative instead of the positive in stating -

A person shall not be appointed as an undermanager or to perform the duties of undermanager -

- (a) In a mine in which men are employed underground, unless he is the holder of a first class mine manager's certificate of competency or a second class mine manager's certificate of competency; or
- (b) In an open cut, unless he is the holder of one of the certificates referred to in paragraph (a) of this subsection or of an open cut mine manager's certificate of competency.

I rewrote this subsection in about one minute, and if it is stated in the positive and the "legalese" - the elitist language of lawyers - is done away with, it can be made much clearer. My version reads -

A person appointed as an undermanager;

- (a) in an underground mine must hold
  - (i) a first class mine manager's certificate of competency, or
  - (ii) a second class mine manager's certificate of competency.

Paragraph (b) of the subsection would read in a similar manner regarding open cut mining. This is much clearer and the requirements can be seen.

We need to consolidate the mining Acts to achieve some uniformity in Australia and to develop codes of practice. As other members mentioned, this Bill is important because of a contractual obligation between Western Collieries and SECWA that it must come into force before the start of the new financial year; therefore, I will not keep members long. The second amendment involves an open pit mining qualification in relation to the second class mine manager's certificate of competency. At the moment an open pit manager must have underground experience. That is desirable, but it is not essential. Until this whole area of mine managers' certificates of competency, as the Bill calls them, is given some uniformity, people will continue to have to sit mining law examinations when they move from State to State. This is a symptomatic problem of these practices; this not only relates to work practices but to the administration of practices which is stopping this country from increasing its productivity.

These are some of the issues that this House should address, as it could do a great deal in helping to achieve a more productive society. I indicate my support for the Bill and wish the coalmining industry at Collie the best of outcomes in its negotiations with the Government because they are absolutely critical if Collie is to increase its share of the power market in Western Australia.

Question put and passed.

Bill read a second time.

#### *Committee and Report*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and passed.

### STATE PLANNING COMMISSION (AMENDMENT AND VALIDATION) BILL

#### *Second Reading*

Debate resumed from 27 June.

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [3.39 pm]: I am pleased that the passage of this Bill has general agreement, but four areas need attention:



Firstly, I will refer to the amendment standing in my name which is quite significant to this Bill; secondly, I will make reference to the exclusion of the old Swan Brewery, Hepburn Heights and Leda from the ambit of this Bill; thirdly, I will reply to the amendment put forward by Hon Peter Foss which increases the scope for litigation; and, fourthly, I will refer to some matters which were incorrectly proposed by some members of the Opposition during the debate and which need to be corrected.

This is a very important Bill. It results from a judgment brought down by the Supreme Court on 12 February this year which found to be wanting the delegation of power from the State Planning Commission to the Metropolitan Planning Commission and which threw into doubt amendments to the metropolitan region scheme. That has had a very serious effect on the land development industry and the production of housing lots in this State. The effects have been quite paralysing, if that is not too strong a word. The decision has caused a huge amount of uncertainty in an industry that is vital to the provision of homes for Western Australian families.

The Government decided that this Bill should be introduced to retrospectively validate that delegation power that had been exercised by the MPC and to remove uncertainty from the land development industry. In the process of conveying the Government's decision between the Department of Planning and Urban Development and Parliamentary Counsel, a little too much uncertainty was taken out of the process of amending the metropolitan region scheme because the Government - and I understand the Opposition - believes that the removal of an opportunity for people to litigate on the matter of whether an amendment is a major or minor or a substantial or unsubstantial amendment to the scheme needs to be preserved. That is the effect of the amendment before the House. I understand there is agreement to include that in the Bill which will return the situation to the status quo because prior to 1985 people had the ability to litigate on the question of whether an amendment is minor or major or substantial or unsubstantial. After the passage of this Bill, that will still be the case; the amendment will retain the status quo. There will be an opportunity for people to take legal action to challenge the way an amendment has been handled.

The second area to which I refer is a matter of some concern and regret. The Opposition has seen fit to exempt three amendments from the Bill: The old Swan Brewery; Hepburn Heights; and Leda. The Government is most unhappy at the removal of those three amendments from a very big schedule of approximately 160 amendments. However, given the fact that two private member's Bills are before the House - one on Leda and one on Hepburn Heights -

Hon P.G. Pandal: Very good Bills, too!

Hon KAY HALLAHAN: - I guess I would be hoping for too much for members to reconsider their position and desist from pursuing their Bills and support the Government's legislation and the inclusion of the two amendments.

The reason members thought this would be a good idea is no doubt that, in one of the clauses, reference is made to the Helena Valley amendments. The Government deliberately did not include Helena Valley in this Bill.

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

Hon KAY HALLAHAN: Helena Valley was omitted for legal reasons, given that retrospective legislation should not overturn a Supreme Court decision. The reason for excluding the three I mentioned is not predicated on law but on other considerations that do not relate to remedies of procedural flaws in the administration of this Bill. This is what the Government is now trying to rectify. For that reason, the Government and the Opposition have a difference of opinion. My view is that this Bill overcomes a procedural flaw in the administration of the law associated with this Bill. The matters the Opposition wishes to exclude are not matters of legal priority.

Excluding amendment No 6920/33A concerning the old Swan Brewery will create little advantage because it was initiated by the State Planning Commission. No delegated power was used. It was not instituted by the Metropolitan Planning Council as were the other two amendments that the Opposition has sought to exclude. That means that, under this Bill, the areas remaining for litigation would be very limited. In addition to that, the amendment was



finalised two years ago. If I were to give credence to Mr Foss' comments made on Tuesday evening that the amendment may have legal status under the Metropolitan Region Town Planning Scheme Act, then any challenge on that amendment would be less likely to occur. I am not sure that my advice confirms Mr Foss' view.

Hon Peter Foss: I only proposed it as a possibility.

Hon KAY HALLAHAN: It was not a bad possibility, but my initial inquiry indicated that it may not have that status. It may well be that the lapse of time since the finalisation of that amendment would substantially reduce the prospect that a court would grant relief of any kind. Very little may be gained by excluding the Swan Brewery amendment.

Hon P.G. Pental: Will you clarify what that means? What will the Swan Brewery land end up being?

Hon KAY HALLAHAN: It remains as it is.

Hon Peter Foss: Is that as a brewery?

Hon KAY HALLAHAN: Sorry, it does not. I will seek further advice on that matter. One clearly needs some legal training for this issue.

Hon P.G. Pental: Commonsense.

Hon KAY HALLAHAN: Legal training will do me. The Opposition claimed that all that could be built on that site prior to the metropolitan region scheme amendment was a brewery. That is incorrect. Perhaps Mr Pental needs some legal training as well. I understand that the land was zoned urban in the metropolitan region scheme in an old brewery site redevelopment precinct which would have allowed the council to approve recreational facilities, hotels, eating houses and residential development and ancillary uses such as entertainment facilities, exhibition facilities, offices and shops. By buying that land, the Government prevented any private developer from building a major high rise residential establishment. That was mooted at the time the Government moved to purchase the land. It is a very valuable site and contains an historic building in a valuable location by the Swan River. In purchasing that site, the Government has ensured that the public will be allowed access around the river to that site. This would not have been possible had it been developed and maintained by private interests. No doubt, being a very prestigious position, it would not have been available to most Western Australians.

Amendment 696/33A in relation to Hepburn Heights has been finalised for 15 months. Again, if time is to be taken as a factor in the completion of these amendments, that could be a factor in any court's consideration of challenges to it. Other actions founded on that amendment and taken in good faith since include amendment of the local authorities town planning scheme and the grant of subdivisional approval.

Hon Reg Davies referred to the 6WF transmitter. It is not easy to find an alternative site to relocate the land development. The land is federally owned and it could cost a fortune to relocate the transmitter.

Hon Reg Davies: They said 20 years ago that they were going to relocate it.

Hon KAY HALLAHAN: The fact is that it has not been relocated and it will cost a lot of money to relocate it. It does not matter who said what 20 years ago; I am pointing out that, in today's terms of looking at housing land, the value of that land and the relocation of the tower may put it beyond the means of first home buyers and they are our first priority in locating land suitable for home buyers.

Hon Peter Foss interjected.

Hon KAY HALLAHAN: The Government has made a commitment to provide choices of places for people to live and for different lifestyles. If it has land which can bring in a significant income and which will allow for greater expansion of housing lots for development, the Government will take that into account, and one would not expect it to do less than that.

I have heard much about the value of the Hepburn Heights area. The reality is that it was not picked up in the System 6 report. It seems to have been the subject of a very strong local campaign. I am not sure that the claims that are made about that area are valid; in many



ways I think they are not. The Government maintains that Hepburn Heights offers an opportunity for first home buyers. We would regret any challenge to that land being used for a housing development so that it is removed from development.

Hon Reg Davies: That would be with complete disregard for the 14 000 people who signed that petition for that area in Hepburn Heights to become a class A reserve. That is disgraceful.

Hon KAY HALLAHAN: There is nothing disgraceful about my comments a year or two ago. People had to camp in tents on cold nights like last night to get a block of land. How sensitive is the member? That was because of the obstinacy of the Opposition in this House. If the Government leaves out Leda and Hepburn Heights, it will be leaving out seven per cent of the annual lot production for first home buyers.

Hon P.G. Pental: And revenue for the Government.

Hon KAY HALLAHAN: Seven per cent is a significant figure in lot production.

I will deal with Hon Phillip Pental's catcall that the Government is desperate for revenue. Mr Pental's activities over the last couple of weeks would be enough to make anybody desist from using catcalls. This Government has a responsibility to provide adequate housing for Western Australian families. The Opposition may exempt itself from being part of that responsible leadership in the community. If it does, it should make that very clear to the people.

The System 6 report did not pick up two-thirds of Leda or of the western ridge as one has been led to believe by members opposite. Hon Phillip Pental referred to an area of private land being available for development at Leda. I have made specific inquiries about that and his statement was untrue. My advice is that there is land at Baldivis which is further south which might fit the description he gave. However, it certainly is not at Leda.

Hon P.G. Pental: I acknowledge that; you are quite right. I was going to refer to that when I spoke on clause 1 and give you a mea culpa.

Hon KAY HALLAHAN: It is good to know that it is not true because I was concerned about that assertion as it was made so confidently.

Hon P.G. Pental: It is not a question of its not being true.

Hon KAY HALLAHAN: The member opposite made similar inquiries and he knows that to be the case.

I thought we could move fairly quickly through this debate. However, there are matters that need to be dealt with. I think Hon George Cash referred to minor amendments tidying up road reserves and other such matters. Another member said that the system of the minor-major amendment had been knowingly abused in that many major amendments had gone through classified as minor and also that planning had been on an ad hoc basis. I do not accept any of those statements and I do not think there is any evidence to support them. The Act provides no guidelines.

Hon Derrick Tomlinson: Mr Justice Ipp said that the evidence did not exist.

Hon KAY HALLAHAN: I am saying then that no evidence exists to support what members opposite have asserted. The Act provides no guidelines to what should constitute a minor amendment. Therefore, it has been the responsibility of the State Planning Commission and the MRPA before it to determine the difference between major and minor amendments. The record of amendments shows that a consistent approach has been adopted for determinations on what constitutes a major and a minor amendment. Members will be interested to know that, on that basis, approximately 500 such amendments have occurred and to date only the Helena Valley case and the Canning Vale decision have been formally challenged. Therefore, there have been two formal challenges in 500 cases. I suggest that is a fairly acceptable means of handling amendments to the metropolitan region scheme.

In relation to planning on an ad hoc basis, I believe a lot has to be done about planning in Western Australia. Documents being produced this year will put planning on a much stronger and clearer basis. Nevertheless, on behalf of people in the past, there have been long term planning strategies. Many of these have been released having regard to what should occur in the various corridors and setting out the strategies for those corridors and



noting the development restraints like ground water, servicing difficulties and wetlands. In some cases, those constraints led us into a corridor form of development for the metropolitan area. I think it is a bit unfair to the people who planned these strategies in the past to say that planning has been on a reactive ad hoc basis; that is not the case.

The Ashfield Flats area is another matter about which there has been a misunderstanding of the reality of the situation. An assertion was made that a massive area of parks and reserves was created and 10 houses have gone into the reserve. That was an adjustment to an existing reserve which comprised 35 hectares. The adjustment added to it 14 hectares bringing the total area to 49 hectares. That action was consistent with the practice explained to the Legislative Assembly by Hon Bob Pearce in relation to the principles used to determine whether amendments are major or minor. I understand that all that area is flood prone and there is nothing inconsistent about that amendment. It was an addition to an already existing reserve.

Hon Derrick Tomlinson: Fourteen dwellings were placed on the addition.

Hon KAY HALLAHAN: Given the fact that the consolidation of planning legislation in this State will be a very big legislative job, I advise members that the speeches they made will be referred to the people drafting the legislation for them to include any necessary amendments to the Act. Contributions made by members varied in complexity and stemmed from different areas of interest, and as the Government is currently reviewing that legislation members can be assured that the useful points they raised will be taken into account.

Hon Peter Foss interjected.

Hon KAY HALLAHAN: I am reluctant to do anything outside the review which is consolidating all planning legislation. I shall be happy to deal with it in the Committee stage but I would prefer to leave it until we deal with the new legislation in this Parliament in the spring session. We can have a field day debating that Bill and teasing out suitable planning legislation for years ahead. It will be a big exercise.

Finally, with regard to the amendment proposed by Hon Peter Foss, if both the Government's amendments and the Opposition's amendments were accepted the Bill would permit litigation only on the minor and major issues; that would retain the status quo. To extend that to include proper consideration will introduce a further point for litigation but will exclude the absence of proper record as the sole proof; therefore, a litigant would have to evoke that evidence from witnesses. They may be staff from the MPC or the SPC. The intent of this Bill was to create certainty for the land development industry. The greater the margin for legal action, the less effective this legislation will be in creating that climate of certainty and, therefore, the more tentative developers may be in carrying out the developments this State needs. That is my concern about the amendment proposed by Hon Peter Foss. I ask him to consider delaying his amendment. In general we are all agreed on this important Bill and I am pleased about that. As I have indicated, I would prefer that the amendments to be exempted by the Opposition were not included.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Hon Garry Kelly) in the Chair; Hon Kay Hallahan (Minister for Planning) in charge of the Bill.

#### **Clause 1: Short title -**

Hon P.G. PENDAL: Notwithstanding the Minister's expressed intention, I will certainly press ahead with the amendments in respect of Leda, Hepburn Heights, and the Swan Brewery site. The Leda reserve is a huge tract of land, and through this legislation the Parliament will be refusing to allow the sale of a buffer zone. It is a very significant thing for the Parliament to do. The Minister has described the land in question as being twice the size of Kings Park. However, it is unprecedented anywhere in Australia, and possibly anywhere in the world, for a Government to sell a buffer zone in order to house people.

The Minister has just finished telling us that this land represents seven per cent of the potential housing lots in the metropolitan area. I remind her that we are talking about Crown



land which, in the case of Leda, was alienated many years ago for the specific purpose of being a buffer zone between the Kwinana industrial estate and the growing inland community of Kwinana, which has now expanded to other suburbs including Leda. We saw today the Minister's crocodile tears for the plight of homeless people and the many homeless people who will presumably be left in the cold if the Parliament exercises its right to protect the sale of a buffer zone. I do not want to delay proceedings unduly, but I remind the Minister that she has been part of that Administration which on my reckoning has squandered \$850 million. That loss has been referred to in numerous debates in this Parliament. A common price for a Homeswest house with land attached is about \$70 000, and the \$850 million known to be lost by this Government would finance 12 100 homes at that price. Those homes have been forgone. I mentioned that for no other reason than to put an end to the expression of crocodile tears by the Minister about the homeless people. We have already seen how much care and attention the Government has shown these people.

With regard to the Leda land, I ask the Minister whether she has before the Parliament at the moment a map specifically illustrating the land that will be affected by the excision. It has been somewhat difficult to determine what land we are talking about in a number of debates. As late as Monday this week, when the Minister released a Press statement in response to my Press release of Sunday night, she said the Government would give some concession on the land to the west of the Sloans Reserve. I understand that the Leda reservation covers land not only to the west but also to the south of that reserve. Three days later we are at the point of excising from the Bill not just the land referred to by the Minister on Monday but even more than that. That land has boundaries that have been described by the local people as being both to the west and the south. If the Minister has a map, I would be grateful if she would let me see it.

The Government must have some idea of the projected income that it would receive were it allowed to subdivide the land at Leda. Hon Reg Davies and other members may be interested to have similar information about the Hepburn Heights land. I am convinced that the Government is engaging in an exercise of revenue raising in what is a very difficult time for the Government. What is the number of lots that the Government foresees will come into its possession at Leda, and what is the amount of money, in today's dollar terms, that will provide for the Western Australian coffers?

I hope members of the Parliament and the community will realise that these proposed excisions are to be of Crown land, not privately owned land. The many dozens of amendments which the Opposition will validate concern the private sector, but the Leda land, the Hepburn Heights land and the Old Swan Brewery land are in the possession of the Crown; therefore, our opposition to those amendments will in no way adversely affect private land owners.

I turn now to the old Swan Brewery site. Surely enough is enough. What point do we have to reach before someone will make a sensible decision about this land? I was puzzled that the Minister said at the second reading stage that this land would take on a certain category, but when she sought advice that category changed within a couple of seconds. I am interested to know what will be the position and in which category will the land end up.

Hon KAY HALLAHAN: Contrary to what the member suggests, the Government has not been indulging in a money making exercise. The amendments relating to the Leda land have been in the pipeline for more than 12 months, and the amendments relating to the Hepburn Heights land have been in the pipeline for over two years. I cannot give the member definite figures, but I understand that 400 blocks will be released at Hepburn Heights, and it is expected they will sell for about \$35 000 each. That does not include development or acquisition costs, which will be fairly significant costs.

Hon P.G. Pental: That is not a bad bit of revenue. Is it \$14 million or \$1.4 million?

Hon KAY HALLAHAN: What has the member taken off for development and acquisition costs?

Hon P.G. Pental: Nothing, because you have not given us the costs. How much do you suggest will be the development costs for Hepburn Heights?

Hon KAY HALLAHAN: It will probably be \$15 000-plus per block, and there will also be acquisition costs.



Hon P.G. Pental: What about Leda?

Hon KAY HALLAHAN: Three hundred single residential blocks and about 150 rural lots will be released. It is estimated that the single residential lots will sell for \$23 000 each and the larger lots for \$45 000 each. That also does not include development or acquisition costs.

Were the proposed amendment in respect of the old Swan Brewery deleted or declared invalid, that land would revert to being zoned urban.

Hon Peter Foss: And recreational, according to the information you supplied to us.

Hon KAY HALLAHAN: The member is probably correct, and we have probably been scrupulously honest in what we have given him in that schedule, but the recreation area will comprise only a very small part of it. It will be predominantly zoned urban.

Hon PETER FOSS: I should commence by making a personal explanation, although it has already been partly made for me by Hon Phillip Pental. I interjected that Mr Laurie Connell had been given 350 million houses by this Government, but that was entirely incorrect. I should have said he had been given 10 000 houses, because even using the figure of \$35 000 per house - and the Minister happened to pick the same figure as me - the amount given to Mr Connell for PICL alone was 10 000 houses, so it was a fairly substantial amount of money.

One of the reasons that I asked the Minister yesterday when I might expect an answer to my question that I asked in May about major amendments under the Metropolitan Region Town Planning Scheme Act was that I wanted to be able to advise the Chamber during the course of this debate about the situation with regard to major and minor amendments, but unfortunately I do not yet have that answer so I will have to hazard a bit of a guess about that situation. I frankly cannot recall the passage of any significant amendments to section 33 that Act in the last 10 years. There may have been some, and obviously members who have been in this House for the last 10 years would be in a far better position to judge that than I, because those section 33 amendments would have come to this Chamber. Some amendments may have passed, but that certainly has not been the primary way in which the Government has changed the zoning from rural to urban in this State. That has probably been excellently indicated by the Minister's remark earlier that Hepburn Heights or Leda represents seven per cent of the available lots -

Hon Kay Hallahan: For first home buyers.

Hon PETER FOSS: It is extraordinary that seven per cent of that land is contained in what are called minor amendments.

Hon Kay Hallahan: No; seven per cent of the lot production.

Hon PETER FOSS: That is not peanuts.

For a minor amendment, that seems to be a very significant part of the Government's strategy. During the course of debate we were told that these amendments represented a significant part of the land which would become available for urban development. The Opposition will agree to pass this legislation because it realises that it is a significant amount of land. However, we must not forget that section 33A concerns minor amendments; it is a tidying up of edges and pushing the boundaries around or a "we got it slightly wrong" type of amendment. It is not intended to be significant in terms of overall planning for the metropolitan area. The more we look at these amendments the more we get the feeling that section 33A has not been used for minor amendments. It appears that in this State this is the way that land passes from one significant zone to another. I reiterate that the worst aspect is that it is not a planning decision but a rubber stamp after the event. These minor amendments recognise the reality of changes which have already occurred and dress them up to look as though that is what were intended all along. A developer has purchased a piece of land and he decides that it would make a nice urban development - regardless of its zoning. He says, "Oh, I will fix that." Planning controls should stop a developer from doing that, but that has not happened as section 33A has been used to get around the problem of non-planning.

The point must be driven home that this would not have happened in this fashion had it not been for the abuse of the system which has occurred consistently. I see the Minister shaking her head to indicate that she does not agree with that statement. However, it is plain that that



is what has been happening and that section 33A is not being used merely to make minor amendments. In the past seven years the thrust of that section has been to allow major planning changes for development in the metropolitan area. I am very disturbed that that has been the case and I hope that once this legislation is passed we do not see a rush of further "minor" amendments doing exactly the same thing. I would be very concerned if a section of the Act put up for one purpose was abused and used for another purpose.

The Opposition will allow this legislation to pass through the Committee stage without correcting that abuse, but we want some assurance from the Minister that the Government will address the issue and will put forward some proper planning legislation. The Government has to start doing some planning and the document that Hon Derrick Tomlinson has been referring to is a start, even if he has some serious doubts about its worth.

Hon Kay Hallahan: It is part of an ongoing process.

Hon PETER FOSS: I am very pleased to hear that.

Hon Kay Hallahan: It is like the law - it is dynamic; it changes.

Hon P.G. Pendal: Which is more than the Minister is.

Hon PETER FOSS: I hope the Minister is about to answer the questions I asked on notice. Her answers should indicate the wonderful things that are happening in the planning world and how the section 33 amendments will be coming through, with considerable regularity, dealing with the problems that have been worrying me. We will then be able to judge the effect of section 33A as opposed to section 33. From my acquaintance with the process - both as a member of Parliament and as a legal practitioner - I think it is important for the Minister to get the answers to the questions I asked her a month ago. Members of this House would then judge for themselves what has happened, what is in the pipeline, and what is going to happen.

Hon P.G. PENDAL: I thank the Minister for the information she gave in response to my questions. The Government would be receiving something like \$28 million in gross terms - based on the statistics which the Minister provided - minus the amount it would receive from the sale of these two conservation areas. It begs the question: What is the Government prepared to sell in order to find replacement revenue? As a result of that, are the proceeds from the sale of land by the Crown automatically credited to Consolidated Revenue? If not, to what accounts are those proceeds credited and under whose authority are they directed?

It suggests very much what Hon Peter Foss has been talking about; that is, decisions are being made which are not planning decisions. In the scheme of things, where did the proposal to sell Leda begin? Were the Environmental Protection Authority and other Government departments consulted on Leda and what was their reaction to what can only be described as a fire sale on behalf of the Government?

In the meantime I thank the Minister for the earlier information which she provided. I acknowledge the point she made; however, it is my recollection that I referred to land in the bottom of the southern suburbs as being available.

Hon Kay Hallahan: No you did not. You said land in Leda; you were very particular.

Hon P.G. PENDAL: I will come to that; do not get overexcited. Every time the Minister gets a new coat she gets crabby.

Hon Kay Hallahan: You are making nasty allegations about the Government and I do not like that. Don't you get excited sometimes?

Hon P.G. PENDAL: I am aware of land in that area, and if I referred to it as being at Leda, that was unintentional. The Minister could tell me it was at Baldvis and I would not lose any sleep. Baldvis is a stone's throw away from the land the Minister is talking about.

Hon Peter Foss: It is a tomato's throw.

Hon P.G. PENDAL: Yes, a tomato's throw. I did not get an answer to my question on the maps. Did the Minister address that?

Hon KAY HALLAHAN: I will endeavour to answer Hon Phillip Pendal's queries. In my hand I have a LandCorp map and Leda is shaded in blue.

Hon P.G. Pendal: Has the Minister had her colouring-in pencils out today?



Hon KAY HALLAHAN: It is zoned urban and has nothing to do with the current action. The boundary was extended to the west and south, which caused a lot of concern, and discussions were held. As a result of those discussions the areas I am indicating were taken back up to this dark line here; although that area shaded blue is still zoned urban.

Hon P.G. Pendal: Let me clarify that: The land to the left of the blue colouring, and to the bottom of it -

Hon KAY HALLAHAN: No, here and here. That is the land which we were proposing to subdivide. Last week I announced that the land on the western ridge would be exempt. We would not move with immediate development; we would have regard for that in discussions about the buffer zones relating to IP14.

Hon P.G. Pendal: I am grateful for that information. Every time I see a map, I see different things.

Hon KAY HALLAHAN: I have the same problem.

Hon Derrick Tomlinson: Will the map be incorporated in *Hansard*?

Hon P.G. Pendal: Where will the money go?

Hon KAY HALLAHAN: The money will go to LandCorp, as the agency developing the land. Hon Peter Foss made an awful mistake by aggregating all amendments and stating that the provision constituted a huge change to the metropolitan region scheme. Each amendment is determined on whether it represents a substantial alteration to the scheme. Since 1963, under section 33A, 500 amendments have been made; under section 33, 15 amendments have been made. Other amendments have been made under other sections of the Act, which explains why the figure approaches 800. This has been a reasonably successful way to deal with the matter. The case has not been that developers spot a plot of land and push for rezoning.

Hon Peter Foss: That happened.

Hon KAY HALLAHAN: Sometimes, but not necessarily the majority of the time; that is the fallacy the member promotes. Even with the provisions of section 33, that happens. Sometimes, amendments have been made on the basis of planning decisions and sometimes in response to a developer's approach. Both examples apply to section 33, of which the number is 15 and to section 33A, of which the number is 500, since 1963.

Hon Peter Foss: That point was raised in the Helena Valley case; the problem was that spotting took place in those areas, just like measles breaking out.

Hon KAY HALLAHAN: It is not like measles breaking out. I refer the member to the policy document.

The DEPUTY CHAIRMAN (Hon Garry Kelly): Order! This is not a health Bill!

Hon KAY HALLAHAN: At present, it is a very unhealthy Bill. I am delighted to see that members are reading the draft policy, which will give guidance and will enable the elimination of the ad hoc arrangements to which the member refers. I challenge the member's view that everything is happening on that basis.

Hon Peter Foss interjected.

Hon KAY HALLAHAN: The member was giving the impression that the whole system proceeds on the basis of an ad hoc arrangement; it is not fair.

Hon REG DAVIES: I was astounded to hear the Minister comment earlier that the Government was prepared to sell the Hepburn Heights area in Padbury for \$14.1 million; that is, the Government was prepared to give away or to sell this beautiful tract of natural, virgin bushland for that sum. The Government is selling out the rights of the people of the area.

Hon John Halden: Rubbish!

Hon REG DAVIES: The member is not worthy of consideration, whatever his insignificant name is!

I was absolutely amazed to hear the Minister say the Government was prepared to sell the area for that amount because of the desperate situation in which the Government was placed. I am sure the people of the area will be equally disappointed and disgusted.



Hon KAY HALLAHAN: This action is not as a result of the Government's desperation for money. Having heard the Premier's statement about the Premiers' Conference and the allocation of funds by the Federal Government, the Government may have reasons to find funds elsewhere. I do not want to accuse the member of politicking at a base level, but it is easy to latch onto local issues - and that is what Hon Reg Davies is doing.

Hon Reg Davies: Is that not my job?

Hon KAY HALLAHAN: It is the member's job to be responsible.

The DEPUTY CHAIRMAN: Order! I suggest that the Minister be allowed to answer the question without interruption.

Hon KAY HALLAHAN: The Hepburn Heights area was referred to the Environmental Protection Authority; that authority indicated that it had no objections to the development of the land. I have people coming to my office every day with strong reasons why areas should not be developed. The reality is that we all need to live somewhere and we need an overall State view of what are the areas for exemption and what are the areas to be developed. This is a classic example of local members' being caught up in local issues, and they cannot be convinced to do the sensible thing.

Hon PETER FOSS: No doubt, some genuine minor amendments have been made. I do not object to section 33A being used for minor amendments because many of them are genuine. My concern is that major amendments have been made, and that is an abuse of the procedure. Quite obviously some amendments were not minor ones. One of the real dangers with section 33A is the measles effect of rezoning, with a spot here and a spot there.

Hon Kay Hallahan: Measles are all over.

Hon PETER FOSS: Measles start off in bits. I do not want to get into semantics.

Under town planning principles, if the character of a piece of land is changed by rezoning a small part of it from rural to urban, and urban development is carried out on it, the amenity of the land is changed; and the mere fact that has been done is an argument towards changing the land next time. From a pure town planning point of view, the existence of one development could justify the making of another.

Hon Kay Hallahan: Such matters are taken into consideration.

Hon PETER FOSS: I cannot see how Helena Valley development can ever be taken to be a minor amendment because the effect of it would have been to change the amenity of the area and that would inevitably have led to a change in the whole character of the area. That is why the people of Helena Valley objected to that development. They can see, as other people in the foothills area see, that once the developers get a toe in the door changes will occur. Such changes will happen in the foothills.

Hon Kay Hallahan: If I were the member I would not put that on the record.

Hon PETER FOSS: The Minister should wait until I have finished what I am saying before she interjects. I know that she would not say that. As the population of Perth expands, land needs to be developed. Planning is important. Three major zones - urban, urban deferred and rural - exist because a slow process operates. People who move into rural land areas should, during a significant slice of their lifetime, have a guarantee that that land will remain rural. This means that if land is to be reclassified from rural to urban deferred it still remains rural but the flag is up for people to know what changes will occur in the future. This spotty development causes massive discontent in the community. It is a bit like having eczema - if I can use another medical analogy.

Hon Kay Hallahan: The member is painting a very unpleasant picture.

Hon PETER FOSS: The result is a constant irritation in the community with little spots of urbanisation breaking out. Future planning indicates what will happen. If the Government does its job properly and says to people that a certain area of land is rural, people should be able to move into that area knowing that in the next 15 to 20 years it will remain rural.

Hon P.G. Pendal: It is uncertain.

Hon PETER FOSS: During the course of that 20 years it may be changed to urban deferred; therefore, the people who move before the change occurs will know that the life of that



zoning will be shorter. If a person moves into an area which consists of beautiful open paddocks but it is marked "urban", then he or she knows the risk of its being reclassified. Proper planning will mean that the Government cannot continually hurt the people. Everybody in the area will be able to discuss it and one thing will be done at a time. That is the way planning should be done. Unfortunately that has not happened and the Government is causing considerable concern to people because it has not carried out planning in the proper way. The Government has failed to follow its planning through and has not planned in the long term, so people cannot move into an area with confidence that their lifestyle will be assured for the next 15 to 20 years.

The Government is not being fair to local governments, because they bear the brunt of such decisions; local government town planning scheme amendments go through at the same time and everyone blames local government. If it were carried out the proper way, metropolitan region schemes would be accepted. It is easier for the State Government to wear these changes than it is for local government councillors.

Hon KAY HALLAHAN: Hon Peter Foss made a very good speech; the sort of speech that I make about the release of Government documents. I do not disagree with what he said. In 1963 the then Government issued the metropolitan region scheme plan. In 1987 a review of that was carried out. Now, in 1990, the Government has started to firm up and confirm the issues that were discussed in the 1987 document. Perth is a very popular city with an increasing population. People on the periphery of the city will come under greater pressure. That needs to be dealt with so that people have some sense of certainty about the zoning of their land. That is why the Government continues to circulate policy documents. People will have a much clearer idea of what they can expect in the areas in which they choose to buy, build or live. There was an underlying assumption in what the member said which indicated that the Government had not realised that. I assure the member that that is not the case. The Government is caught up in history where there is a great deal of pressure for development. The Government intends to respond to that demand.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Application of sections 6 and 7 -

Hon KAY HALLAHAN: I move -

Page 2, line 9 - To delete "subsection (2)" and substitute the following -  
this section

Amendment put and passed.

Hon GEORGE CASH: I move to insert as subclauses (2a) and (2b) the following -

(2a) Section 6 does not apply to the following amendments -

(a) Metropolitan Region Scheme Amendment No 696/33A affecting certain land in Padbury known as Hepburn Heights being the amendment in respect of which notice under section 33A(8) of the Metropolitan Scheme Act appeared in the *Government Gazette* on 10th March 1989 at page 715; and

(b) Metropolitan Region Scheme Amendment No 692/33A affecting certain land known as the old Swan Brewery site being the amendment in respect of which notice under section 33A(8) of the Metropolitan Scheme Act appeared in the *Government Gazette* on 30th October 1987 at page 4010.

(2b) Section 7 does not apply to Metropolitan Region Scheme Amendment No 776/33A affecting certain land in Leda near Kwinana being the proposed amendment in respect of which notice under section 33A(2) of the Metropolitan Scheme Act appeared in the *Government Gazette* on 30th June 1989 at page 1950.

Hon Reg Davies has introduced a private member's Bill concerning Hepburn Heights on two separate occasions in order to have that land set aside. Members have discovered tonight that the value of the land is in the order of \$14 million gross. I have often said that this Government is so revenue desperate that not only would it sell that land if it could manage it, but also it would sell it twice.



Hon Kay Hallahan: Does the member think anybody would take the Opposition in a job lot?

Hon GEORGE CASH: They would probably get a good price. Hepburn Heights is of special value to the people in the northern suburbs, particularly in Padbury. A petition with nearly 14 000 signatures was presented to this House last year by Hon Reg Davies requesting that the Government take necessary action to see that Hepburn Heights was reserved in its natural state. A number of other people have worked particularly hard in the local community to make sure that the Government recognises the value of Hepburn Heights. I pay particular tribute to Councillor Norma Rundle of the City of Wanneroo. She has worked assiduously in the northern metropolitan area, as well as in the area around Hepburn Heights, to make sure that the people in the area recognise the environmental value of that land and that the Government also recognises the value of that land. I have mentioned the private member's Bill introduced by Hon Reg Davies. Irrespective of whether this land is withdrawn, we will be able to proceed along the lines suggested by Hon Reg Davies to ensure that this land is reserved in a natural state.

Regarding the land known as the Swan Brewery site, which is known as metropolitan scheme 692/32A, a number of prominent people have been mobilising the community to ensure that the land is protected and made available to the public as a public open space. I want to recognise Shirley de la Hunty for her hard work to protect the Swan Brewery land - I am not talking about the building - to ensure that it would be preserved for the people. Marie Louise Wordsworth has also worked extremely hard to ensure that the public recognised the real value of the land so that the public open space can be enjoyed by the community in perpetuity.

Hon P.G. Pental: Joe Stack was another good man.

Hon GEORGE CASH: Indeed, he was the Chairman of the Swan Brewery Action Group and made a great contribution. This Chamber should recognise the work he has done.

The amendment to the metropolitan region scheme known as 776/33A involves the land at Leda near Kwinana. Today we have learnt that the land has been valued at \$30 million, but my view is that the real value of the land is far in excess of that figure.

Hon Kay Hallahan: Was that a gross figure again?

Hon GEORGE CASH: I am using the Minister's figures.

Hon Kay Hallahan: You are not referring to any expenditure; that is why I am querying it.

Hon GEORGE CASH: I believe the value of the land is far in excess of \$30 million. However, for the time being I am prepared to accept the figure given to the Chamber by the Minister. It is important to recognise the work done by Hon Phil Pental, my parliamentary colleague, in introducing two separate private members' Bills to ensure that the land is preserved in the southern corridor of the metropolitan area. I also recognise and applaud recent Government announcements regarding certain land it has now agreed to set aside in that area. We have a long way to go to see that all the land we want in the Leda and Kwinana areas is preserved. I can assure the Minister that we will continue to push for the proper preservation of that land. In some respects the Government's announcement this week regarding the Leda land can be seen as a victory for Hon Phil Pental.

Hon Kay Hallahan: He needs one this week.

Hon GEORGE CASH: Other members of the community who have been prominent in the fight to protect the Leda land are Walter Prockter, Graham Kierath - a member of the other House and a former councillor - and Ken Jackman, who is a member of the council. The Shire of Kwinana and the many members of Conservation of Kwinana's Environment group who have mobilised themselves and worked hard should be congratulated.

Hon Reg Davies: It is a win for people power.

Hon GEORGE CASH: The fight to preserve Hepburn Heights under Hon Reg Davies and to preserve Leda under Hon Phil Pental, Walter Prockter, Ken Jackman and members of COKE has certainly seen a great victory - it has been people power at work. I hope the Government will recognise the need to see that the reservations are set aside and that people are able to enjoy the land in perpetuity. With those comments I invite members to support the amendment standing in my name.



Hon KAY HALLAHAN: One comment which needs to be on the record regarding Hon George Cash's amendment is that members opposite are pursuing planning objectives and not legal solutions.

Hon George Cash: We are pursuing the will of the people.

Hon KAY HALLAHAN: While the Opposition has some good objectives and wants to support a number of people in the community, this is not the appropriate way in which to do it. However, I accept that that will be the will of the Chamber given that the Government does not have the majority in this place.

Hon George Cash: Thank goodness for that.

Hon KAY HALLAHAN: The Government can live with the amendment.

Hon P.G. PENDAL: In reply to the Minister, the Opposition has not been pursuing the objectives stated by the Minister. We are not pursuing planning objectives.

Hon Kay Hallahan: It is a planning objective; that is the point I was making.

Hon P.G. PENDAL: It is a conservationist objective supported by people locally and across the State.

Hon Kay Hallahan: The member should be wearing his green tie.

Hon P.G. PENDAL: I am sure, Mr Deputy Chairman (Hon Garry Kelly), that you are pleased that this land will be preserved seeing that you are one of the local members. I thank all members who have supported the amendment, although I regret that some members, to their local detriment, will not support it.

**Amendment put and passed.**

Hon KAY HALLAHAN: I move -

To insert the following subclause -

(3) Sections 6 and 7 have effect subject to any judgment or order, relating to an amendment to the Metropolitan Region Scheme, that is consequential on a finding by a court to the effect that an opinion under subsection (1) of section 33A of the Metropolitan Scheme Act that the amendment did not constitute a substantial alteration to that Scheme was not one that could reasonably have been held for the purposes of that subsection.

This amendment retains the status quo so that people will be able to litigate on non-major amendment issues. The Government had no intention of removing people's legal rights and this corrects that result in the initial drafting of the Bill. This takes us back to the situation involving the question of minor amendments upon which people will have the capacity to take legal action if they are not in agreement with that amendment. This amendment to the Bill will retain the law as it currently stands involving people's right to challenge decisions on whether an amendment is minor or major.

Hon PETER FOSS: In moving this amendment the Government is following an Opposition suggestion because, as I outlined in the second reading debate, the clause as previously drafted gave a fortuitous benefit to those people who just happened to have an amendment pass during a period of time when the fault had occurred. That would be an extraordinary situation if, by reason of default, they were to be relieved of the proper consequences of the amendment. It is a matter of correcting the minor fault, and accordingly the Liberal Party supports the amendment.

**Amendment put and passed.**

Hon KAY HALLAHAN: I move -

Page 2, after line 18 - To insert the following subclause -

(4) For the purposes of reaching a finding referred to in subsection (3) a court shall assume that the opinion was formed after proper consideration of the relevant matters and exclusion of irrelevant matters.

Hon PETER FOSS: I have an alternative amendment to this clause. The Minister had the amendment that I drafted very kindly redrafted by Parliamentary Counsel. I did not realise that any real change was made to that clause.



Hon Kay Hallahan: I hope not.

Hon PETER FOSS: Interestingly enough, the objection that she raises to my amendment is an objection that arises out of her amendment to my amendment. It can be quickly removed by the removal of one word.

As I said during the second reading debate, this Bill deals with three things: First, is it major or minor; secondly, the procedure to decide whether it is major or minor; and thirdly, the formality of the delegation. This clause deals with the procedure. I oppose the Minister's amendment because it is almost the obverse from that which arose in the Helena Valley case. The Helena Valley case was based on the fact that, if there was no record, the whole thing falls. The Minister's amendment has the problem of, "Let us assume they did everything correctly." I would like to see a neutral position. I accept the Minister's point that we do not want to be litigated on whether it was properly done. However, we do not want the consequences of its having been done properly to accept the major-minor decision. I accept the Minister's concern on that point. I think it arises mainly out of the way my amendment has been amended.

Hon Kay Hallahan: Again, it was an interpretation of what you wanted, which is what I was stuck with in my original Bill.

#### *Amendment on the Amendment*

Hon PETER FOSS: I accept that we have to do something about this area. However, I do not accept the way the Minister is going about it. I therefore move -

That the amendment be amended by deleting from proposed subclause (4) all words following "shall" and substituting the following -

not assume that the absence of any proper record of the basis for forming the opinion indicates any failure to:

- (a) give proper consideration to relevant matters; or
- (b) exclude consideration of irrelevant matters,

nor shall it, on the ground of the absence of a proper record alone, declare the amendment invalid.

Hon Kay Hallahan: Is there any chance that you might reconsider that and go with the redrafted one?

Hon PETER FOSS: I accept the Minister's concern about the redrafted one. I thought the Minister was worried about the amendment as she redrafted it.

Hon Kay Hallahan: It is only a question of drafting and language.

Hon PETER FOSS: Did the Minister not indicate that she was not happy with my amendment?

Hon Kay Hallahan: Yes, but I thought you were only opening up another area for litigation.

#### *Progress*

Pursuant to Sesssional Orders, progress reported and leave given to sit again.

### **ADJOURNMENT OF THE HOUSE - ORDINARY**

HON KAY HALLAHAN (East Metropolitan - Minister for Planning) [5.54 pm]: I move -  
That the House do now adjourn.

*Adjournment Debate - Government Employees' Housing Authority Annual Report 1989 - Auditor General's Report*

HON MAX EVANS (North Metropolitan) [5.54 pm]: Among the tabled papers on 26 June 1990 was the Government Employees Housing Authority Annual Report 1989. Of the minor Government authorities, it is one of the worst audit reports I have ever seen, barring the annual report of the Superannuation Board and the State Government Insurance Commission. It was lodged four days before the end of the financial year. Immediately I heard it had been tabled, I decided to have a look at it to find out why it had been tabled so late. I found the



Auditor General's first report of performance at page 31. I found his main report at the back of the report on pages 50 and 51. It is almost as if it was hoped that I would not find it.

Before I got to that page I saw where the principal accounting officer, Mr J. Ryan, the Chairman, Mr R.G. Cooke and the authority member, Mr G.J. Rolfe signed the following statement -

At the date of signing, we are not aware of any circumstances which would render the particulars included in the Financial Statements misleading or inaccurate.

They say "at the date of signing" but there is no date on it, so we do not know the date to which they refer.

The Auditor General's report is dated 12 June 1990. He says -

The State Housing Commission carries out all major accounting functions of the Authority and the integrity of these functions is dependent on the internal control maintained by the Commission.

For the 1988/89 financial year control weaknesses existed in the General Ledger (Financial Management System) and the following major accounting sub-systems maintained by the Commission, which apply to the Authority:

Rental Properties (SHARP)

Personnel/Payroll

Disbursements

Accordingly, the Commission's audit opinion was qualified in the following terms, which apply equally to the Authority:

"... Audit testing of these systems did not disclose significant error, however due to the nature of these weaknesses which relate to reconciliations, segregation of duties, authorisation control and delays in processing, the possibility exists for material error to occur without detection ..."

He said that about the State Housing Commission, which trades as Homeswest.

What he said about the authority is most important. Any member of the Real Estate Institute of Western Australia reported on by an auditing firm in the same way as this would be struck off immediately. The Minister for Housing has been changed. It is interesting because the present Minister, Yvonne Henderson, only last year fought for the rights of some people at Kelmscott in relation to a bankrupt real estate agent. She was after special benefits for the money that these people lost and she took a special interest in the audit function and the accounting of that real estate firm. What is she going to do about this?

The report continues -

Control over Furniture and Fittings and Air Conditioners shown in the Balance Sheet at values of \$6 007 642 and \$354 175 respectively was inadequate, due to the absence of a means of reconciliation between the asset record and the general ledger. I am therefore unable to determine that the items are fairly presented.

The Auditor General is really saying that he does not know whether those assets still exist. They may have been stolen or lost. However, the assets which have been kept on the assets register total \$6.33 million and the Auditor General has no way of verifying those assets. His report continues -

Adequate control was not maintained over depreciation raised on rental properties in that information necessary to enable depreciation to be calculated was not recorded. Consequently I am unable to form an opinion as to the adequacy of the provision for depreciation on rental properties \$12 456 137.

The Auditor General is saying that the records are so bad and that they have not been maintained. I want to know whether the suggested depreciation figure of \$12 million is correct. This authority is equivalent to a real estate firm and it is looking after assets which belong to the public of Western Australia. Approximately \$120 million is invested in that organisation and it does not know what has happened to that money. I refer again to the Auditor General's report and it gets worse as we go on. It states -

Control over rents receivable was inadequate in that the completeness of records from



which rental charges are raised could not be established. Further, reconciliations were not effected between the Authority's records of rental charges receivable and returns of rent paid by tenant departments. I am therefore unable to determine that the Profit and Loss Statement item "Rent Revenue", \$10 451 125, and the Rental Arrears component (\$1 120 020), of the Balance Sheet item "Debtors", \$2 500 170, is fairly presented.

Rental revenue totals approximately \$10 million and the Government Employees' Housing Authority does not know whether that is correct. If a normal real estate business were renting out 100 houses for which it was collecting \$5 000 per annum for each house, it would expect to receive \$500 000 annually in rental fees or it would reconcile that amount by its vacancies. The Auditor General has no idea of the optimum rent that the authority should receive, and it is obvious from the authority's records that it had no idea either and it could not tell him whether the revenue from rents was \$10 million or \$12 million. I would like to know what are the losses. The Auditor General referred also to rental arrears of \$1.12 million; that is, 10 per cent of the total expected rent roll is in arrears and that is paid by the Police Department, the Ministry of Education, the State Energy Commission of Western Australia, the Water Authority of Western Australia and others. The authority's records are absolutely hopeless and it is carrying an asset on the balance sheet of \$1.2 million. The Minister should have lost her licence long ago for steering a ship as badly as this.

Further on in his report, the Auditor General said -

Sales of rental properties were not correctly accounted for during the period, which resulted in the Balance Sheet items, Debtors and Creditors being overstated by \$646 537 and \$312 512, respectively.

It shows a difference of \$1 million, and it appears that the authority cannot handle the sale of rental properties. We heard today that the Minister proposes to sell \$28 million-worth of properties. I wonder whether she can handle it better than similar transactions have been handled in the past. The Auditor General said the sale of rental properties were not correctly accounted for during the period, and it sounds to me that the authority does not have any record of the houses under its control. I do not believe it has a proper computer printout to show each property it has, the optimum rental, where it is situated, when it was sold and what it was sold for. The Auditor General also said -

Section 55(f) of the Financial Administration and Audit Act 1985 requires an Accountable Authority to develop and maintain an effective internal audit function. This function has yet to be developed.

I gather this has been the practice for a while and that the Auditor General has reported on it because it has not been corrected. The authority has no proper internal audit function. The authority is only the trustee of taxpayers' funds and it receives \$10.4 million in rental revenue, has expenses of \$29 million of which the interest payable on that amount is \$13.8 million and a loss of \$11.86 million. The total loss of \$17.5 million is not really relevant because it is providing low cost housing. The capital fund operates on interest-free capital of \$33 million and its private borrowings total \$115 million from the Western Australian Treasury Corporation, on which the authority pays interest. It appears the authority has no provision to repay that amount and one day it will have to come out of the Consolidated Revenue Fund, otherwise the debt will increase. If that were to occur it would eventually have to be written off.

Any real estate firm would love to look after a \$150 million asset with a rent roll of \$10 million. It would receive probably nine per cent commission and would make a profit. In this case the authority has made a huge loss. The Minister should resign and the people involved should be sacked because that is what would have occurred had the Real Estate Institute sighted a report like the Auditor General's.

Question put and passed.

*House adjourned at 6.05 pm*

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## QUESTIONS ON NOTICE

## EDUCATION MINISTRY - AUDITOR GENERAL'S REPORT

*"Tertiary Institutions Financial Reporting" Recommendation*

372. Hon MAX EVANS to the Minister for Planning representing the Minister for Education:

The Report of the Auditor General 1990 (pages 40-41) refers to "Tertiary Institutions Financial Reporting" and includes the following recommendation - "That the participants in this development assign it high priority so that a consistent approach to reporting can be resolved promptly, allowing preparation of appropriate instructions for application and early implementation by tertiary institutions and the Minister for Education be responsible to ensure that the objective of the working party be achieved in a timely manner."

- (1) What action has the Minister taken in respect of this recommendation?
- (2) If no action, why has the Minister ignored the request of the Auditor General?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) A working party representative of the tertiary institutions and the Western Australian Office of Higher Education is actively addressing this matter.
- (2) Not applicable.

## EDUCATION MINISTRY - AUDITOR GENERAL'S REPORT

*Accounting for School Funds - Non-compliance*

378. Hon MAX EVANS to the Minister for Planning representing the Minister for Education:

The 1990 Report of the Auditor General (page 63) refers to non-compliance of the Financial Administration and Audit Act with respect to "Ministry of Education (including TAFE) Accounting for School Funds" -

- (1) What action has the Minister taken with respect to the first paragraph?
- (2) If no action has been taken, why not?
- (3) What action has the Minister taken with respect to the second paragraph?
- (4) If no action has been taken, why not?
- (5) What action has the Minister taken with respect to the third paragraph?
- (6) If no action has been taken, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) Amendments to the Education Act have been introduced in the current session of Parliament to formalise and regulate the operation of bank accounts in Government schools and colleges and the management of moneys held in those accounts.
- (2) Not applicable.
- (3) Schools and colleges are being instructed by the ministry to invest public moneys in accordance with the requirements of the Financial Administration and Audit Act.
- (4) Not applicable.



(5)-(6)

The information required for reporting on school finances is not readily available and will involve extensive manual effort. This is being addressed by the development of a computerised budgeting system which will produce appropriate levels of reporting in a standard format. The system will also facilitate effective monitoring of the funds. Following substantial efforts by the ministry over the last two years, the systems will be fully implemented in senior high schools by the end of 1990.

A standard chart of accounts to facilitate reporting across schools is also being developed for primary schools, and will be implemented over the next two years. Notwithstanding that, officers of the Ministry of Education and Office of the Auditor General have established interim arrangements to provide limited reporting on school funds for the 1989 and 1990 school years. The Office of TAFE is implementing a computerised financial system in its colleges to provide appropriate reporting in its 1989-90 annual report.

#### EDUCATION MINISTRY - AUDITOR GENERAL'S REPORT

##### *Trust Accounts Statements*

379. Hon MAX EVANS to the Minister for Planning representing the Minister for Education:

The Report of the Auditor General 1990 (page 64) refers to "Trust Statements. Of the 52 Trust accounts submitted for audit, 22 accounts still required Trust Statements to be approved by the Under Treasurer as prescribed in Treasurer's Instruction 802".

(1) Have the 22 trust accounts referred to been approved by the Under Treasurer?

(2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

Of the 22 trust accounts referred to, five remain to be approved by the Under Treasurer. Draft trust statements for the five accounts are currently being assessed by Treasury.

#### EDUCATION MINISTRY - AUDITOR GENERAL'S REPORT

##### *Payroll Overpayment*

380. Hon MAX EVANS to the Minister for Planning representing the Minister for Education:

The Report of the Auditor General 1990 (page 64) refers to "Payroll Control Procedures. Treasurer's Instructions 503 and 506 set down minimum procedures to be followed in regard to controls over processing of payroll. There were inadequate controls within the computerised payroll system and its associated manual procedures to ensure that all payroll transactions were processed completely and accurately. In addition, transaction reports produced by the system were not reviewed promptly and consequently the balance of outstanding overpayments increased from \$0.4 million at July 1, 1988 to \$0.6 million at June 30, 1989. The lack of appropriate procedure manuals for the period of review also contributed to the breakdown of control".

(1) What action has the Minister taken with respect to payroll overpayment?

(2) Can the ministry reclaim the overpayment?

(3) Has action been taken to comply with the Treasurer's Instructions 503 and 506 minimum procedures set down?



(4) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) The Ministry of Education established a temporary systems review team to address, review and implement appropriate changes as deemed necessary to reduce the ministry's financial liability of overpayments. A recent survey of overpayments has identified the major factors that have contributed to the increased overpayments situation. Accordingly, remedial action currently being undertaken includes -
  - (i) Updating and modernising procedure manuals.
  - (ii) Flowcharting of personnel and payroll procedures for education and training purposes.
  - (iii) Refine current clerical manual procedures.
  - (iv) Continue to institute specific and essential modifications to the staffing payments computer system.
  - (v) Rationalise the number of human resources forms in use.

(2)-(3)

Yes.

(4) Not applicable.

#### WESTERN AUSTRALIAN COLLEGE OF ADVANCE EDUCATION - MT LAWLEY CAMPUS

##### *Mt Lawley College of Performing Arts - Car Parking Facilities*

389. Hon GEORGE CASH to the Minister for Planning representing the Minister for Education:

- (1) Due to new building additions to the WACAE campus at Mt Lawley and extensions to the Mt Lawley College of Performing Arts encroaching on to the existing car parking facilities at the campus, can the Minister advise if there are plans to increase the car parking facilities for these campuses?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) The new building program at the Mount Lawley campus of the WA College is not encroaching on the car park, but the extensions to the academy are affecting a small number of bays. At present there is a surplus of 200 car parking bays at the campus. The college is constructing a further 500 bays this year and anticipates that these 700 bays will cater for the additional buildings at Mount Lawley. Federal and State funds are not available for the construction of car parks and this work is being undertaken at college expense.
- (2) Not applicable.

#### JUVENILE CRIME - CARNARVON PUBLIC MEETING

397. Hon P.H. LOCKYER to the Attorney General:

- (1) Has the Minister received an invitation to attend a public meeting in Carnarvon to discuss juvenile crime?
- (2) If so, will the Minister indicate his acceptance of the invitation and select a date that is convenient to himself so that approximate arrangements can be made?

Hon J.M. BERINSON replied:

- (1) Yes.



- (2) Unfortunately, my current commitments preclude my attending for some time. However, both the Minister for Justice and Community Services, and the Minister assisting the Minister for Aboriginal Affairs, have indicated that they are willing to attend a meeting at a mutually agreed date.

**SCHOOLS - UNIT CURRICULUM**

*Years 11 and 12*

406. Hon DERRICK TOMLINSON to the Minister for Planning representing the Minister for Education:

- (1) Is unit curriculum to be phased into years 11 and 12 in 1991 and 1992?
- (2) If yes, what courses have been prepared for unit curriculum in the upper school?
- (3) How will assessment of unit curriculum meet the requirement of matriculation?
- (4) Will the Tertiary Entrance Examination be phased out?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) No.
- (2)-(3) Not applicable in light of (1).
- (4) No.

**VOTING - ELIGIBLE VOTERS**

*Over 45 Years Old*

415. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Parliamentary and Electoral Reform:

How many Western Australians are eligible to vote who are over the age of 45 years?

Hon J.M. BERINSON replied:

The Minister for Parliamentary and Electoral Reform has provided the following reply -

There are 393 388 electors on the State electoral roll who are over the age of 45 years.

**EDUCATION - POST COMPULSORY SCHOOLING PROGRAM**

*Money*

418. Hon BARRY HOUSE to the Minister for Planning representing the Minister for Education:

- (1) How much money is available to the post compulsory schooling program?
- (2) How has the money, available to this program, been spent in the past year?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) The 1990 budget for the post-compulsory program is \$2 million. The program arises out of State and Commonwealth Government commitments and system level recognition of the need to attain a higher overall level of education for all young people. The State Government goal is for 80 per cent of 16 and 17 year olds in WA to have completed year 12 or have participated in further formal training by 1992 (State Government youth guarantee election promise, 1988).
- (2) This overall budget supports a number of activities aimed at developing -

a coherent and equitable curriculum, accreditation and certification framework;



improved articulation with TAFE courses to better meet the needs of non-tertiary bound students;

a greater degree of vocational direction in all study programs; and

provision and access to improved counselling information so that all students are equipped for continued education, vocational training or employment.

#### ALBANY BRICKWORKS - ALBANY WOOLLEN MILLS

##### *Government Assistance*

426. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Finance and Economic Development:

- (1) Has the Albany Brickworks received a Government grant or other monetary benefit during the year 1989-1990?
- (2) Has the Albany Woollen Mills received a Government grant or other monetary benefit during the year 1989-1990?

Hon J.M. BERINSON replied:

The Minister for Finance and Economic Development has provided the following reply -

(1)-(2)

No.

#### PROSTITUTION - COMMITTEE INQUIRY

429. Hon GEORGE CASH to the Minister for Police:

- (1) Does the Government currently have a committee investigating prostitution in Western Australia?
- (2) Is it the intention of the Government to legalise prostitution?
- (3) If so, when?
- (4) Who are the members of the committee?
- (5) What is the tenure of their appointment?
- (6) Has the committee made interim reports to the Premier or Government?
- (7) If so, will the Premier advise on the current status of the committee's investigations?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) The Government will not make a decision until the panel has reported.
- (3) Not applicable.
- (4) Miss Beryl Grant OBE, Dr Jim McNulty AO, Mr Laurie Gibson APM, Mayor John D'Orazio, Ms Michelle Kosky.
- (5) Until the task is completed.
- (6) No.
- (7) Not applicable.

#### ROTTNEST ISLAND - LEASE

##### *Victoria Co - Royal Australia Finance Ltd*

432. Hon P.G. PENDAL to the Minister for Police representing the Minister for Tourism:

- (1) Is the new leaseholder described in the answer to question on notice 409 given on 20 June in any way connected or associated with Victoria Co which was previously ruled out of contention for the lease?
- (2) Can the Minister list the tenderers for the premises and the respective figures which each submitted in their case for the lease?



Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following reply -

- (1) Victoria Co (Hospitality) Pty Ltd has made an offer to purchase the lease from Royal Australia Finance Ltd. The Government refused to approve the transfer of the lease to Victoria Co (Hospitality) Pty Ltd on 18 May 1990.
- (2) The lease passed from Lombardo Ltd (in liquidation) to Royal Australia Finance Ltd on 9 March 1990 by the direction of the Supreme Court as a result of legal action initiated against the Rottnest Island Authority.

**GOLD - THEFT**  
*Channel 7*

435. Hon GEORGE CASH to the Minister for Police:

- (1) As a result of gold having been found at the grounds of Channel 7 during the week commencing 30 October 1989, has this investigation led to the reopening of any unresolved gold theft crimes?
- (2) If yes, have any charges been laid in relation to these unresolved crimes?

Hon GRAHAM EDWARDS replied:

- (1)-(2)  
No.

**COURTS - "PACER" SYSTEM**

436. Hon GEORGE CASH to the Attorney General:

I refer the Minister to an article entitled "US Courts Go on Tap" on page 53 of *The West Australian* of 19 June 1990, and ask -

- (1) Is the system known as PACER, or a system similar in effect, in operation in the courts system of this State?
- (2) If not, in view of the alleged savings in staff time; and simplification of the courts' scheduling which may accrue to the State if such a system were in place, will the Minister make inquiries to assess the -
  - (a) suitability;
  - (b) desirability; and
  - (c) probable cost of installationof such a system into the Western Australian courts system?

Hon J.M. BERINSON replied:

- (1) No.
- (2) The Crown Law Department's courts computerisation feasibility study of 1988 analysed the requirements for computerised information systems in Western Australian courts. Systems similar to PACER have been identified for development to meet specific requirements within Western Australian courts.

**POLICE - HELICOPTER**  
*Lotteries Commission Assistance*

437. Hon GEORGE CASH to the Minister for Police representing the Minister for Racing and Gaming:

Under which section of which Act did the Lotteries Commission provide financial support to the police helicopter service?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following reply -



A grant to be made available to the trustees of the Westpac police rescue and surveillance fund was approved pursuant to section 9(2) of the Lotteries (Control) Act 1954.

#### TRAFFIC ACCIDENTS - ROCKINGHAM-SPEARWOOD ROADS

439. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) How many motor vehicle collisions have been reported as having occurred at the junction of Rockingham Road and Spearwood Road in -
  - (a) 1985;
  - (b) 1986;
  - (c) 1987;
  - (d) 1988;
  - (e) 1989; and
  - (f) 1990 (to date)?
- (2) How many of these collisions have resulted in serious injury or death of the occupants of vehicles concerned?
- (3) Have any engineering or design faults been identified at this junction, and if so, will the Minister provide details?
- (4) What remedial action has been taken in respect of these engineering or design faults?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1)-(2)

	FATAL	INJURY	OTHER	TOTAL
(a) 1985	nil	nil	nil	nil
(b) 1986	nil	4	7	11
(c) 1987	nil	3	3	6
(d) 1988	nil	2	5	7
(e) 1989	nil	6	5	11
(f) 1990 (to 4.4.90)	nil	nil	nil	nil

The injury accidents listed are those involving medical attention. Information on the number of accidents involving serious injury are not readily available.

(3)-(4)

The intersection is to be investigated by the Main Roads Department to determine whether remedial action is necessary.

#### TRAFFIC LIGHTS - ROCKINGHAM-SPEARWOOD ROADS

##### *Traffic Volume Survey*

441. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Have any recent traffic volume surveys been carried out at the junction of Rockingham and Spearwood Roads to determine the need to traffic control lights?
- (2) If so, did the survey indicate a need for the installation of traffic control lights?
- (3) If yes, when will traffic control lights be installed at this junction?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) A survey is to be undertaken in August 1990.



(2)-(3)

Not applicable.

**ROCK LOBSTER INDUSTRY - FOREIGN OWNERSHIP**  
*Policy Statement*

443. Hon GEORGE CASH to the Minister for Police representing the Minister for Fisheries:

I refer to the Minister's earlier policy statement on the restrictions intended to be placed on foreign ownership of the rock lobster industry and ask the Minister to confirm the industry understanding of the policy statement that there was to be no increase in the existing level of foreign ownership in the rock lobster industry subsequent to that policy statement?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following reply -

As set out in the policy statement it would be improper to take action which reversed business decisions which had already been taken prior to the release of the statement. However, decisions should not be taken after that date which increase foreign ownership above 20 per cent.

**FISHING - SALMON**  
*Catch Restrictions*

445. Hon M.S. MONTGOMERY to the Minister for Police representing the Minister for Fisheries:

- (1) Is the Minister aware that the quota restrictions on south coast salmon fishing are preventing local fishermen from catching salmon on the back run, which is now under way?
- (2) Is the Minister aware that about 80 per cent of the salmon on the back run have finished their breeding life and therefore have no bearing whatsoever on future fish stocks?
- (3) Is the Minister aware that the local fish processing plant is going to import fish from New Zealand to meet demand?
- (4) Is the Minister aware that quota restrictions on fishing the back run and importation of fish from overseas will have an adverse effect on Australia's already poor balance of trade figures?
- (5) Will the Minister review the quota restrictions and allow fishing of the back run?
- (6) If the answer is no, why are quotas being applied to fish that have finished their breeding life?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following reply -

Following a review of the results of the 1990 salmon season at an industry meeting in Albany and an approach from the Western Australian Fishing Industry Council, on 26 June 1990 I announced a decision to amend my earlier total allowable catch restrictions to permit take of Australian salmon for the local canning industry from beaches previously closed.

**PORTS AND HARBOURS - CATHERINE POINT**  
*New Port Establishment*

470. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Further to my comments in Parliament on the benefits of developing a new port at Catherine Point, will the Minister advise on the Government's attitude to such a proposal?
- (2) What investigations have been carried out on the feasibility of establishing a new port at Catherine Point?:



- (3) Will the Minister provide estimates of the potential cost of a new port at Catherine Point?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The Government acknowledges that the long term development of inner harbour trade at the Port of Fremantle may require a shift from the present location. It is currently examining the issue.
- (2) Catherine Point is one possible alternative presently being examined for long term port development.
- (3) It is not possible at this point to provide a meaningful estimate of the potential cost of developing Catherine Point, given the wide range of factors which must be taken into account. The present examination will address the issue.

### QUESTIONS WITHOUT NOTICE

#### SEXUAL OFFENCES - WOMEN'S INTERESTS DEPARTMENT

##### *Employee Complaint*

332. Hon GEORGE CASH to the Minister for Planning representing the Minister for Women's Interests:

Some notice of this question has been given to the Minister. I ask -

- (1) Has any Minister received a written complaint by a woman regarding offences of a sexual nature alleged to have occurred in the course of her employment in the Minister's office, in which the alleged offender is employed by another Minister?
- (2) Did the Minister destroy that written complaint?
- (3) How did the Minister destroy it?
- (4) Why did the Minister destroy it?
- (5) At the time the Minister destroyed it, was that Minister aware that the document may have constituted evidence of a fresh complaint for the purpose of criminal proceedings?

Hon KAY HALLAHAN replied:

(1)-(5)

In the absence of the Premier, who is the Minister for Women's Interests, it has not been possible to obtain the information requested.

#### CREDIT UNIONS - INTERSTATE LEGISLATION

333. Hon GEORGE CASH to the Attorney General:

- (1) Following the statement by the Attorney General in July 1989, will he advise when he plans to introduce legislation to close the potentially expensive loophole affecting interstate credit unions?
- (2) Is it intended that the legislation will operate retrospectively?

Hon J.M. BERINSON replied:

(1)-(2)

I must confess that I do not have the timetable for that Bill in my head. If the member will place the question on notice I will ensure the answer is provided.

#### ROAD SAFETY TEN POINT PLAN - PROBATIONARY DRIVERS

334. Hon GARRY KELLY to the Minister for Police:

Will the Minister advise whether the Federal Minister for Land Transport has changed his attitude to the restrictions he wanted to impose on drivers aged 21 years and under?



Hon GRAHAM EDWARDS replied:

I am pleased to inform the House that following the strong lead given by this State, which included a statement from the Premier indicating that Western Australia would be prepared to forgo the \$12.5 million involved if the Federal Minister continued to insist on his restrictions, Mr Brown has changed his attitude. He has indicated he is prepared to refer the matter to the Australian Transport Advisory Council and I understand he has requested that the matter be discussed by the road safety committee of that council. I am pleased that the Federal Minister has indicated a preparedness to retreat from the rather strange position he had adopted, and I am sure that common sense will prevail.

#### CORPORATE AFFAIRS DEPARTMENT - STRIKE

335. Hon MAX EVANS to the Attorney General:

The saga of the Corporate Affairs Department staff is still going on and I ask whether the strike is on or off. What is the position?

Hon J.M. BERINSON replied:

I believe there was a walkout by staff this afternoon and I understand they are expected to return to work tomorrow morning. I do not have sufficient detail to elaborate on that to any great extent, other than to say that some resolutions were passed which in general terms looked to further industrial activity concentrated on no work by that department for Commonwealth agencies. That sounds very much in line with the indication I gave yesterday that the dispute is not concerned with the State as an employing authority, but with the Commonwealth in respect of proposals it is making for future staff arrangements which might be required by agreement on the Federal regulation of companies and securities. In the limited time since the meeting earlier this afternoon that is the extent of the information I have.

#### AUSTRALIAN SECURITIES COMMISSION - COMPUTER CENTRE, LATROBE VALLEY *Employees*

336. Hon MAX EVANS to the Attorney General:

- (1) In Melbourne last week extensive coverage was given to the opening of the computer centre at Latrobe Valley for the Australian Securities Commission. It was a big public relations exercise to indicate how close it is to completion. Reference was made to the 20 million bytes of information that could be stored. Are those people referred to now employed by the ASC?
- (2) When will the staff in Western Australia become Commonwealth employees and begin feeding information into that computer, and when will they be transferred to the Commonwealth payroll?

Hon J.M. BERINSON replied:

- (1) So far as I am aware the computer facility in Victoria is an ASC facility, and the ASC is in a position to make arrangements for the recruitment of staff. However, it does not have an Act to work on.
- (2) At the moment the use of that computer is restricted to a proposal to take up new information under the ASC form of regulation. As I have indicated, there is no such material yet and that must await further development. Questions of transferring or seconding staff for ASC purposes must wait on agreement on other quite basic issues. I would not expect that to proceed without either final or very substantial agreement on the issues to which I have referred in detail on other occasions.

As members will be aware, circumstances this week have prevented me from attending the Ministerial Council meeting. I regret that because it will obviously be a crunch sort of meeting, but as it was a question of allocating priorities I thought my selection of priorities was the right one. This State is



being represented by the Minister for Justice, who is acting on my behalf, and it is really a matter of my awaiting a report of events over the weekend before I will know how far today's consultations have been able to progress matters.

# STATE GOVERNMENT INSURANCE COMMISSION - COMMONWEALTH INSURANCE COMMISSIONER

337. Hon PETER FOSS to the Attorney General:

I have given some notice of this question, which refers to the undertakings which were given by the Government in relation to the State Government Insurance Commission. Has there been any further progress with regard to the obtaining of the services of the Commonwealth Insurance Commissioner to assist the Auditor General?

Hon J.M. BERINSON replied:

I thank the member for some advance notice of this question. I am advised that since earlier discussions on this matter it has been ascertained that the Insurance Commissioner does not have the power under his enabling legislation to enter into a formal agreement with a State Government authority. However, the advice given by the SGIC is that it has been advised by the Office of the Auditor General that it has undertaken discussions with the Office of the Commonwealth Insurance Commissioner to provide informal advice so as to assist the Auditor General in the performance of the audit of the corporation and the issuance of his report on the corporation's compliance with prudential solvency requirements.

# NATIONAL SECURITIES COMMISSION - LEGISLATION

338. Hon MAX EVANS to the Attorney General:

Can the Attorney advise what legislation is still required in respect of the proposed National Securities Commission? There has been a High Court challenge, but what legislation has now to be approved by the Parliament of Western Australia? We know that changes have been made to the Companies (Western Australia) Code but what do we still have to do in the future?

Hon J.M. BERINSON replied:

The Commonwealth has previously passed one set of legislation to establish the ASC. That legislation stands. The Commonwealth has also passed very comprehensive legislation to effectively replace the existing substantive law under which the current cooperative scheme functions. The High Court decision was directed to a challenge against a limited but important question raised by the Commonwealth's earlier legislation, and although that would not require many amendments to overcome, the opportunity is being taken by the Commonwealth to substantially rewrite the earlier legislation with a view to -

Hon Max Evans: Do you mean the Companies (Western Australia) Code?

Hon J.M. BERINSON: No; I am talking about the ASC code, if I can call it that. It is to be substantially rewritten to meet a number of additional matters raised by the States. The original form left the whole of the legislative making power to the Commonwealth, whereas we are now moving, as the member will know, to a position where the Commonwealth would be looking to each of the States to enact mirror legislation in much the same way as the cooperative scheme now does.

To secure that will require some accommodation of State views on constitutional questions, and others, and the end result is, on my understanding of the position, that the Commonwealth will repeal its current substantive legislation and replace it with new Acts. It is only when they have been drafted that we will know what we in the respective State Parliaments will have to consider. All of this, of course - in order to pre-empt Mr Pike's inquiry - is said on the assumption of agreement being reached on the basic question.



COMPANIES CODE - NATIONAL COMPANIES CODE

339. Hon MAX EVANS to the Attorney General:

Western Australia still has corporate bodies which are operating under the Companies (Western Australia) Code on a cooperative basis, or there may be a national Companies Code, which will be amended in cooperation with all the States.

Hon J.M. Berinson: I am not sure what the member is asking.

The PRESIDENT: Order! The member must ask a question, not give some information.

Hon MAX EVANS: At the moment each State has a separate Companies Code. Will there be a National Companies Code under which all the States will operate from 1 January 1991?

Hon J.M. BERINSON replied:

No. The form of the legislation will be much the same as it is now; namely, that what might be called a parent Act will be passed by the Commonwealth Parliament, and that will be adopted by the States. That is precisely the system which now operates.

LAND - FOOTHILLS AND SWAN VALLEY REGION

*Urban Expansion Document*

340. Hon DERRICK TOMLINSON to the Minister for Planning:

I refer the Minister to an article in the *Midland-Kalamunda Reporter* of 27 September 1988, and as the Minister will not have a copy of that article I will read it out. The article says, under the heading of "Lifestyle Promise" -

The State Government says it will not allow urban development in the Foothills and Swan Valley region . . .

Helena MLA Gordon Hill said a proposal for a Forrestfield Foothills corridor had been knocked back.

Both he and Mundaring MLA Gavan Troy said these were the first decisions made by the Government after its consideration of community responses to the Corridor Review Report.

Does the Government still hold to that position?

Hon KAY HALLAHAN replied:

The Government has outlined its position in the recently released draft urban expansion document, which the member referred to yesterday. That document sets out where the areas are that are deemed to be suitable for residential development should technical or other problems be overcome. All Western Australians and, indeed, the Government must face the fact that Western Australia is proving to be an extremely popular place in which to live.

Hon Graham Edwards: That is because of the good Government.

Hon KAY HALLAHAN: It probably is.

That has meant that the people who prepared the urban expansion document have had to look at areas for housing which they may otherwise not have had to look at, given that the Government also wants to provide a choice of locations and lifestyles. We estimate that within 30 years, Perth could be a city of two million people. That will result in changed circumstances for Western Australians, and we must plan ahead very carefully in order to maintain what I believe is the wonderful quality and style of life that we have here. I know that is attributable to climate and other natural factors but we must plan very carefully to preserve the charm that Perth has which makes it such a very popular place for people to live. While people are certainly going to a number of regional centres and to the south west of the State in increasing



numbers, the fact is that the metropolitan region will in future attract an enormous number of people, which will add to its current population.

In the face of that, we all have a changed situation with which to deal, and the urban expansion document is now setting out the possibilities in the face of what we think will be the population projections. Those population projections will be monitored on a five-yearly basis as we get the Australian Bureau of Statistics Census figures. It may be that this projected increase does not occur, in which case we can readjust our thinking about areas that will be needed. In addition, about 20 per cent of that population can perhaps be housed in the consolidation of inner, serviced areas; but the belief is that at present 80 per cent of that increased population will possibly have to be housed in expanded urban areas.

#### LAND - CROWN LAND SALES *Consolidated Revenue Fund*

341. Hon W.N. STRETCH to the Minister for Lands:

- (1) Are the proceeds of land sold by the Crown automatically credited to the Consolidated Revenue Fund?
- (2) If not, to what account or accounts can such proceeds be directed, and under whose authority are they so directed?

Hon KAY HALLAHAN replied:

(1)-(2)

I would be a bit reluctant to say that across the board the proceeds of all land sold goes into the Consolidated Revenue Fund. There is an account called Lands Territorial, and proceeds from the sale of land through the Department of Land Administration certainly goes through that account and back into the Consolidated Revenue Fund, I presume. That is the direct line from the Department of Land Administration into Treasury.

I would be happy to give the member details if he has a particular instance to follow up but as a general principle it would be fair to say that.

#### STAMP AMENDMENT BILL - FARMERS AND SMALL BUSINESSES *Urgent Legislation*

342. Hon W.N. STRETCH to the Leader of the House:

- (1) Is the Leader of the House aware that the passage of the Stamp Amendment Bill is most important to farmers and small businesses particularly, in view of its provisions to credit stamp duty on transactions that have been cancelled for various reasons, such as farmers who have paid a deposit on land on which the sale has fallen through? This is happening frequently due to the state of the rural economy.
- (2) Is he in a position to expedite the passage of that Bill, certainly through the Legislative Assembly and then through this House? It is very important for many people that it be put through as quickly as possible.
- (3) Is he aware of the damage it is doing to farmers and small businesses?

Hon J.M. BERINSON replied:

(1)-(3)

Given Hon Bill Stretch's keen interest in this matter, I am reluctant to say it is not a matter within my authority; but it is not a matter within my authority, and I refer both to the Bill itself and to the processing of it. Can Hon Bill Stretch tell me if it is in the Assembly now?

Hon W.N. Stretch: Yes, it is in the Assembly.

Hon J.M. BERINSON: That question will indicate my lack of knowledge of the legislative program, but I imagine that an effort would be made to have that Bill given attention as early as possible. We are now rapidly reaching the stage where decisions will have to be made to establish a new order of priority



because, as members will know, we still have not received messages today when I was expecting quite a bundle of them. The result of all of that is that there will be some need, between now and the sitting of the Parliament next week, for the Government to consider its order of priority and I will ensure that Mr Stretch's interest in this Bill is taken into account at that time.

# LAND - URBAN EXPANSION POLICY STATEMENT DOCUMENT

343. Hon GEORGE CASH to the Minister for Planning:

I refer to the urban expansion policy statement for the metropolitan area which the Minister released in May this year, and ask the Minister to explain the reason for the disclaimer contained on the inside page of the document, which is worded in the following manner -

Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the Government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken (as the case may be) in respect of any representation, statement, opinion or advice referred to above.

Hon KAY HALLAHAN replied:

I am not a person with legal training but I would have thought it was patently obvious that a document like that, which is a draft document, could inadvertently be taken by people to be some indication to them of where they could invest in land, perhaps.

Hon George Cash: I see.

Hon KAY HALLAHAN: In the land development industry quite significant losses as well as profits are made and it depends very much, I imagine, on where people select their sites. I have had no advice on the disclaimer but I presume it is in order to protect the Government and its employees, on putting out what is in fact a draft policy as well. We are waiting for comments to come back on that document, after which we will draw up a final document. Whether a disclaimer will be put on the final document it will be most interesting to see. Indeed, now that Hon George Cash has drawn it to my attention I imagine it would be a very good thing to put on any document.

Hon P.G. Pandal: Especially the PICL ones.

Hon KAY HALLAHAN: I suppose some boundaries in the document could be just slightly out. The maps in that document, in comparison with reality, are so infinitesimal that people reading them could be several miles or many miles out in their reading of boundaries.

# STAMP AMENDMENT BILL - DELAY EFFECT

344. Hon MAX EVANS to the Leader of the House:

Further to the question asked by Hon Bill Stretch, the Stamp Amendment Bill was in another place on 21 June. Could the effect of the delay on that legislation be that no refunds are to be made by the end of the financial year so that they will go into next year?

Hon J.M. BERINSON replied:

I am sorry, I simply do not know the contents of that Bill well enough to provide any comment, and I have to fall back on the advice that perhaps I should have given Hon Bill Stretch as my complete advice; namely, that this is not a Bill which comes within my authority.

Hon Max Evans: It used to.

Hon J.M. BERINSON: Yes, it used to.



## CONTROLLED ACTIVITIES BILL - NEW LEGISLATION

345. Hon GEORGE CASH to the Minister for Police:

When does the Minister propose to introduce the Controlled Activities Bill which, in part, will require bouncers - or crowd control officers, as they will be called - to be licensed?

Hon GRAHAM EDWARDS replied:

I am not sure when we will be introducing the Bill as a fair amount of work is still required on it, but as soon as I am in a position to know that I will inform the Leader of the Opposition.

## FLICK-KNIVES - NEW LEGISLATION

346. Hon GEORGE CASH to the Minister for Police:

Will the Minister advise if legislation concerning flick-knives will be introduced into the Parliament in the autumn session, as foreshadowed by Minister Taylor in September 1989?

Hon GRAHAM EDWARDS replied:

That is something I will have to consult some of my colleagues about, because legislation dealing with flick-knives is also a matter that can be handled by the Minister for Consumer Affairs. If the Leader of the Opposition puts that question on notice I will find the answer for him.

## SPENT CONVICTIONS ACT - REGULATIONS DELAY

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

This question could also apply to the Minister in his capacity as Attorney General. In view of the fact that the Spent Convictions Amendment Act has recently been assented to, why has there been a delay in completing the regulations in respect of the Act?

Hon J.M. BERINSON replied:

The Leader of the Opposition is quite correct in his belief that this Act does not come within my authority as Minister for Corrective Services. It does not come within my authority as Attorney General either. It is one of the Acts now being dealt with by the Minister for Justice. If the Leader of the Opposition cares to place this matter on notice, I would be happy to make inquiries.

## PRISONS - BROOME PRISON

*Escape*

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

I know this question comes within the Minister's purview. It is a follow up question to one I asked more than a week ago about four persons who had escaped from the Broome prison.

- (1) Has the Minister received a report from the Department of Corrective Services about this matter; and, if so, would he describe the circumstances surrounding the escape from the prison?
- (2) Have the four persons been recaptured?

Hon J.M. BERINSON replied:

I acknowledge that Mr Cash gave an indication over a week ago that he was taking an interest in this Broome prison escape. It may have been a fortnight ago.

Hon George Cash: Indeed it was, but I did not want to say that in case I embarrassed you.

Hon J.M. BERINSON: Unfortunately the passage of time makes matters worse for me rather than better because on the basis of his advice I obtained a report



which I dutifully brought into the House each day until yesterday. However, I did not take the opportunity to read the report every day, so the details are obscure. Nothing untoward surrounded the circumstances of the escape. The establishment in Broome is not a maximum or a medium security prison.

Other questions related to the placement of prisoners, particularly one, who had a certain record.

Hon George Cash: One person was a multiple sex offender with a history of violent sexual assaults and was serving a term for rape.

Hon J.M. BERINSON: I can make some general comments now and I will elaborate in writing to the Leader of the Opposition directly. The placement of that prisoner had proceeded through the processes of the assessment system. From memory, he had served more than half his sentence. I will not go into any greater detail about the proportion he served. In the ordinary course of events, virtually all prisoners, as they head towards the end of their sentences, are at least eligible for placement in lesser security prisons. That case was reported on in terms of the assessment procedures. There was nothing untoward in that.

I cannot advise members whether those prisoners have been recaptured. The report prepared for me came too soon after the event. As I may have briefly indicated to the House, while I receive reports of escapes automatically, they are not followed up with reports on recapture unless there is a reason for that. I will elaborate on that answer direct to the Leader of the Opposition.

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