

Legislative Council

Thursday, 21 October 1993

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

BILLS (2) - ASSENT

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

1. Superannuation Legislation Amendment Bill
2. Rural Adjustment and Finance Corporation Bill

PETITION - HOMESWEST, SECURITY SCREENS AND DOORS, QUEENS PARK

Hon T.G. Butler presented a petition signed by 175 citizens of Western Australia urging the Legislative Council to direct Homeswest to fit security screens and doors to all aged and invalid pensioner homes in the Queens Park area.

[See paper No 706.]

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

The following petition bearing the signatures of 596 persons was presented by Hon Reg Davies -

We, the undersigned people of Western Australia on behalf of injured workers and their families, wish to express our opposition to and concern about the unjust retrospective changes to personal injuries law in Western Australia which have removed common law rights for injured workers and motorists for injuries and accidents occurring from 1st July 1993.

The planned removal of common law rights if a writ had not been issued before 4.00 pm on 30th June 1993, unless an injured worker can establish a 30% total body impairment, is a draconian and unwarranted change to the law. It is estimated that 90% of common law claims will be disentitled to compensation. It has not been shown by the Minister for Labour Relations that any extensions under the Workers' Compensation Act will adequately compensate injured workers. The introduction of a \$15,000 deductible on compulsory third party motor vehicle claims will also unjustly impact on housewives, pensioners and the poor. They will receive little or no compensation for injuries that will greatly impair their capacity to enjoy life and contribute to society generally and the well being of their families in particular.

Your petitioners therefore humbly pray that you will establish a full and independent inquiry into the substantial and unfair changes to the rights of injured parties in the State of Western Australia prior to the passage of any Bill before the Parliament.

Your petitioners as in duty bound, will ever pray.

[See paper No 707.]

MOTION - URGENCY

City of Perth, Carve-up and Perth City Council, Dissolve Plans

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

Hon Clive Griffiths MLC
President
Legislative Council

Dear Mr President

Today it is my intention to move in accordance with Standing Order No 72 that the House at its rising adjourn to 25 December 1993 at 9.00 am for the purpose of discussing the desirability of the Government suspending as a matter of urgency, its announced plans to dissolve the Perth City Council and carve the City of Perth into four municipalities, until such time that proper consultative measures have been undertaken with the residents and ratepayers at the City of Perth and Perth City Council.

ALANNAH MACTIERNAN MLC
MEMBER FOR THE EAST METROPOLITAN REGION

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON A.J.G. MacTIERNAN (East Metropolitan) [2.47 pm]: I move -

That the House at its rising do adjourn until 9.00 am Thursday, 25 December 1993.

On Monday this week the Government announced its plans to carve up the City of Perth. The plans are continuing notwithstanding the fact that the legislative framework is not yet in place. We understand that the Government anticipates it will take a mere five weeks for the necessary legislation to pass through Parliament and to be assented to. The Perth City Council will then be immediately dissolved. We believe that the whole proposal must be reconsidered as a matter of urgency because it does not address the legitimate planning concerns of the central area of the City of Perth, because it will impose a massive and unsustainable financial burden on the residents and ratepayers of the suburban areas - in particular, the inner suburban areas now being exiled into the tiny towns; and because the citizens of Perth and their democratically elected representatives have not been consulted on this matter let alone given any right to determine their future.

The announced plans are causing enormous concern in the city -

Hon Peter Foss: In the council!

Hon A.J.G. MacTIERNAN: In the city - we will wait and see. Concern has been expressed by residents, ratepayers and their elected representatives, as well as the bureaucracy.

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: The vested interest is that they contribute 30 hours' unpaid work a week. That is a huge vested interest. It is silly to talk of vested interest when we look at the nature of local government. There is also concern from the bureaucracy and the work force within the city. Our view is that work on the plan should cease to allow proper debate in the community and proper consultation processes to be put in place. We believe that when the proper processes have been put in place the various shortcomings of the plan will come to light. Perhaps then we will see the plan abandoned or at least modified.

I now take time to point to some of the major problems and conceptual errors that underpin the proposal. The first and probably the most substantial failure of the carve up proposal - the tiny town proposal - is the failure of the proposed structure to address the planning concerns and long term structural problems of the central area. When we asked the Premier to outline the planning concerns, we did not get much further than those glass boxes. We understand that the Premier and the Minister have read a number of reports and from time to time have referred to them. Perhaps the most comprehensive of those reports addressing the structural planning issues within the City of Perth is the Mant report. That report is relied on heavily by the Minister for Local Government in various forms. The Mant report outlines two quite distinct planning problems within the City of Perth. The first problem is what might be called the lack of soul problem. The report states -

Perth lacks the soul and urbanity of great cities. In contrast to the beauty of the city seen from its approaches, the experience within is disappointing . . . Policy changes are required to arrest the further dispersal of activities and provide a more comfortable and interesting pedestrian environment . . . What is required is a new and more sophisticated planning scheme and a commitment by both local and State governments to its implementation.

John Mant prepared the report, having been commissioned by the State Government to do so in June 1988. I do not resile from the comments in the Mant report. I believe in the "lack of soul" area there has been some progress within the City of Perth. Since that report was written the Perth City Council has made a commitment to the redevelopment of the Perth city foreshore. We have seen a massive expansion in pedestrianisation and in areas such as King Street. The second problem identified in the Mant report is the exercise of discretion by the Perth City Council. The report says -

. . . there is justified concern about the exercise by the council of the wide discretions in the current City Planning Scheme to award bonus plot ratios and waive standards and development requirements. Usually, the approval of major developments require the exercise of the discretions.

In fact, a large proportion of this report is dedicated to analysing the granting of discretion and the bonus plot ratios. I would not resile from those criticisms in the Mant report. They mirror some of my criticisms since I have been on the Perth City Council. To some extent these problems have been abated by the collapse of property values in the central business district. Nevertheless, they are valid problems and we can see that these problems will be ongoing in a number of situations.

So there are two problems identified by Mant: The lack of soul problem and the questionable use of discretion problem. How does this tiny town proposal in any way address these issues? It does not. The tiny towns proposal does nothing to change the planning structures of the City of Perth, nothing to change the vested interest in the City of Perth. It is a recipe to exacerbate many of these problems, in particular, the second. At the moment some councillors are elected fundamentally by business interests and other councillors are elected by residential interests. The task of developers convincing the council as a whole that heritage concerns should be discarded, that parking policy requirements should be discarded, that built form requirement should be discarded, that height restriction should be discarded, is made somewhat more difficult because a group of councillors within the City of Perth are not directly answerable to business interests. I put to members that shedding those councillors representing predominantly residential wards - the residential interests have an interest in the central area because their residences in the areas surrounding the city have an urban quality and there is a great deal of concern about the development of the amenity of the central city - will ensure that the catchment basis for councillors for the central area will be confined almost exclusively to business interests. How that in any way will address the problems identified by Mant is beyond explanation.

A very clear example occurs in many instances in heritage areas. We have seen disasters such as the Railway Hotel in Barrack Street, Perth. It is a planning disaster which arose because of the unwarranted pressures that developers were able to put on council to ignore the advice of the Heritage Council in relation to that building. From both aspects we do not see this particular proposal in any way addressing those concerns identified by John Mant. It is quite a farce to have the Minister for Local Government waving around the Mant report as some type of imprimatur for the activities proposed. Clearly there are planning concerns within the central Perth area. They have been recognised by our party for some time. But this is not the answer to those problems.

We are strengthening the control of business interests, particularly big business, for the immediate and long term planning of the city over all the other interest groups. We should look at the experience of the City of Sydney. It did very much what has been done here. It carved off many of the residential areas and had a City of Sydney council which focused very much on the central business district. The Government

commissioned an inquiry into the administration, strategic planning and development of the City of Sydney. The inquiry found that to be effective, a planning and development control system must -

- accommodate many, widely different constituencies, or stakeholders, all with legitimate claims to participate in City planning decisions. These constituencies include the business community, residents, tourists (including residents from other parts of Sydney who use the City for leisure activities), developers and the State;
- ...
- be impartial and resistant to hijack by individual interest groups.

The proposal before us is going in an entirely wrong direction. It is revisiting the failure of the Sydney system where in its restructuring it preserved the central planning committee as a committee of council. As we understand it, that is the structure proposed here.

A couple of other committees have been added to the structure. There is a technical committee; a souped-up version of the current Minister's liaison committee; and an overriding committee, one that looks at the long term developments of the City of Perth. That committee consists of the Lord Mayor, who will be elected almost exclusively by business interests, the President of the Housing Industry Association, the President of the Chamber of Commerce and Industry and the President of the very powerful Building Owners and Managers Association. They have had a great deal of input into this report. The electoral base for the City of Perth, both within the peak body and within the body which will retain the control and planning development system, will be dominated by those same interests that have created the lack of soul which is complained of in the Mant report and which this Government claims it is trying to address. It is a bizarre proposition that the problems and the creators of the problems identified and the creators of those problems given even more unfettered control to make similar decisions. If there is any improvement it will not be as a result of a better structure. Even the building owners and managers have come to the conclusion that they have destroyed much of the amenity of the city by building towers no-one wants or needs and they will have to think again about how the city might progress.

Notwithstanding my membership on the Perth City Council, I do not start from the proposition that there are not legitimate concerns and that they are not the concerns fundamentally set out in the Mant report, although I acknowledge that the city has made progress since that report was developed. However, it is clear that the answer to the city's problems is the development of a central area planning authority. This is the sort of proposal being used in Sydney. The key recommendation is that there be formed a planning body, that the current planning committee which is a committee of the council be abolished and that the planning and development consent powers within the city of Sydney be shared by the Sydney City Council and the State Government. That is precisely the proposal that was put together by the Labor Government in its last term of office.

We hear much hypocrisy from the other side claiming how the Labor Government was too gutless to put forward a reform proposal. It is true that Labor recognised the need for reform and that it developed a program for the central area planning authority. The sole reason this proposal was not put forward was the existence of this undemocratic House. When Hon Bob Pearce made representations on many occasions to the then Opposition it was indicated very strongly that that legislation would not be passed by the upper House. To claim that the Labor Government was gutless is totally without basis. It had a plan that would work. It was not like this plan, which does not go anywhere near addressing the problems and has all the seeds within it to exacerbate the problems; it was a plan which addressed those fundamental issues. That plan was not acceptable to the then Opposition.

Hon Derrick Tomlinson interjected.

Hon A.J.G. MacTIERNAN: Certainly. Unfortunately until we get some democratic institutions, Governments of the day will continue to be -

Hon Derrick Tomlinson interjected.

Hon A.J.G. MacTIERNAN: There is no doubt that at all times this will be a controversial proposal and will attract a fair amount of opposition. The Opposition indicated it was not prepared to even consider it or adopt a bipartisan approach.

Hon Derrick Tomlinson interjected.

Hon A.J.G. MacTIERNAN: I was not aware that Hon Derrick Tomlinson had become an independent. We are presuming he was part of the Opposition at that time. Perhaps we misread where he was sitting on the benches.

Hon T.G. Butler: He is entitled to make a speech if he wants to.

Hon A.J.G. MacTIERNAN: I am quite happy to answer these interjections because they do not in any way deter me. As I say, the Government of today cannot get away from the fact that it refused to contemplate any reform proposed for the City of Perth. In the last election its various candidates indulged in a scaremongering campaign that the Government was intending to carve up the City of Perth, although the Government's proposal had only ever been for the creation of a central area planning authority. As I have clearly outlined, that proposal would make much more sense if one were trying to address the planning concerns identified by people such as John Mant. It would not make much more sense if one were offering a payback to the various business interests in the Western Australian Chamber of Commerce and Industry and the Building Owners and Managers Association for funding and support in the last campaign.

Another area we need to consider is the ingenuousness of the Government's claim that this proposal will encourage more local representation and give residents a more direct voice and closer links with their elected representatives. These issues have been covered a few times; however, the facts are worth reporting again. The City of Perth is approximately 56 sq kms and has 22 suburbs and a population of almost 80 000. I compare that with three municipalities from where the Government draws a great number of its current members. The City of Stirling is more than twice the size; it is 109 sq kms and has 28 suburbs and 181 000 residents. The distances over which wards are spread, the size of wards and the ratio of councillor to electors is immeasurably greater. Nevertheless, somehow or other when it was decided to establish closer links with the community so people in Wembley would not be talking about what happened way over in North Perth, the City of Perth was targeted, not the City of Stirling. Nor is that great alma mater of Government members, the City of Wanneroo, under consideration. That covers 786 sq kms, has a population in excess of 200 000, and 47 suburbs. Again these ratios and distances far exceed anything within the City of Perth.

Hon Mark Nevill: What date was that population estimate?

Hon A.J.G. MacTIERNAN: It would have been taken from the 1991 census.

Hon Mark Nevill: It will be much bigger now.

Hon A.J.G. MacTIERNAN: We are looking at starting the tiny towns program with Perth, which has one-third of the population and is less than one-tenth the size of Wanneroo. Another alma mater for the Government is the City of Melville, which is approximately the same size as the City of Perth - 52 sq kms - but has a population greater than the City of Perth with 91 000. We wait to see whether the same proposal will be extended so that the people of Alfred Cove do not make decisions concerning Myaree and the people of Bull Creek do not make decisions concerning the people of Palmyra. If it is good for the City of Perth then surely this proposal to provide local representation must be even more strongly needed in cities such as Wanneroo, Stirling and equally within the City of Melville. If there were a genuine concern and if the real motivation was to find a way of providing more immediacy of representation throughout local government and within the current local government structure, I put it to the House that the way would be to develop planning precincts.

The one city would be divided into a number of planning precincts, where the planning control - which is the issue most often of concern to a local area - and this aim of local representation of a more direct voice and closer links could be achieved; not by creating the massive inefficiencies of carving up engineering and parks and gardens but by creating within those cities these planning precincts. This would mean one could focus on the City of Perth and address oneself more properly to the issues. One could do something really imaginative, like creating some modifications to the Local Government Act which would prevent this sort of delegation of power into those planning precincts.

Hon P.R. Lightfoot: Are you opposed to the fact it has been reduced in terms of square kilometres?

Hon A.J.G. MacTIERNAN: The problem that Hon Ross Lightfoot often has is that he is up and down like a toilet seat, and because he has been in and out of the Chamber he has not had the benefit of my full discussion. I do not intend repeating it to him. Could I recommend that he read it in *Hansard*; he will find exactly what the argument has been?

Hon P.R. Lightfoot: I do not have the time to read your *Hansard*, that is the problem.

Hon A.J.G. MacTIERNAN: Or the capacity.

Hon P.R. Lightfoot: Perhaps you could highlight your points for me.

Hon A.J.G. MacTIERNAN: I have wasted enough of my time responding to Hon Ross Lightfoot.

Several members interjected.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: The next area of concern in this proposal is the failure of the proposed structure to protect and enhance the viability of the residential areas surrounding the central area. These areas are essential to the survival of the central area, both the CBD and Northbridge. It is certainly the case that those residential areas surrounding the city, particularly what we might call the front line suburbs of East Perth, Perth, Highgate, Mt Lawley, North Perth, Victoria Park and Leederville, have massive traffic, parking and planning problems generated by their proximity to the CBD.

It is quite proper that the central area contribute to the management of those problems through the small degree of rate subsidisation that currently exists. That cross subsidisation has enabled the Perth City Council to put in place strategies that are necessary to make those residential areas of Northbridge, Victoria Park and Highgate reasonable places for people to live in. This is a problem that perhaps not many people are able to perceive if they have not been closely involved with those areas, but there is an awful lot of pressure. A lot of people move into those inner suburban areas to be close to the city. They like the idea, but it is often the case that the reality of the horror of the traffic and the proximity to late night venues for drinking create a great deal of difficulty and problem.

We need the resources of the City of Perth, not the tiny town of Vincent, to be able to come to terms with those problems. These are problems not just for those areas but which, if one were interested in the central area, one would be interested in. The property owners of the central area, as the Building Owners and Managers Association knows, are aware that there is a diminishing role for commercial offices in the CBD, because of advanced telecommunications and the associated regionalisation of business. They know that even when the economy is running at full flight they are not going to fill up those towers and there are not going to be real people employed within the CBD in the commercial sector.

For the CBD to have a future it has to be able to attract business to its retail and entertainment sectors. We have a situation where there is the increasing sophistication of regional shopping centres, which can now provide the services which were once the exclusive domain of the central area shopping precinct. It is absolutely vital to the existence of the retail and entertainment sectors within the central area that there be a strong, vibrant residential area surrounding the CBD.

The loss of the minor subsidy will certainly affect the capacity of the towns, the new mini-municipalities, to provide those sorts of services. I will give one classic illustration of that. Within the area immediately north of Northbridge is a medium density residential area covering streets such as Lake, Moir, Brookman and Stuart. One of the real problems within that area is the late night traffic that occurs because it is near to centres such as Arcadia, all night hotels, hotels with cabaret licences and late night restaurants. The only way we can address this is to install various traffic management devices and to provide all night parking patrols within those areas particularly on weekend nights. This is an expensive process, but it is a process we are able to undertake because we can use funds from the City of Perth vehicle parking fund. This is not something that will be available to the tiny town of Vincent once this break-up occurs.

It is all those sorts of things multiplied across the city which will put in real jeopardy those residential areas immediately north and south of the city and the retail and entertainment sectors of the central area. This is a very short-sighted response both on the part of the interests such as the Chamber of Commerce and Industry of Western Australia and BOMA and their agents, the Government.

Hon P.R. Lightfoot: With respect, that is unmitigated drivel.

Hon A.J.G. MacTIERNAN: I know the argument is a little complex, but if the member cares to approach BOMA and takes its reports on the long term viability of the central area and cares to approach the Lord Mayor for his own views on the future of the central area, he will see that this is not at all revolutionary. A little bit of forward thinking and a little ability to see something beyond the next rates payments would show that the business proprietors have every interest in maintaining the viability of the residential area. That viability can be retained only if the municipality responsible for those areas is sufficiently resourced. I put it to the member that on the rate base that will be coming into the town of Vincent there will be nowhere near the resources to undertake that activity.

I would like to make two other points. There is a failure to provide any guarantee in this proposal of an equitable distribution of the existing resources of the City of Perth. We see a very clear decision to take away the casino from the town of Shepperton; a decision that cannot be justified. We have some very lame justification that it was providing some active space in the central area. We have the massive areas of Langley Park, a currently active space, and we have the full area of Kings Park that also provides a massive open space within the city. To say that one has to jump the river and include the casino to provide some open space is extremely spurious.

The only hope that the tiny towns will get a fair share of the resources of the Perth City Council, which the residents and ratepayers have helped to develop over the last 150 years, is that the commissioners will be good guys. I presume they will be guys. The Premier has told people to relax because they can rest assured the commissioners will do the right thing. That is not a legitimate way to proceed. If the Government's proposal is to be sold to the community, that sort of work must be done before the dissolution of the council and not after.

The Government has failed to corroborate the claim that the new towns will not be required to increase rates to preserve the existing levels of service. I would like members opposite to pay particular attention to this. Notwithstanding the grave discourtesy of the Minister for Local Government in not providing the Perth City Council or the Opposition with a copy of the background report on the restructuring of the City of Perth in which the financial details are outlined, he made it available to the Press last night. At the time I commenced my speech this afternoon the Opposition still had not received a copy of that report. After all, it is a public document and it should have been made available to the Opposition and the council at the time the Government announced its plans. I cannot see any reason why the document should be confidential, because it was prepared some time ago.

Several members interjected.

Hon A.J.G. MacTIERNAN: I am only pointing out that at the same time the document was provided to *The West Australian* and other newspapers it should have been provided to the Opposition and to the affected party.

Hon Peter Foss: They probably keep confidences while some people do not.

Hon A.J.G. MacTIERNAN: If Hon Peter Foss cares to read this morning's newspaper he will find that the information has been used. I am not sure whether the Minister actually distributed the information to other suburban newspapers, but the confidence was broken by faxing it to various suburban newspapers. Fortunately the Opposition has, through the suburban newspapers, been able to get some insight into the funding arrangements. The Opposition is most astounded by the notion that with exactly the same base rate for four bureaucracies instead of one, there will not be an increase in rates. That flies in the face of many of the Government's activities. For example, there was the extraordinary consolidation of the Ministry of Justice and the Department of Corrective Services on the basis that efficiencies would be created. In this instance we have a situation where the municipality will be divided up and the Government says it will result in efficiencies.

I have found some substantial errors in the documentation. I know it is the Government's view that it managed to obtain the services of some leading consultants. I put it to the Government that a major flaw that has arisen from trying to address this issue without any reference to the City of Perth and to its expert staff is that its figures are wrong. The figures are very central to the claim that the Government has been making that there will be no rate increases.

The document indicates that the rates to be collected by the town of Shepperton will be \$6.873m. These figures have been analysed by the City of Perth and if the casino is excluded - we know it will be - the actual figure is \$5.6m. The error stems from misquoting the assessed value of the properties in that area. The figure is not \$92m, because if the casino is excluded it will be \$80m. Here alone is a \$12m error which leads to approximately 20 per cent reduction in the projected rate revenue of the town of Shepperton.

I refer now to the town of Vincent and, as I said earlier, unlike *The West Australian* the Opposition has not had access to the corroborative documents, but it has had time to analyse the figures relating to parks and gardens. The town of Vincent will incorporate parts of five different wards of the City of Perth. Two wards are wholly included - North Perth and Perth - and in them we find the East Perth oval, the West Perth oval, the Velodrome, Perth Italia, Beatty Park and a plethora of other first and lower grade sports ovals. The budget drawn up by the Government's experts has an allocation of \$600 000 to parks and gardens. This year the council has allocated in excess of \$1m to be expended on parks and gardens in the North Perth and Perth wards and that does not include the parks and gardens in the other three wards which will, in part, be incorporated into the town of Vincent. Again there is an underestimation of at least 40 per cent, more likely 60 per cent, on one of the major expenditure items in the city. The corroborative evidence is not there. The figures on which these estimations are based are totally wrong.

The situation is probably more dramatic in the town of Cambridge, which will take in City Beach, Floreat, Wembley and West Leederville. Last year \$2.1m was expended on the maintenance of parks and gardens in the existing Coast ward and the Wembley ward which will comprise only part of the town of Cambridge. The Government's figures include an allocation of \$900 000 for parks and gardens in this town which is less than half the money allocated in the City of Perth's budget.

It is very clear how the Government has made its figures work. On the one hand it has the rate revenue wrong -

Hon John Halden: Did Eric do that?

Hon E.J. Charlton: No; the council she is defending has it wrong.

Hon A.J.G. MacTIERNAN: The council did not provide these figures, the Government's experts did. The council's treasurer and financial officers would have more idea and

more familiarity with the revenue and expenditure of the City of Perth than the Government's experts, who were working purely from public reports. On major municipal responsibilities the expenditure has been slashed in half and there is more than a 20 per cent discrepancy in the estimated rate revenue for the town of Shepperton.

I commenced my speech by saying that the Opposition's information fails to corroborate the Government's claim that the new towns would not be required to increase rates. On the basis of the limited material that is available to the Opposition it is not a failure to corroborate but a failure to be able to substantiate its claim. Part of these problems arise because the City of Perth has had a large revenue base and, as a result, it has been able to develop and sustain over time many facilities which are essentially regional facilities.

In the town of Vincent there are two Australian Rules ovals, two first division soccer ovals, Beatty Park and many other recreation facilities. This level of infrastructure cannot be sustained on the population base of between 20 000 and 24 000 people. It is not realistic. The Government's figures on the preservation of the parks and gardens expenditure have been totally plucked out of the air and they bear no resemblance to the realities which the Perth City Council faces.

Another issue that needs to be addressed and that again demonstrates the folly of going down this path without consulting with Perth City Council and its bureaucracy -

[Debate adjourned pursuant to Standing Order No 195.]

MINISTERIAL STATEMENT - BY THE MINISTER FOR TRANSPORT

Transport, Department of, "A Plan for the New Department of Transport" Tabling

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.31 pm] - by leave: Upon becoming Minister for Transport in February, one of the issues I inherited from the previous Government was the question of the future of the Department of Transport and the Department of Marine and Harbours. The previous Government, as would be known to the House, announced in January last year that the two departments would be amalgamated. Despite this announcement and the appointment of a common chief executive officer to both departments, no other action was taken to give effect to its intention. Legal advice was that the merger could not occur until legislation was passed to give effect to the amalgamation. No legislation was drafted before Parliament was prorogued.

Upon becoming Minister, I immediately undertook my own detailed study of the two departments, their role and their future, in the context of the role of transport in Western Australia. We all know that transport is important. We use it every day, in one form or another. Over 12¢ in every dollar of Western Australian household expenditure on commodities and services is spent on transport. Around five per cent of our gross State product comprises transport related outputs, and more than 40 000 Western Australians are employed in the transport and storage industry. Western Australia's importance as the nation's biggest exporter is well known, and the efficiency of our transport system is vital to international competitiveness. We must strive continually to equal or better international standards.

In our State, land transport plays a particularly significant role in the functioning of our community due to Western Australia's size and isolation and reliance on the vitality of our primary industries. Total annual expenditure on regional freight transport in the State is estimated at around \$1.5b. Around 10 000 Western Australians in regional areas are employed in transport related activities. In addition, many people in Perth are employed in jobs which support the provision of transport services to and from regional areas. Transport is also essential to the economic and social development of our cities. In Perth, transport will continue to play an integral part in shaping and responding to the pattern of development in the metropolitan area. In this context, the fundamental aim of transport is to enhance the quality of life for people by providing access to opportunities such as employment, education, health services, shops, and other services, at the lowest possible economic, social and environmental cost.

Against this background, I quickly formed the view that it was indeed appropriate that the two departments be merged. In addition, I formed the view that clear guidance should be given to the amalgamating department in regard to its future. As His Excellency the Governor has stated, the Government proposes to introduce legislation to give effect to the formation of a new amalgamated Department of Transport. I will introduce a Bill to the House shortly. My plan was announced to the staff of the two departments on 9 September, after union representatives had been advised.

For the information of the House, I seek leave to table a copy of my evaluation, entitled "A Plan for the New Department of Transport".

Leave granted. [See paper No 708.]

Hon E.J. CHARLTON: The document makes it clear that the Western Australian Transport portfolio should maintain a clear separation between policy formulation, coordination and administration on the one hand, and transport service delivery responsibilities of Government on the other hand. The transport service delivery authorities should become progressively more commercial under a corporatised structure, each with its own board, with clear operational and financial directions.

The Department of Transport should be a comparatively small agency, advising and assisting the Minister in the overall administration of his responsibilities in both the public and privately provided transport sectors. In particular, the new Department of Transport will be the pre-eminent source of ministerial support and advice on transport policy development and its application. To achieve this, it will coordinate and integrate inputs from the whole Transport portfolio and the private sector. There will be a hierarchy of roles for the new Department of Transport: A primary role of facilitator of the State's transport system through policy formulation, which involves coordination of inputs from the Transport portfolio, the private transport sector, and the community generally; a role in the coordination and administration of transport policy, whether through regulation, subsidy or other influences on the supply and demand for transport; and a residual role as a provider of transport facilities and transport services only where no-one can be encouraged or induced to do so, either independently or in partnership with Government. In addition, the department will only provide technical support services - for example, construction and maintenance workshop at Mews Road, consulting engineering, and hydrographic surveys and cartography - where discrete business units are commercial and more cost effective than outsourcing, as demonstrated by competitive tendering.

I have also advised the Director General of Transport of a number of other requirements, including: A review and consolidation of all marine legislation; a review of all transport regulations; a review of transport concessions and subsidies; the establishment of a service unit for vessel surveys, and a service unit for the Ports of Wyndham and Broome; and changes to the policies in regard to navigation aids.

The report was completed in June. I withheld announcement on it until after the publication of the second volume of the McCarrey Report of the Independent Commission to Review Public Sector Finances, in order to assess any further necessary changes. Broadly, my plan is quite consistent with the thrust of relevant McCarrey recommendations, and Cabinet has endorsed my plan without amendment. Certain of the time lines in it are affected slightly, and I have discussed with the Director General of Transport some adjustments to accommodate the passage of time since the report was prepared. I commend the report to the House.

Consideration of the statement made an order of the day for the next sitting.

WORKPLACE AGREEMENTS BILL

Committee

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

Clause 1: Short title -

Hon JOHN HALDEN: I move -

Page 2, lines 2 and 3 - To delete all words after "the" and substitute "*Employment Contracts Act 1993*."

This amendment involves a name change. A significant misnomer with this legislation is that it involves a process which will see agreement and meetings of minds by which people reach reasonable conclusions. This legislation will not see parties conducting happy and fair negotiations. Clearly, the debate in this Chamber indicated that this legislation will lead to a "take it or leave it" situation. The protection provisions for workers are the weakest imaginable. Workers will be forced to take whatever is offered to them if they wish to continue in or gain employment.

This legislation probably has its origins in New Zealand; the similarities between this and the New Zealand legislation are painfully obvious. We have attempted to draw comparisons with this legislation and that in the United States, Japan, Germany, other European countries and countries in the OECD - we could make only one. The obvious comparison is made with New Zealand. In that country a minimum wage was set, although we have been slightly more generous by \$30; but the realities are the same. Also, this Bill and the New Zealand legislation involve secrecy provisions. This Bill in its original form made it exempt from the Freedom of Information Act, but that subsequently was changed. Nevertheless, the idea originated in the New Zealand legislation.

Great claims have been made in this Chamber and other places that this legislation will protect workers and provide security. On Tuesday, 28 September I asked the Minister a series of questions without notice for which I had given warning; I asked -

What protection does the Workplace Agreements Bill offer to a prospective employee who wishes to work under award conditions but is told that it is a precondition to obtaining the job in question that he sign a workplace agreement and relinquish award coverage?

The Minister answered -

Where an employer attempts, by threats or intimidation, to persuade a person to enter into a workplace agreement, or a workplace agreement in certain terms, the employer commits an offence. Therefore, an employer who threatens not to employ a prospective employee unless that employee enters into a workplace agreement is guilty of an offence.

I then asked the Minister -

What protection does the Workplace Agreements Bill offer to employees who are threatened with dismissal if they do not enter into a new workplace agreement which offers less favourable terms and conditions than the agreement they are currently working under?

The Minister replied -

Clause 66 of the Workplace Agreements Bill provides that it is an offence for a person to persuade or attempt to persuade, by use of threats or intimidation, another person into entering or not entering a workplace agreement or a workplace agreement that contains or does not contain particular provisions.

My next question was -

How does the Workplace Agreements Bill protect existing employees who are threatened with dismissal if they refuse to accept the terms and conditions of a workplace agreement proposed by the employer?

The Minister provided the following response -

The Workplace Agreements Bill contains specific provisions in respect to a threat by an employer to dismiss an employee because the employee refused to sign a workplace agreement.

For the sake of brevity I will not read the following comments. My fourth question to the Minister was -

What protection is offered to employees if an employer -

- (a) dismisses all the work force by notice;
- (b) advertises all their jobs; and
- (c) will agree to re-employ such employees only if they agree to give up their award conditions by signing a workplace agreement?

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon JOHN HALDEN: The Minister's answer and my final point is -

If an employer were to dismiss all the work force by notice, the employees could take action for unfair dismissal under section 29(b)(i) of the Industrial Relations Act. In addition, see the answer to question 501.

The next day an opinion was circulated by Ian Viner QC and Rene Le Miere, barrister. I have a copy of that opinion which I am only too happy to table. Quite clearly that opinion was at variance with the opinion given by the Minister representing the Minister for Labour Relations in this place. I am not suggesting that the Minister in this place, bearing in mind his considerable legal knowledge, would have given that answer. Categorically and specifically he may not have been in a position merely to accept the advice from the Minister for Labour Relations.

Hon Peter Foss: Are you suggesting that I change it on the basis of other advice?

Hon JOHN HALDEN: I am suggesting that Hon Peter Foss may have considered it more carefully.

Hon Peter Foss: Not that I would have necessarily been influenced by it.

Hon JOHN HALDEN: The Minister may have been. I have always thought of him as one of the more open-minded members on the other side of the House. I guess I have gained an appreciation of his legal knowledge about a whole array of matters. It is important to summarise the legal opinion of Mr Viner and Mr Le Miere to the Trades and Labor Council.

Hon P.R. Lightfoot: Before you do that, there would not be a member on this side of the House who would not prefer the Minister's interpretation to that of Ian Viner.

Hon JOHN HALDEN: We would have liked the Minister's interpretation, and I hope we will get it. It will be an interesting and perhaps enlightening comment. There is grave concern about the statements read in this House by this Minister but I accept that he is representing the Minister for Labour Relations. I will go through a very brief summary of the opinion that was given by Mr Viner and Mr Le Miere. It states that the legislation does not protect prospective employees who wish to be employed pursuant to an award rather than a workplace agreement in circumstances where the prospective employer requires that they enter into a workplace agreement as a precondition of employment. The legislation does not protect prospective employees.

There is a sizeable and significant difference between that opinion and the opinion that we have heard in this place until now. There is sizeable opinion to support this position. The reason for asking this is that we require an opinion from the Government and from the Government's representative here about where the Government now stands. The second point in the summary states that the legislation does not protect employees who have entered into workplace agreements in circumstances where their employer threatens to dismiss them from their employment by notice in accordance with the contract of employment for the purposes of compelling them to accept less favourable terms and conditions of employment in a new workplace agreement. The legislation does not protect employees.

The third point states that the legislation does not protect employees in circumstances

where their employer threatens to dismiss them from their employment by notice in accordance with their contract of employment for the purposes of compelling them to accept the terms and conditions of employment in a workplace agreement proposed by the employer, except in the situation where an employer has not previously entered into a workplace agreement.

Hon Peter Foss: They did not have any basis for that. I hear the conclusion that you read but I do not see anything in the opinion that justifies coming to that conclusion.

Hon JOHN HALDEN: I would like the Minister to go through that when he responds.

Hon Peter Foss: It is very hard to respond to a conclusion where I cannot see the workings that got to that conclusion.

Hon JOHN HALDEN: The issue here is that we are saying that eminent legal practitioners and it has been said on both political sides -

Hon Peter Foss: I have not said that.

Hon JOHN HALDEN: No.

Hon T.G. Butler: It cannot be denied.

Hon Peter Foss: Anything can be denied.

Hon JOHN HALDEN: We have a summary of that opinion that says that statements that have been made in this House -

Hon Peter Foss: I am reading an opinion, not the summary of the opinion.

Hon JOHN HALDEN: But I am.

Hon Peter Foss: I suggest that you read the opinion, rather than the summary.

Hon JOHN HALDEN: We will be doing that. We want to go to the short title of the Bill today because we believe it is a crucial matter and should be discussed in full. The fourth point of the summary states that the legislation does not protect employees if their employer dismisses all its work force by notice, advertises their jobs and then employs only those persons, including the former employees, who are willing to enter into a workplace agreement on the terms and conditions specified by the employer. There is a requirement to state the Government's position.

Hon Peter Foss: We have stated our position.

Hon JOHN HALDEN: I think your position has been challenged quite reasonably by these people.

Hon Peter Foss: They have just come to a different conclusion; I am waiting to see what the impact is.

Hon JOHN HALDEN: The conclusion in terms of the impact on individual workers is very significant. Hon Peter Foss is saying that the workers are protected; this legal opinion says that they are not.

Hon Reg Davies: That is why it should be in a committee right now.

Hon JOHN HALDEN: We would be quite happy to support Hon Reg Davies.

Hon Reg Davies: It is a bit late now.

Hon JOHN HALDEN: We need to highlight in a public way - as we have attempted to highlight on many occasions - that the differences and fears we had with this Bill were that it did not offer the protection to workers that we were being told it did. An attempt is being made to show that people with legal backgrounds that suggest they are highly qualified have different opinions from those with a political background. The legal opinion has said that the statements that have been made about protection of workers does not concur with what the Government has been saying.

Hon Peter Foss: Page 11 of that opinion casts doubt on that statement.

Hon JOHN HALDEN: I accept that there are some qualifications. This is a joint opinion

which could allow for some wavering between the opinion of one of the authors which may have been very strong compared with the opinion of the other. The situation was compounded in the other place by the actions of the Minister for Labour Relations when he said that he had a legal opinion from the Crown Law Department. He waved around a document of about 10 or 11 pages and said, "This is my legal opinion from the Crown Law Department."

Hon N.D. Griffiths: It was a Mickey Mouse copy.

Hon JOHN HALDEN: It was more than that. The tragedy is that the Minister for Labour Relations was asked to table the document, and he did. A cut and paste job of an opinion from the Crown Law Department was tabled. The Minister was not even smart enough to get the cut and paste job right. In the cut and paste comments that remained some concerns were still expressed. It is despicable that a cut and paste opinion of the Crown Law Department should have been tabled and used as an authority for justifying the Government's position and for rejecting the opinion of legal practitioners. I will ask the Minister, firstly, whether he has seen that advice of the Crown Law Department in its totality and, secondly, whether he is prepared to table that Crown Law advice in its totality in this House. I understand that it is not normal procedure to table Crown Law advice.

I suggest that it is far from a normal or ethical procedure to table a cut and pasted version of Crown Law advice. The Minister in the other place did not even deny it was a cut and paste job. He thought it was a particularly smart antic to perform within the Parliament. The President made mention earlier of the difference between this place and another. I am quite sure if that were to happen in this place there would be a significant and very different reaction by members, you Mr Chairman, and the President. As we enter the Committee stage it is incumbent upon the Government to comment in a reasonable way on the opinion. I will not commit myself to the totality of that opinion, but we need an assessment of that opinion by the Government. If this Bill and this Government are to have credibility in this area, there must be a counter-rebuttal, counter-acceptance or counter-opinion to what has been put forward.

Hon Peter Foss: You are assuming that opinion discloses some reason for coming to the conclusion; that is the difficulty I have.

Hon JOHN HALDEN: The Minister can have that opinion.

Hon Peter Foss: You have quoted the conclusions, not the reasons.

Hon JOHN HALDEN: I assure the Minister the Opposition will be doing that. The reality, Mr Chairman, is that it is incumbent upon the Government to do what the Minister has said; that is, to rebut this on the basis that it has no legal standing or it is defunct in how the argument has been developed legally. However, we have not heard that. We have had an antic in the other Chamber with a cut and paste opinion; that is not appropriate in this Chamber. It is incumbent on the Minister representing the Minister for Industrial Relations to make a statement.

Hon N.D. GRIFFITHS: I listened with interest to Hon John Halden. He made reference to Mr Le Miere and Mr Viner who have provided a joint opinion. I have a copy of the opinion. I have not yet read it, but I look forward to reading it later this evening.

Hon Peter Foss: We have not got to the stage of dealing with that yet.

Hon N.D. GRIFFITHS: I appreciate that, Minister, but Mr Halden in reference to Messrs Le Miere and Viner referred to them as being at different ends of the political spectrum. It is my understanding that in providing an opinion of this nature, and I trust the Minister has a copy of the opinion, Messrs Le Miere and Viner provided the opinion as counsel. Mr Le Miere is an eminent counsel, a former President of the Law Society, and Mr Viner as the Minister well knows is one of Her Majesty's counsel. When counsel provide an opinion, it is not incumbent on the Minister to agree with them, but in accord with his duties it is incumbent upon him to give it consideration. I trust in due course the Minister will give us the benefit of his view.

I note from a quick scanning of the opinion that it refers to a number of clauses. In particular, I look forward to the Minister's comments on the matters raised in the opinion when we get to those clauses. By then I trust I will have had an opportunity of reading what is stated in the opinion and perhaps I may have a view. I trust that view will accord with the Minister's view. At that stage I trust we will have some worthwhile amendments to the document that is before the Chamber and which is currently called the Workplace Agreements Bill. I join with Hon John Halden with respect to changing the title of the document. The title is misleading. It is incumbent upon us to ensure that any Statute passed by this Parliament is honest in its presentation to the people of Western Australia. When I make these comments I do not wish in any way to reflect on the decision of the Chamber as a whole in passing the Bill. In dealing with this clause it is appropriate that the Chamber consider it is honestly describing the clauses that follow. The Workplace Agreements Bill purports to deal with what takes place at a workplace. I have real difficulty with the word "agreement". The Bill is dealing with matters of contract. As the Minister well knows, there is a distinction between an agreement and a contract. It is true that at law contracts are agreements, but agreements are not contracts.

Hon Peter Foss: They are not necessarily contracts but they may well be contracts.

Hon N.D. GRIFFITHS: The Bill is seeking contracts, and no doubt the Government hopes this will take place at the workplace with people entering into arrangements which are contractual. They have consequences; people can be sued if they breach them. There are a number of consequences which we will go into at a later stage, but the essence of our objection to the short title is that as far as the people of Western Australia understand the English language in its every day use, the appropriate terminology is as Hon John Halden has proposed, not as is proposed here: a Workplace Agreements Bill.

Hon T.G. BUTLER: I have listened to both Hon John Halden and Hon Nick Griffiths and also to the interjections by the Minister. I do not want to enter into an argument about the legal interpretation of the words "contract" and "agreement", I would prefer to relate my experience as a trade unionist. As a result, I support the comments of both Hon John Halden and Hon Nick Griffiths because I believe that the amendment moved by Hon John Halden reflects and describes the Bill and its intentions. I believe also that the short title should reflect those intentions and that description. I suggest that to refer to the Bill as the Workplace Agreements Bill is, to say the least, deceitful. Any prospective employee would be totally confused by the name of this Bill, because when arriving for work he or she would be presented with a document setting out the terms and conditions of employment. To my way of thinking - I will take much convincing that that is not what will happen - that does not represent in any way an agreement; it represents a contract along the lines of that which may be inflicted upon people who may purchase a house or enter into a mortgage. Home buyers are presented with a document to read, which is difficult to understand, and as a consequence is placed before them as a contract to sign. In this sort of industrial relations arrangement that is exactly what would happen to prospective employees. They would find themselves presented with a take it or leave it contract, rather than an agreement, one that had not been negotiated.

Agreements can be reached only when people come together on equal terms and are prepared to negotiate on the basis that each has something of value that the other wants. That has been the case with the ongoing round of negotiations between Aboriginal groups and the Prime Minister over the Mabo question; the farming and timber lobby with the Prime Minister, also over the Mabo issue; and on Budget matters between the Western Australian Greens senators and the Prime Minister. To all intents and purposes, agreements have been reached in each of those instances because each party has had a bargaining chip that the other party wanted. Agreements can be successfully reached in the work place only under the same sort of circumstances; that is, where the parties have equal standing, and each party has something the other wants. I suggest also that to obtain this type of agreement in the work force outside the award system it would be necessary for us to retain in this legislation the right of employees to withhold or withdraw their labour. When people are applying for positions of employment they cannot do that, and they are presented with a document which, for instance, could contain nothing more than the minimum conditions of employment. In those sorts of

circumstances a prospective employee, for argument's sake, would have no room to negotiate anything better. It may be that the employee has rare skills that the employer finds valuable, and that person may be able to negotiate a better deal. However, that is the expectation and the general rule would be that the worker would be presented with a contract that he would be expected to sign if he wanted the job.

I had a lot of experience over 21 years working for a trade union in the building industry. The Housing Industry Association gave up the award provisions years ago by putting all of its work to contract. Those contracts are on a take it or leave it basis. The bricklayer receives an amount of money designated by the employer for laying bricks, the painter for doing the painting, and the plumber for doing the plumbing, etc. No negotiations are entered into. They are presented with that sort of situation and are considered to be contractors. They are not purported to be "agreementors" or any such thing. They are bound to a contract that states what they will receive for the sort of work they do. The prices may fluctuate depending on the seasons; however, the contractors have to take the amounts of money that the employers offer if they want to remain in employment. I do not think that this legislation will change that sort of arrangement. The HIA would not want a bar of it. It would not offer the same sort of protection that would be offered under the award or a proper negotiated agreement. The words "workplace agreement" do not fully describe what the legislation is about. The Government needs to accept the amendment moved by Hon John Halden, which will more clearly describe the intention and meaning of the Bill.

Hon CHERYL DAVENPORT: I support the amendment moved by Hon John Halden. I do so on the basis of my research on the second reading debate, which related to the New Zealand Employment Contracts Act. Although this Bill does not mirror that Act totally, it contains a significant number of similarities. It would be far more honest of the Government to entitle the Bill the employment contracts Bill, because for all intents and purposes, contracts will be made between the employer and employee. I have canvassed the speeches in the second reading debate on three pieces of legislation that have come before this Parliament looking specifically at the effect that workplace agreements and the other Bills may have on women in the work force. In this instance, it would be far more honest of the Government to call such an agreement a contract. Given the legal opinions on this subject, I fail to understand why there is any resistance to the title of contract. After all, that is what it is.

Hon Peter Foss: You are not suggesting that is what the opinion says?

Hon CHERYL DAVENPORT: I am not, but analyses have been done since the introduction and implementation of the legislation in New Zealand in Australian Law Society journals which indicated that it is a contract between workers and employers. It would be far more honest to call it a contract rather than a workplace agreement. The title of "workplace agreement" does not indicate to a person who is about to sign it that it will have to go before a court of law to be challenged, nor that an employee will have the Industrial Relations Commission-type ability to challenge it. I will be interested to hear the Minister's explanation about why the Government has not entitled the Bill the employment contracts Bill. In the three types of agreements that can be made they are simply contracts. Why not call them that?

Hon PETER FOSS: Two matters have been raised. One is the opinion by Mr Viner and Mr Le Miere and the other is the title of this Bill. They are two separate issues, although they have been linked together.

Hon John Halden: We did not mean to do that.

Hon PETER FOSS: There was a suggestion that they are tied. It would be best to debate the opinion of those two gentlemen when we consider the clause to which it relates. I accept the propriety of raising this issue in regard to the title. The situation we currently have is the conclusion arrived at by those two counsel and the conclusions given in answers to questions in this Chamber. The question is the logic behind them and that has not been elicited in this debate. When Hon Nick Griffiths has had the opportunity to read the opinion we can go through it to determine whether it needs answering.

Hon John Halden: Are you prepared to table the Crown Law opinion?

Hon PETER FOSS: No, I am not prepared to do that. I will express my opinions in this Chamber.

Hon John Halden: Do you disagree with it?

Hon PETER FOSS: I intend to express my view. It is not usual to table Crown Law opinions.

Hon John Halden: It is not usual to cut and paste them.

Hon PETER FOSS: I have not done that and I do not intend to.

Several members interjected.

Hon PETER FOSS: The most reliable opinion is one's own opinion. It is true that the quality of an opinion does in a large measure depend on the counsel involved. The mere fact that one has good counsel does not mean one gets a good opinion. The opinion must be judged on what it says and how well it says it. The most junior counsel with no reputation can have the right opinion, and a most senior counsel can have the wrong opinion. It is customary in law to give reasonable respect to the eminence of the people involved and I do not deny the eminence of the two people involved in this case. In the end one must look at the opinion itself.

Hon John Halden: That is true. You can agree or disagree with parts of an opinion. You do not have to disagree with it in its entirety.

Hon PETER FOSS: It is a conclusion rather than a logically worded opinion. It is hard to give an opinion on some issues. Many people have a touching faith in lawyers and ask them to give opinions on matters which they really are not able to. It is a matter of prediction of the future rather than an interpretation of the law. Lawyers are prone to do that, but it is not necessarily legal opinion. The most eminent people have been known to give bad opinions. One must read the nature of the opinion to see how it is argued. Having read this opinion I do not see it as one which rivets me with its logic. That is not a criticism, but one cannot make a silk purse out of a sow's ear. I think there is a little bit of a sow's ear in this one. I am not intending to reflect upon the counsel who gave the opinion. I acknowledge their position. Having read the opinion I did not find anything that compels me to say that it requires an answer. It appears to me to be conclusions dressed up with a statement of what is written in the Bill. We will leave this matter to the debate on the specific clause.

A contract of employment is not an invention of a term; it is a well known term. It is usually understood that contracts of employment are understood to be between the employer and the employee. It is possible to have contracts of employment between multiple employers and multiple employees. That is not the usual case and normally there is one employer and one employee. The contract of employment can be an addition to an award. It is possible to have an existing award and for the employer and employee to enter into an agreement which adds to the terms of the award. The only thing is that the contract is a contract of employment between the two parties and not the award. Many people in one workplace or industry may have individual contracts of employment, but each has his or her contract of employment and the award sets some of the basic conditions which will be, if not expressly stated, implied in the contract by virtue of the provisions of the legislation.

I accept that not every agreement is a contract, but every contract must be an agreement. Hon Tom Butler suggested that it is not an agreement when an ultimatum is delivered. Under our law that does not have a special character. The French have what they call a contract of adhesion; they either adhere to the terms of the contract or it is not a contract. The contract is not arrived at after a period of bargaining. It is a contract and it is an agreement. The essence of a contract in English law and, therefore, Australian law is that there is an agreement. Hon Tom Butler does not see it as an agreement, but in law it is.

Hon T.G. Butler: The parties have to negotiate.

Hon PETER FOSS: I do not agree with that. A classic example is on the stock exchange floor. A person may yell out 45¢ for a particular stock and someone says the deal is done. There is no negotiation; the person accepts it. Hon Tom Butler may take a different position from me on the English law of contract and he is perfectly free to do so, but every contract is an agreement regardless of whether it is negotiated. If one does not have an agreement, that is consensus ad idem; there is no contract.

Even this Bill recognises that there is a difference between the contract of employment and the workplace agreement, because the workplace agreement is very much like an industrial agreement. I am sure members opposite are aware of the term industrial agreement. That is probably regarded more as an agreement because it is negotiated with the union. Nonetheless, there is an industrial agreement which applies to all of the people in a workplace, and the individuals then enter into their own contract of employment. Clause 5(3) states -

Nothing in this Act is to be taken to prevent -

- (a) any contract of employment and a workplace agreement between an employer and employee being entered into at the same time; or
- (b) any contract of employment between an employer and any employee being in the form of a workplace agreement.

That recognises that the difference between a workplace agreement and a contract of employment is that a workplace agreement is virtually, if I can use the term, an industrial agreement for a workplace entered into under the Workplace Agreements Bill. It has the same effect as an industrial agreement or award -

Hon Tom Helm: Or a contract.

Hon PETER FOSS: No. A person will still need to have his own contract of employment. A person will either take the workplace agreement as his contract - and that is more likely to be the case where a workplace agreement is between one employer and one employee - or, particularly if there is a workplace agreement between one employer and many employees, a person will enter separately into a contract of employment with that employer. However, that will only be able to follow the terms of the workplace agreement because the workplace agreement exists and has been registered in accordance with the Act when it comes into effect.

Not only would the proposed amendment not be a better description of what is being done under this Bill, but also it would be quite incorrect, because under this Bill one or more employees can agree about what is to be the regime in the workplace and can then enter individually into a contract of employment. Interestingly, a workplace agreement could apply for one set of conditions and a person could, by his contract of employment, actually agree to another set of conditions, provided that was no less than the conditions in the workplace agreement. The Government cannot accept this amendment, because it misses the regime which is being set up in this Bill. A workplace agreement is like an industrial agreement and an award, but it comes into effect because it is agreed in a workplace pursuant to this Bill. Contracts of employment will still exist. They may be totally separate from the workplace agreement, or they may be the workplace agreement, but they may not be less than the workplace agreement.

The important point is that there is a distinction between a contract of employment, which will be between one employer and one employee, and a workplace agreement, which usually will be applied to one or more workplaces and may very well involve many people. One could not describe those people as joint contractors or joint and several contractors. I do not think the effect of that would be that, for example, if an action was brought under one person's contract of employment, he could be compelled to join all those other people as co-contractors. That would be an extraordinary situation. Therefore, the rights under the contract of employment are quite separate from the statutory rights created under this Bill. Separate rights are created by this Bill and separate rights arise under the contract of employment, as clause 5(3) makes clear.

Hon J.A. COWDELL: I am torn between two points of view on this Bill and its title

clause. One view is that the Bill should be as accurate as possible so that people will be patently aware of the stark reality which they can expect and be able to pass appropriate judgment on that at the next election. The other view is that perhaps the protection of rhetoric is better than nothing, because the only protection in much of the Bill is in a rhetorical sense. I come down to the view that accuracy is certainly more important. Therefore, the title "Workplace Agreements Bill" is not appropriate as this Bill has little to do with the workplace and agreement. When we look at the clauses that the title describes, we get down to the lowest common denominator, which is the individual; and when we look at the subsequent clauses, even where a new employee signs on at a workplace, he will not automatically go into that workplace agreement but will have to sign another contract. Therefore, the term "contract" is more appropriate, because when one signs a contract, whether it be a real estate contract or a contract to purchase a used car, there is little room to manoeuvre and certainly not the connotation of the extensive discussion that precedes an agreement. I admit that this title is in the best tradition of other Administrations which have aptly titled their legislation, such as the Nuremberg laws of 1938 to protect the race and the blood. No doubt this Bill will pass into history as one of the great euphemisms of our time under this title.

Hon KIM CHANCE: I support the amendment. The amendment to substitute the word "contracts" for the word "agreements" reflects the difference between our view of this legislation and the Government's view. I have accepted publicly, and I am happy to accept here, that the Government has a mandate to introduce new industrial relations legislation which would facilitate more progressive industrial relations and a more efficient workplace. However, that mandate was granted by the people on the ground that the legislation would be fair and would offer a choice. Clearly, this legislation does not offer that choice to prospective employees. I will not go back over the legal opinion because it has been fairly thoroughly discussed. Clearly, a prospective employee faced with the choice of taking or leaving the conditions outlined by the prospective employer is not in the situation which could be fairly called coming to an agreement. A contract may have been entered into, but that can be done by simply buying a copy of *The West Australian* at a newsagent; it is not an agreement as such. The Minister spent some time considering the legal connotations of a workplace agreement -

Hon Peter Foss: It does not bode well for when we reach the legal parts of the Bill, does it?

Hon KIM CHANCE: I suppose the Minister could argue that black is white, but he has not been able to argue convincingly that this is about fairness and choice. To use the Minister's words, a sow's ear cannot be turned into a silk purse. Despite the Minister's obvious skills, even he has failed miserably in that respect. It is not reasonable to say that contracts entered into as outlined in the legislation can be called agreements when no agreement has been reached. I am ready to accept that it might involve a contract, but I can hardly agree that agreement is reached.

Hon T.G. BUTLER: The Minister referred to a contract of employment. My memory of awards - I dealt with many over the years - is that contracts of employment within awards describe conditions of award and the amount of notice given on termination of employment. That is how the term contract of employment applies industrially. The Minister said that the workplace agreement and a contract of employment can both operate at the same time under clause 5(3). That is not my memory of the situation. Anything outside the award is an agreement which is in addition to the award conditions; this becomes part of the contract of employment because it becomes part of the award. It is something in addition to the award.

Hon Peter Foss: It is the other way around.

Hon T.G. BUTLER: If the award is amended, an agreement is over and above the terms of the award. Once this is registered it becomes part of the award. Clause 5(3)(b) refers to any contract of employment between an employer and employee being in the form of a workplace agreement. Therefore, it is possible to have the situation of the agreement being incorporated into the award. It is not so much a contract of employment as a

contract negotiated which becomes part of the award. I am not sure whether clause 5(3)(a) explains the situation properly. It states that it is possible to have both a contract of employment and a workplace agreement operating at the same time. I do not know how that could be done unless the Minister accepts my point that a contract of employment deals with conditions of the award and outlines the notice of termination of employment.

Hon TOM HELM: I listened with interest to the Minister's comments regarding the short title. I support Hon John Halden's amendment. Clearly, the legislation is a sham. I asked around the place about the Minister's legal skills, and I was told that he was not bad when he was practising. However, I would not have him as my convenor facing associations of employers that I have known!

As Hon Tom Butler pointed out, clauses 5(3)(b) and 30(2) do not preclude a person from a contract of employment. This is a confusing title, which exposes the Bill for the sham it is. If someone is coerced into a contract containing an employer's conditions, and the matter is taken to court as a breach of contract, it will be binding. The court will determine the agreement to be a contract. This goes to the heart of the matter: The Government is proposing to confuse people.

As Hon Cheryl Davenport pointed out, women and young people who may not have much experience in the workplace will be confused by the word agreement. It suggests that people smile as they enter and leave making such agreements. If someone is desperate for a job, he or she will agree to anything and the agreement is a binding contract. The Minister eloquently argued and proved that the Bill should be called the employment contract Bill. People should enter these agreements knowing they are binding contracts, and that they are not agreements as we understand them.

If the Bill does not involve contracts, why does clause 13(1) refer to "a workplace agreement that governs that contract no longer applies to that person except where an agreement under subsection (2) provides otherwise"? The legislation allows contracts to be made. The only honest thing to do is to follow the Minister's logic in the lecture he gave us, and call this Bill by what it is; namely, a contract of employment Bill, as Hon John Halden proposes.

Hon PETER FOSS: I thank Hon Tom Helm for pointing out clause 13, which is another clear example of the distinction between a contract of employment and a workplace agreement. Each of the instances shows they serve separate purposes and have separate and distinct characteristics. A contract of employment is totally separate from a workplace agreement, although they could be constituted in the one document. I can understand Hon Tom Butler's objection is that his concept of agreement is that it must be a full throated, heartily embraced and red blooded type of agreement. He believes it should be an overpoweringly enthusiastic agreement.

Hon N.D. Griffiths: This Bill amounts to a rape of the work force.

Hon PETER FOSS: I think that is what Hon Tom Butler is saying. Although I understand his basic objection, neither he nor other members really dealt with the legal reasons behind the phrasing of the provisions. I felt trepidation hearing Hon John Halden's legal arguments; I wondered whether we will ever get to the nub of this measure. The amendment before the Chair involves a clear legal argument; there is no doubt about it whatsoever. I am not surprised that no opinion was given about this matter by the two counsels as -

Hon John Halden: To be fair, they were not asked to make a comment about that.

Hon PETER FOSS: True. However, if they were, they would adopt the same position I take. I look with trepidation to when we reach the real legal arguments with this legislation. I am in no way persuaded by the arguments put forward about this amendment.

Hon JOHN HALDEN: It is a belief among the Opposition that legislation should have a common as well as a legal meaning and should be accepted by ordinary people for what it is. In many cases it is the ordinary people who will come under the auspices of this

Bill. That is why we believe that we are dealing with a contract and not an agreement. The Minister may have gone a little too far when, in response to Hon Tom Butler, he said that people should warmly embrace and become chummy about what they have negotiated. That is not our belief, and this is the central point we will discuss in the remainder of these clauses; that is, we do not believe there is enough equity from the perspective of a person going into a workplace agreement to guarantee that it is fair and reasonable, not a warm and necessarily overly embracing, arrangement. That may be a philosophical difference between us, but we have an underlying belief that not on legalistic but common terms there is difference between a contract and an agreement. This is not an agreement to the vast majority of people.

The process in this Bill will mean that people enter into a contract situation as they would understand it, which implies more than an agreement. This Bill will entail more than an agreement, which demands no more than a wink and a nod. It is a contract which is legally binding for up to five years with obligations, and we would say with not enough rights. We must try to impress upon people that if they enter into a workplace agreement it is something to be taken very seriously. It is in fact a contract. Maybe that is not the legalistic view that the Minister has developed, but it is a view that people in the community should be acquainted with. They will be taking a very important step. It is a contract as they would see it. People in the community take contracts more seriously than agreements. Agreements can be a handshake to people. Contracts are things like one's mortgage or when one buys a car. They are far more than an agreement. The Opposition is trying to stress that point, and nothing else will.

Hon PETER FOSS: We can have industrial agreements where it is agreed they will be binding for a period, and unless there is common agreement they cannot be changed. They are still called industrial agreements even though they can bind one for years to come. Furthermore, people who enter into contracts of employment where awards are involved have no opportunity to agree. The award is the award; that is it. They do not even get involved in the negotiations; that is between the union and the employer.

Hon Tom Helm: That is nonsense. What are stop work meetings for?

Hon PETER FOSS: A stop work meeting is at the end of the process. Most people have no participation whatever in the award process. They come along and if an award exists that is what they are stuck with. How many shop assistants have been consulted in detail about the terms of their award?

Hon Tom Helm: How many are under awards?

Hon PETER FOSS: Members will find that whether they believe there will be agreement, at least under this Bill each individual worker will have the right to say, "I do not like the terms and conditions that apply under that award. I want to do it differently." They cannot do that under an award - especially a Federal award.

Hon Tom Helm: How do you vary an award?

Hon PETER FOSS: What opportunity is there under a Federal award for the individual to have a say on the agreement?

Hon Tom Helm: You do not know what you are talking about.

Hon T.G. Butler: That is fairytale stuff.

Hon PETER FOSS: I know the number of people who go along and get themselves a job and receive the award conditions. They are mainly the sort of people members opposite have been talking up. Those people who work in fast food outlets and those who work as shop assistants do not have an opportunity to say, "I do not like this; I want it changed." The thing about the workplace agreement is that every single employee or potential employee has that capacity. Members opposite might say there are nasty employers who will never talk properly to people, but the substantial majority are genuine business people who want to get on with the job. A lot of employees want to get on with the job. I am sure that just as there are big bad unions there are also big bad employers, but the majority of the unionists are good decent people and the majority of employers are good

decent people. There will always be some exceptions. The important point is one has penalties that deal with those exceptions for unions and employers. As the basic premise of our legislation let us start legislating for the bulk of people who are decent in our community.

Hon Tom Helm: We already have.

Hon PETER FOSS: Let us and make certain there are penalties for the ones who will not play the game, but let us start with the basic principle being directed to the 90 per cent of people who want to get on with the job. All too often we write legislation on the basis of the small percentage who will not do the right thing. Members opposite do not like us writing legislation for unions based on those unions which do not play the game, any more than we would support legislation based on the employers who do not play the game. The basic part of the legislation deals with those who play the game. The smaller part deals with penalties for the ones who do not play the game. Let us start thinking in terms of the ones who will play the game. This Bill is directed towards that particular point.

Hon T.G. Butler: Rubbish!

Hon PETER FOSS: At long last the employers and employees who want to get on with doing something useful for Australia and Western Australia will have the opportunity to do that.

Hon JOHN HALDEN: I notice that the Minister, with some trepidation, said that he might have some problem about the legalistic argument about this Bill. I do not want to allow this debate to go on any longer than necessary, but the Minister does not understand the process within unions and how awards are negotiated. That is a problem that will inflame members on this side. In essence, for many unions, and not all, as we all agree, the process is one in which people are involved.

Hon Peter Foss: Members of my family have never be asked about their awards.

Hon T.G. Butler: I am sure they have not; no law firm ever has awards.

Hon JOHN HALDEN: Unions do have meetings with their membership. Last night I attended the quarterly meeting of the biggest blue collar union in this State. It was a meeting to talk about specific awards and changes to awards. They discussed what their meeting had established at the workshop.

Hon Peter Foss: I had to bring an action at the Industrial Relations Commission where they did not tell anybody, including the employer, that they had made a change.

Hon JOHN HALDEN: The Minister is going over his own point; that is, do not legislate for the worst. Many unions, including a number with which I am involved, consult very much with their work force. The Minister's statement is considered by many of us to be incorrect, and is likely to be significantly inflammatory in how people get involved in developing awards.

Hon Peter Foss: Like what you say about employers.

Hon JOHN HALDEN: For the sake of this debate we should not inflame each other.

Hon Peter Foss: All you have done is make a point.

Hon JOHN HALDEN: That is all I want to do.

Hon TOM HELM: I want to add to the little knowledge the Minister has of these matters. He has no knowledge at all about how awards work and how individuals can strike up agreements within the contract of employment to satisfy their own needs. I worked for seven years under the Hamersley Iron award. That award included provision for four weeks' annual leave. However, there were occasions when employees could go to the employer and ask for six weeks' leave. There was nothing in the award to say that people could not do that.

Hon Peter Foss: That is exactly the point I made earlier about the difference between a contract of employment and an award.

The CHAIRMAN: Order! We are in Committee and each member has the opportunity to speak as many times as he or she likes. Let us make some progress.

Hon TOM HELM: To suggest that a law exists now, before we ever get this misnamed Bill, that restricts everybody to one set of rules -

Hon Peter Foss: No.

Hon TOM HELM: Did the Minister not say that?

Hon Peter Foss: Never mind. That is not what I said, but I do not think it really matters to this debate.

Hon TOM HELM: We obviously misunderstand each other. I knew that the Minister was not listening to what members were saying during the second reading debate; he was either selectively turning himself off, or falling asleep. I tried to explain at great length the difference between the Robe River suggested changes that will take place under the Bill when it comes into effect, when the Opposition loses the vote, and the BHP award agreements that were headlined all over the newspaper. The BHP agreement is a contract of employment, but still allows for each individual to talk to his or her employer to do things that are not necessarily provided for in the award. There is nothing to stop anybody from going to the employer. If the purpose of this Bill is to allow those interactions to take place, the Minister should know - otherwise he is selectively blind to the fact - that they can and do take place now.

Division

Amendment put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows -

Ayes (12)		
Hon T.G. Butler	Hon Graham Edwards	Hon Sam Piantadosi
Hon Kim Chance	Hon N.D. Griffiths	Hon J.A. Scott
Hon J.A. Cowdell	Hon John Halden	Hon Tom Stephens
Hon Cheryl Davenport	Hon Mark Nevill	Hon Tom Helm (<i>Teller</i>)
Noes (14)		
Hon George Cash	Hon Peter Foss	Hon N.F. Moore
Hon E.J. Charlton	Hon Barry House	Hon R.G. Pike
Hon M.J. Criddle	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon B.K. Donaldson	Hon P.H. Lockyer	Hon Muriel Patterson (<i>Teller</i>)
Hon Max Evans	Hon Murray Montgomery	

Pairs

Hon Doug Wenn
Hon Bob Thomas

Hon Derrick Tomlinson
Hon M.D. Nixon

Amendment thus negated.

Clause put and passed.

Progress

Progress reported and leave given to sit again, pursuant to Standing Order No 61(c).

BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.58 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to implement the increase in the tobacco franchise licence fee announced at the end of July 1993. As announced by the Premier at that time, it is proposed that the turnover component of the licence fee be increased from 50 per cent to 100 per cent. The fixed fee of \$20 is to be maintained. It is intended that the new fee take effect from the November-December licensing period. Under the Act, licence payments during that period are based on wholesale tobacco sales during August and September. Accordingly, the announcement in July of the new fee allowed it to be factored into the price of tobacco products from the beginning of August so that wholesalers would not be disadvantaged. This measure is estimated to raise an additional \$45m in 1993-94 and \$54m in a full year. The increase will bring the Western Australian tobacco franchise fee into line with rates already applying in South Australia and Tasmania.

While the Bill is primarily intended as a revenue raising measure, it also complements the Government's commitment to reduce the long term social and economic cost of smoking on the community and the State's health and hospital system. In this regard, the Government has received submissions from the Australian Medical Association and the Australian Council on Smoking and Health supporting an increase in the tobacco franchise fee.

Current estimates indicate that the Government is spending around \$90m a year on treating smoking-related disorders, funding public health campaigns designed to reduce the number of smokers and replacing tobacco company sponsorship of sporting and cultural activities.

The increase in the tobacco franchise fee will also curtail the profiteering that has been occurring. Some firms have been taking advantage of Western Australia's low rate by buying tobacco products here for sale in other States. In conjunction with these measures, amendments to the Tobacco Control Act will be introduced at a later date to deal with the allocation of part of the tobacco franchise fees to the Health Promotion Foundation. These changes will not represent a reduction in our commitment to providing funds for activities which help to reduce smoking. These funds will be maintained at adequate levels.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [6.02 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Leederville Primary School Students, Noise in Chamber

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [6.02 pm]: I want to express some extreme disappointment at the unwarranted attack made on students from the Leederville Primary School by the Minister for Education. He intimated during question time today that people may have organised students to come into the Chamber, and he indicated that the students did not do their school proud by the way in which they behaved. If there were any problem with behaviour yesterday it was not that displayed by students from Leederville Primary School but the Minister. Indeed, I noted during the course of the Estimates debate that the attitude of the Minister was really regrettable. He came into this Chamber obviously distraught, upset and in a foul temper. Anyone who was here in this Chamber for the Estimates hearings yesterday would have noted that.

There is no doubt that the children moving in and out of the Gallery made some noise. I am advised that those students had been outside for some two hours waiting for the arrival of the Minister to have their audience with him. Obviously they were somewhat disappointed that he had not met with them. I saw nothing untoward and deliberate in their behaviour, and I feel that the Minister for Education should apologise to those students. If we were to ask students in this State for a view about the manner in which some members of Parliament behave, I guess he would get some fairly interesting comments. I hope that we will always do what we can to encourage students to come into this Parliament and observe the proceedings. I am more than happy to put up with the little amount of noise that they may make while they are here or entering or leaving the Chamber.

I have checked through the *Hansard* record of the appropriate Estimates Committee proceedings and for the life of me I cannot see where proceedings were interrupted at all. I am very happy to see students here, even if they do make a bit of noise, and I feel the outburst of the Minister for Education during question time today was unwarranted and a reflection of his ill-temper. He should apologise to the students of Leederville Primary School.

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [6.06 pm]: That is just a silly statement by the Leader of the Opposition. He has tried to make something out of something that really does not exist. As I have explained, yesterday I came into the Chamber having rushed from a function to be here on time at 4 o'clock, because otherwise I would have been told by him that I should have shown more respect to the Estimates Committee. I arrived at the door at about two minutes to four, raced in here and sat down, and we then went through the processes of the Estimates Committee.

Hon Graham Edwards: That is because the Minister wanted to leave early.

Hon N.F. MOORE: It was not early. I asked if I might leave on time as I had another appointment. I was not prepared to go along with some of the tactics of the Leader of the Opposition yesterday. During the Estimates hearing on the Tourism Commission, the Leader of the Opposition wanted to ask questions about the Rottnest Island Authority. I drew to his attention and to the attention of the chairman of the committee that we were here to discuss the Tourism Commission. I did not make the decision about which agencies should be examined. That was a decision made by the House or the committee - certainly not by me. Had the committee wanted to ask questions about the Rottnest Island Authority at that time, I would certainly have agreed to bring along the persons involved with that authority to answer questions. I simply said to the Leader of the Opposition and to the committee that I was not prepared to answer questions about the Rottnest Island Authority when we were examining the Tourism Commission. If members think about that for a moment they will understand how extraordinarily stupid the whole Estimates process would be if members could ask questions of any agency they liked at any time they liked. It would simply be a farce, and I drew that to the attention of the committee chairman and also the Leader of the Opposition. Unfortunately, the Leader of the Opposition persisted in arguing the point about that to the stage where I became perhaps petulant in response. If that was the case I apologise, but I was simply driven to distraction by a situation where the Leader of the Opposition sought to ask questions about agencies which were not being examined at the time.

In respect of the students coming into this Chamber, I was distracted by the noise they made in the Public Gallery but did not raise the matter. I awaited the chairman taking some action to request a reduction in the noise, because it is not my role to do that. I sat there and watched the *Hansard* reporter trying to attract the attention of the chairman to advise him that she was having difficulty hearing what was being said. I have to say it was very, very noisy.

I simply made the point in question time today that the students and the people who came with them did their school no great service by making a lot of noise in the gallery and by coming to Parliament to demonstrate in a way that has become synonymous with other groups in our society, but not schoolchildren. I made the point in answer to a question

today that their behaviour in the Chamber yesterday did them and their cause no great service, and I have no intention of apologising for drawing to their attention the fact that there are better ways of making their point known. Today I received letters from a number of students expressing their views. I also indicated to them that they can come to my office any time they wish to talk about this in a sensible way.

As far as yesterday goes - I said this in question time and I repeat it for the benefit of the Leader of the Opposition - I told those students when I received an invitation to meet with them that I was unable to do so at the time they requested and I told them I was unable to meet them at Parliament House. I arranged for Mr Tubby, a member of Parliament and Parliamentary Secretary assisting the Minister for Education, to meet with them. They made the decision not to talk to him; that was their decision. At no time did I give them any indication that I would meet with them at that time or at Parliament House. I have issued an invitation for them to meet with me in my office. Therefore, any suggestion that I snubbed them yesterday is totally unfounded and I have no intention of apologising to anybody.

Adjournment Debate - Australian Customs Service National Review, Submissions

HON TOM STEPHENS (Mining and Pastoral) [6.12 pm]: I rise to express my concern about two answers given by the Ministers for Transport and Tourism to questions on notice. The two questions relate to the Australian Customs Service national review. The Minister for Transport's answer to question on notice 727 indicated that neither he nor any department or agency operating under his portfolio made a submission to the national Australian Customs Service review. I would not have been alarmed dramatically by that if there had not been contained within the tabled answers today a similar response from the Minister representing the Minister for Tourism indicating that neither he nor any agency or department operating within his portfolio had made a submission to that review. That review called for submissions to be lodged by 13 August this year.

Hon George Cash: What was the number of the other question?

Hon TOM STEPHENS: It is question on notice 865 and it repeats an answer given to question on notice 970 in the Assembly. I am concerned because the Minister for Transport should know - certainly the Minister for Tourism should know - that the operations of the Australian Customs Service in this State as they are currently structured are causing the Western Australian community a loss of opportunities associated with passenger movements to and from our State, across the nation and from outside the country to the ports closest to our South East Asian ports.

Hon E.J. Charlton: Have you taken this up with your Federal colleagues who made the decision?

Hon TOM STEPHENS: I will answer that question this way: The Minister is now in Government and he has responsibility for these matters. He is the Minister for Transport in the State of Western Australia.

Hon E.J. Charlton: Have you taken it up?

Hon TOM STEPHENS: Yes, I have and I would have appreciated some support from the Government of Western Australia for the submission I put to that review. It is bad enough that the Government leaves languishing on the Notice Paper important motions to form committees that would address some of these matters, but it is also allowing to languish right at the bottom of the Notice Paper an important motion to establish a bipartisan committee of this House aimed at fixing some of the problems involved with the facilitation of movement of international tourists into this State.

The Minister answered a question today in which he said that not one agency or department operating under his portfolio has made a submissions to the customs review. Is he not aware that, at the moment, there are flying across our nation large numbers of planes with empty seats which could be carrying passengers if customs procedures in this State -

Hon George Cash: Who funds the customs service?

Hon TOM STEPHENS: Does the Leader of the House not realise that the Government and the people of Western Australia should have made a submission to the Australian Customs Service which is reviewing these procedures? This Minister, who is not capable of accepting responsibility for the fact that he is a Minister, has admitted to the House today that he is not even going to make a submission to that review. It is of fundamental importance to the tourist industry in this State that the Australian Customs Service review its operations so that domestic passengers have an opportunity of using international flights across this nation without having to run the gauntlet of the procedures in place at international airports here and in the Eastern States. Customs services at those airports need to be reviewed to make it possible for increasing numbers of domestic passengers to use those international flights.

Hon George Cash: Was this problem evident when you were a Minister?

Hon TOM STEPHENS: In the two and a half weeks that I was Minister for the Gascoyne? No. The review has operated only this year and as soon as I saw the review advertised, I wrote my submission. What did the Minister do? Apparently he did not know the review was on. None of his agencies or departments has been able to convince him of the need to make sure that the customs procedures that operate across this nation will more easily facilitate the movement of international passengers into and out of our State and also ensure that increased numbers of domestic -

Hon George Cash: You are politicking again.

Hon TOM STEPHENS: Mr Cash, I would not introduce politics into the Legislative Council!

It is fundamentally important that the Minister recover from his extraordinary mistake and that he and his colleague, the Minister for Tourism, join forces and ask the national review to consider a late submission that would collaborate the points that I made as a humble backbencher on the Opposition benches of the Legislative Council. Even I have not failed to recognise the importance of this review and the importance of ensuring that the Australian Customs Service review its operations to ensure that international airports not only in Perth but also along the eastern coast review their procedures for disembarking passengers from international flights. It is important that domestic passengers have an opportunity to clear these airports without having to run the gauntlet of the customs service. Of course, there are difficulties because they have travelled on an international flight and have mixed with international passengers. However, by reviewing the process and using the wit that is available in the customs service, these problems can be solved.

The Minister also needs to know that in about three weeks, as a result of a lot of the hard work that went into our time in Government, we will see on our north west coast charter operations arriving in Learmonth every three or four weeks. Already they are 85 per cent booked. We need to make sure that that golden egg that will be laid in that area as a result of the new opportunities is incubated and nurtured. Singapore Airlines will bring passengers into Learmonth to enjoy the beauties of the Gascoyne and we should ensure that those charters are not placed at risk by the Australian Customs Service as it will by cancelling the Exmouth operations on 31 December this year, of which extraordinary notice was given to the Government. Has this Government taken the opportunity to make a submission to the review? No. It does not even know the review exists. It has not joined with me in the calls that I have made to the national Government to make sure that the Exmouth customs service stays in operation. We should build on the success of the trial period of the five charters that begins in four or five weeks so that we have regular passenger transport links with our north west. It would bring in much needed foreign money. I know Hon Phil Lockyer does not want to see me near any parliamentary committee. The Minister for Transport knows that this issue is much more important than Hon Phil Lockyer thinks it is. Hon Phil Lockyer may not care for the people of his electorate, but I do and I know that the Minister does. I also know that the Minister will rise to a greater height than Hon Phil Lockyer is capable of. Hon Phil

Lockyer is the bully of this House and even though my motion on the Notice Paper is a good idea he has told the Government that it should not allow it to be debated because it might bring about a substantial change to his electorate. He is the big bully on the other side of the House and he has bullied the Government into leaving this motion, which seeks to establish an important committee, languishing at the bottom of the Notice Paper.

HON P.H. LOCKYER (Mining and Pastoral) [6.21 pm]: Now members can understand what I have to put up with. I do not know from where Hon Tom Stephens can find an excuse for his behaviour. I did not intend to speak in this adjournment debate, but the outlandish comments at the end of Hon Tom Stephens' speech have prompted me to do so.

Hon Tom Stephens: Tell me whether they are true.

Hon P.H. LOCKYER: They may well be true. Hon Tom Stephens should try to compose himself. I will have a little chat with his wife because I reckon she is putting something into his tucker. The member should not have ranted and raved like a lunatic and carried on like a grade one borstal boy because it could be proved that his comments might have some credibility. If one puts aside all his yelling and screaming, what he was trying to say was that the customs service should be kept at Exmouth so that there can still be charter flights in and out of the north west. I could not agree with him more. I advise the member that it is not the Minister for Transport's fault. I also put in a submission which supported Hon Tom Stephens and in it I said that his submission had some credibility.

Hon Tom Stephens: Show me a copy of it.

Hon P.H. LOCKYER: I am very happy to send the member a copy seeing he is being so pedantic about it.

The point is that Hon Tom Stephens' Federal colleagues do not agree with him. If he ranted and raved at his Federal colleagues in the same way he did to us a few moments ago - it made one think that he should be in Worths' Circus rather than in the Legislative Council -

Hon Tom Stephens: I want the Government to support the submission and then the Minister will understand the situation.

Hon P.H. LOCKYER: I assure the member that the Minister does understand the situation, but he really thinks that Hon Tom Stephens is a goose and a clown and that no benefit will be gained by replying to him.

I will give Hon Tom Stephens a little bit of advice so that in future when he speaks in this place he does not make such a dreadful fool of himself. I have to share an electorate with him and I want the people in our electorate to know that he is doing the right thing on their behalf, but he is not getting his point over.

Hon Tom Stephens: You have succeeded in blocking the parliamentary committee. You are a bully and you know it.

Hon P.H. LOCKYER: Does the member think that I have any credibility with members on this side of the House? I cannot get a job out of them. I would like to see their response if I suggested that a committee should be established! I can promise Hon Tom Stephens that if I had the power I would not be sitting in this place. As for his committee, I do not care whether it is established. I do not know whether any decision has been made by this Parliament - I take it that the Parliament still makes the decisions - to vote on whether to establish the committee Hon Tom Stephens is proposing. I understand that in due course it will be considered in the same way that the committee proposed by Hon Graham Edwards to look into the Exmouth area will be considered. I support that, but no decision has been made on it.

I suggest to Hon Tom Stephens that he should not credit me with the ability of being the strong man around this place because I certainly do not deserve it. I sincerely hope that he speaks to some of his Federal ministerial colleagues -

Hon Tom Stephens: I have done that.

Hon P.H. LOCKYER: Has he spoken to John Dawkins, because he is the person who signs the cheques and has brought this country to its knees? Hon Tom Stephens should not give the poor old Minister for Transport a lecture on this issue and he should be more sensible when he gets to his feet in this place.

Question put and passed.

House adjourned at 6.24 pm

QUESTIONS ON NOTICE

STATE BUDGET - CONSOLIDATED REVENUE FUND

Balanced Budget, Treasury's Advice

264. Hon MARK NEVILL to the Leader of the House representing the Premier:

- (1) Which member or members of the Premier's staff received advice from the Treasury, prior to the Premier's speech to Parliament, that the consolidated revenue fund balanced at the end of the financial year?
- (2) Was the advice verbal or written?
- (3) If written, will the Premier table a copy of this advice?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) No such advice was given to any members of my staff.
- (2)-(3) Not applicable.

MINISTERIAL TRAVEL - MINISTER FOR TRANSPORT

Charter Aircraft Trips

408. Hon A.J.G. MacTIERNAN to the Minister for Transport:

- (1) On how many occasions has the Minister used charter aircraft since 6 February 1993?
- (2) What were the dates and destination of each trip?
- (3) What was the cost of each trip?
- (4) Who accompanied the Minister on each trip?

Hon E.J. CHARLTON replied:

- (1) There have been 11 occasions during the period in question, 6 February to 30 August 1993, when charter aircraft have been used and paid for from my departmental resources.
- (2)-(4)

[See paper No 712.]

MINISTERIAL TRAVEL - PREMIER

Charter Aircraft Trips

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

- (1) On how many occasions has the Minister used charter aircraft since 6 February 1993?
- (2) What were the dates and destination of each trip?
- (3) What was the cost of each trip?
- (4) Who accompanied the Minister on each trip?

The answer was tabled.

[See paper No 714.]

MINISTERIAL TRAVEL - MINISTER FOR THE ENVIRONMENT

Charter Aircraft Trips

421. Hon A.J.G. MacTIERNAN to the Minister for Education representing the Minister for the Environment:

- (1) On how many occasions has the Minister used charter aircraft since 6 February 1993?

- (2) What were the dates and destination of each trip?
- (3) What was the cost of each trip?
- (4) Who accompanied the Minister on each trip?

The answer was tabled.

[See paper No 710.]

MINISTER FOR THE ENVIRONMENT - NORTH WEST VISIT, COST

425. Hon N.D. GRIFFITHS to the Minister for Education representing the Minister for the Environment:

- (1) What was the total cost of the Minister's July visit to the north west, including accommodation, travel and expenses?
- (2) Who accompanied the Minister on the visit?
- (3) Did the Minister travel by scheduled commercial flights or charter aircraft?

The answer was tabled.

[See paper No 711.]

MINISTERIAL PORTFOLIOS - MINISTER FOR HEALTH
Taxes, Charges, Licences, Fees, Levies, Fines or Rates Increase

437. Hon TOM STEPHENS to the Minister for Health:

- (1) For all of the Minister's portfolios, what Government taxes, charges, licences, fees, levies, fines or rates have been increased since 6 February 1993?
- (2) By what dollar amount and percentage has each tax, charge, licence, fee, levy, fine or rate been increased?
- (3) When was the most recent previous increase in each tax, charge, fee, levy, licence, fine or rate?
- (4) What was the amount and percentage of the most recent previous increase for each tax, charge, fee, levy, licence, fine or rate?

Hon PETER FOSS replied:

Health Department of WA -

In 1992-93 the Health Department commenced a move to full cost recovery for those fees which do not have a Commonwealth capped limit. This initiative of basing fees to fully recover costs continued in 1993-94. Fee rises above inflation are necessary during this catch-up phase, as it may take several years to achieve a true cost recovery position.

(1)-(4)

See attachment A. [See paper No 713.]

Alcohol and Drug Authority -

(1) Nil.

(2)-(4) Not applicable.

Health Promotion Foundation -

(1) Nil.

(2) Not applicable.

(3) With proclamation of the Tobacco Control Act 1990 on 8 February 1991, the WA Health Promotion Foundation receives, via CRF, 10 per cent of the fees collected by the State Taxation Commissioner for the Business Franchise (Tobacco) Act. The first

year of application of this levy was for the full year ending 30 June 1991. The levy was offset by an increase in tobacco business franchise fees from 30 per cent to 50 per cent of wholesales of tobacco products.

- (4) The levy did not exist prior to the Tobacco Control Act 1990. The levy amounted to \$11.059m in 1990-91, \$10.841m in 1991-92 and \$12.911m in 1992-93.

Ministry of Consumer Affairs -

- (1) No consumer affairs fees have been increased since 6 February 1993.
- (2) Not applicable.
- (3) 14 August 1992.
- (4) See attachment B. [See paper No 713.]

Arts Portfolio -

Department for the Arts -

- (1) Nil.
- (2)-(4) Not applicable.

The Library and Information Service of Western Australia -

- (1)-(4) See attachment C. [See paper No 713.]

Western Australian Museum -

- (1) Nil.
- (2)-(4) Not applicable.

Western Australian Film Council -

- (1) Nil.
- (2)-(4) Not applicable.

Perth Theatre Trust -

- (1) Nil.
- (2) Not applicable.
- (3)-(4) Increase averaging five per cent per annum for venue hire and three per cent per annum for administrative overheads was levied operative from 1 January 1993.

MINISTERIAL PORTFOLIOS - PREMIER

Taxes, Charges, Licences, Fees, Levies, Fines or Rates Increase

438. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) For all of the Minister's portfolios, what Government taxes, charges, licences, fees, levies, fines or rates have been increased since 6 February 1993?
- (2) By what dollar amount and percentage has each tax, charge, licence, fee, levy, fine or rate been increased?
- (3) When was the most recent previous increase in each tax, charge, fee, levy, licence, fine or rate?

- (4) What was the amount and percentage of the most recent previous increase for each tax, charge, fee, levy, licence, fine or rate?

Hon GEORGE CASH replied:

The Premier advises -

Ministry of the Premier and Cabinet -

- (1) Nil.
- (2) Not applicable.
- (3) 1 July 1992 - Government garage vehicle hire costs.
- (4) Government garage vehicle hire costs -

increase vehicle hire	81¢/km	360%
increase chauffeur charge	\$33/hr	220%

Treasury -

- (1) An increase in the statutory corporation levy under the Public Authorities Contribution Act from four per cent to five per cent for SECWA, WAWA, Bunbury Water Board and Busselton Water Board was announced in the 1993-94 Budget.
- (2) For all relevant public authorities, except the Fremantle Port Authority, the rate will increase from four per cent to five per cent of total revenue; that is, a 25 per cent increase.
- (3) Public authorities contributions levy increased in 1991-92 and a loan guarantee charge on non-financial Government agencies was introduced in 1992-93.
- (4) For all relevant public authorities, except the Fremantle Port Authority, the rate was increased from three per cent of total revenue to four per cent; that is, a 33.3 per cent increase. The loan guarantee charge was introduced at a rate of 0.2 per cent.

MINISTERIAL PORTFOLIOS - ATTORNEY GENERAL
Taxes, Charges, Licences, Fees, Levies, Fines or Rates Increase

442. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

- (1) For all of the Minister's portfolios, what Government taxes, charges, licences, fees, levies, fines or rates have been increased since 6 February 1993?
- (2) By what dollar amount and percentage has each tax, charge, licence, fee, levy, fine or rate been increased?
- (3) When was the most recent previous increase in each tax, charge, fee, levy, licence, fine or rate?
- (4) What was the amount and percentage of the most recent previous increase for each tax, charge, fee, levy, licence, fine or rate?

Hon PETER FOSS replied:

- (1) (a) Local Court fees on 1 March 1993 as approved by the Lawrence Government in December 1992;
- (b) some Public Trust Office fees; and
- (c) some Registrar General fees.

(2)-(4)

The information requested is tabled. [See paper No 715.]

FEDERAL STATE FUNDING - ECONOMIC BLUEPRINT FOR WA

539. Hon JOHN HALDEN to the Leader of the House representing the Premier:

- (1) Has the Premier commissioned an economic blueprint for WA which will be presented to the Federal Government to attract a larger share of Commonwealth funding?
- (2) Who is preparing this blueprint and at what cost?
- (3) When will the blueprint be presented to the Federal Government?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3) The Government makes repeated representations to the Commonwealth, across the full ambit of its responsibilities, to secure additional funding for Western Australia.

WESTRAIL - DOG SPIKES

546. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Are 16 ml short and long dog spikes used to hold rail tracks on where the sleepers are timber sleepers?
- (2) Are examples of rail tracks with timber sleepers the lines Perth to Fremantle, Northam to York, Perth to Geraldton?
- (3) Were the 16 ml dog spikes until recently manufactured in Western Australia at the Midland Workshops?
- (4) Is there a continued demand for 16 ml dog spikes?
- (5) Is it the case that the dog spikes are now being manufactured for Westrail by a New South Wales firm Sydney Cooke?
- (6) How many 16 ml dog spikes were provided by the workshops at Midland to Westrail in the financial year ending 30 June 1993?
- (7) What was the cost of the provision of those dog spikes?
- (8) What is Westrail's estimate of the number of 16 ml dog spikes required for the financial year ending 30 June 1994?
- (9) What is the estimated expenditure on the part of Westrail for such dog spikes in the financial year ending 30 June 1994?

Hon E.J. CHARLTON replied:

- (1) Yes, along with 19ml dog spikes and other types of fastenings.
- (2) Yes, with the exception of the section of railway between Midland and Millendon on the Perth to Geraldton line which has concrete sleepers.
- (3) Yes. However, because of equipment failure dog spikes were outsourced from time to time.
- (4) Yes.
- (5) Yes. Ajax Spurway, which previously traded as Sydney Cooke, is one of four companies contracted to provide dog spikes. Three separate orders were placed with Ajax Spurway; one was completed in July 1993 and the others are due for completion in October 1993.
- (6) 307 700.
- (7) The cost charged out by the workshops was \$219 035. However, this charge did not recover costs. The hourly rate used to calculate the charge

for the manufacture of dog spikes was \$35 in 1991, escalating to \$45 in 1993. The hourly rate of \$45 was considered to be a rate which would allow the workshops to compete with private industry. However, the efficiencies required to justify the rate were never achieved, and the \$45 rate did not recover the total costs incurred. For the first half of the 1992-93 financial year the actual hourly rate was calculated to be in the order of \$69, excluding rent, supply and corporate costs. Indications are that the costs would rise further if the workshops continued to operate. The full cost of manufacturing dog spikes at Midland, in excess of \$69 per hour, does not allow the workshops to compete with the price charged by private industry.

(8) 438 900.

(9) The contracted cost is \$210 346; however, Westrail has provided steel from its stocks to the value of \$115 826. The total cost, including \$7 500 to transport the steel to New South Wales is \$333 672.

FUEL TAX LEVY - FAMILY MOTOR VEHICLE LICENCES, REBATE ABOLITION, RESPONSIBILITY

551. Hon JOHN HALDEN to the Minister for Transport:

Can the Minister provide the name of the committee which recommended to him and the Minister for Planning that the family rebate on motor vehicle licences be abolished and a special 3.5¢ per litre metropolitan fuel tax be levied?

Hon E.J. CHARLTON replied:

The recommendation to which the member refers was drafted by the Main Roads Department as part of that department's response to specific roads needs and the appropriate funds required.

ROAD TRAINS - POLICE OBJECTIONS

581. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Is the Minister aware of police objections to road trains entering the metropolitan area?
- (2) What are the objections?
- (3) When did the Minister become aware of the objections?
- (4) Are the objections in writing?
- (5) If so, will the Minister table the relevant document(s)?

Hon E.J. CHARLTON replied:

(1)-(5) See reply given to question 584.

ROAD TRAINS - POLICE OBJECTIONS

584. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Did Assistant Traffic Commissioner, Len Thickbroom, write to the Main Roads Department Commissioner on or about 16 August 1990, setting out police objections to road trains entering suburbs?
- (2) If so, will the Minister table a copy of the document forthwith?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1) Yes. The letter made a number of observations about road trains in general which were considered at the time. More recent discussions by the Main Roads Department's officers with officers from the police indicate that the concerns they raised have been addressed.

(2) No.

(3) It is not appropriate for me to release a police document. Notwithstanding this, because safety issues have been properly addressed the letter is no longer relevant to the debate.

CONCRETE BATCHING PLANT, NEERABUP - DEVELOPMENT REFUSAL

616. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

In relation to the Neerabup concrete batching plant -

(1) Was the proposal to construct a concrete batching plant off Quinns Road, Neerabup rejected last year by the Wanneroo City Council?

(2) Was the proposal in question also rejected by the Department of Planning and Urban Development?

(3) If so, why?

(4) Has the Minister recently upheld an appeal, allowing the development of the Neerabup concrete batching plant in spite of local community and environmental concerns?

(5) When was this decision made and on what grounds?

(6) Is light industry, such as a concrete batching plant, an appropriate use of land which is zoned parks and recreation under the metropolitan region scheme, and planned for addition to Neerabup national park and in close proximity to residential areas?

Hon PETER FOSS replied:

(1)-(2)

Yes.

(3) City of Wanneroo -

Council at its meeting on 28 October 1992 resolved to refuse the application to develop a concrete batching plant within mining lease 70/717 in accordance with part 7 of town planning scheme No 1 on the grounds that -

(a) the development is contrary to the intended use of the land for which the land is reserved;

(b) the development would introduce an additional non-conforming use, intensifying industrial activities on the site;

(c) an approval would set an undesirable precedent;

(d) the development would exacerbate the environmental degradation of the area;

(e) council was not satisfied that a need exists for the proposed use in this location nor that the general public will be seriously disadvantaged if the application is refused;

(f) the development goes beyond the expectations of the surrounding residents for the area; and

(g) significant public objection.

State Planning Commission -

The committee for statutory procedures refused the application for the following reasons -

(a) the proposed development - concrete batching plant - would be contrary to the orderly and proper planning of the locality;

- (b) the proposed development would be detrimental to the amenity of the surrounding locality; and
 - (c) the proposed development is unrelated to the current limestone quarrying use and to the reservation of the land for parks and recreation purposes.
- (4) Yes.
- (5) 10 July 1993, refer to (6) below.
- (6) The Minister for Planning, having regard to the siting of the proposed plant within an approved quarry area and the advice that approvals to operate the quarry had been obtained from the Department of Mines, the Department of Land Administration, the Environmental Protection Authority and the Department of Conservation and Land Management, accepted that there was a case for allowing the proposed development to proceed in this particular location.

The quarry, in which this batching plant is to be located was removed from the Neerabup National Park by the Labor Government under the Reserves and Land Revestment Act 1991 on 19 December 1991. Given the particular considerations that applied in this instance the Minister for Planning believed the operation of the concrete batching plant should be the subject of a reasonable monitoring program and, accordingly, granted approval for a period of five years only from 10 July 1993.

ROCK LOBSTER FISHERIES - MAXIMUM SIZE REDUCTIONS

706. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

With respect to the Minister's answer to question on notice 475 (5) parts (b) and (c) -

- (1) Is the Minister aware of comments by Mr Peter Rogers of the Fisheries Department in the *Geraldton Guardian* that "a maximum size of 90-92mm would be needed to conserve the equivalent 290 tonne"?
- (2) Is it the case that the Fisheries Department can provide estimates of the steady state breeding stock contribution for permanent maximum size reductions between 115mm and 90mm?
- (3) Will the Minister now provide an answer to question on notice 475 (5) parts (b) and (c)?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) Yes. However, the quote is not an accurate statement of the information presented by Mr Rogers.
- (2) Yes, but some may require further analysis.
- (3) Yes. The member will be provided with written advice on the subject.

WESTRAIL - PROSPECTOR PASSENGERS, MIDLAND STATION

709. Hon KIM CHANCE to the Minister for Transport:

- (1) How many passengers per year board the *Prospector* at Midland Station?
- (2) How many passengers per year disembark from the *Prospector* at Midland Station?

Hon E.J. CHARLTON replied:

- (1) 2 969 in the 1992-93 financial year.
- (2) 3 474 in the 1992-93 financial year.

WESTRAIL - MIDLAND STATION

Standard Gauge Line Realignment, Prospector Passenger Access

710. Hon KIM CHANCE to the Minister for Transport:

- (1) Has the Minister now received an engineers report on the feasibility of realigning the standard gauge line to allow *Prospector* passengers to directly access platform 1 at the Midland Railway Station?
- (2) If so, has the Minister made a decision based on the engineer's report?
- (3) Will the Minister advise the House of that decision?
- (4) Will the Minister table the engineer's report?
- (5) If not, will the Minister arrange a briefing for members by Westrail on the engineering aspects of the realignment and *Prospector* passenger access and safety?

Hon E.J. CHARLTON replied:

- (1) No.
- (2)-(4) Not applicable.
- (5) I would be pleased to arrange a meeting with Westrail for the member if this is desired.

FISHERIES DEPARTMENT - HOME PORTING

711. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

- (1) What is the Fisheries Department's view on the efficacy of home porting?
- (2) When was that view formed?
- (3) Is that view recorded in writing?
- (4) On what data and research was that view formed?
- (5) Do any Fisheries Department researchers dissent from that view?
- (6) Did the Minister obtain the views of the Fisheries Department before deciding to rescind home porting?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) Home porting was judged to have a negligible contribution to the breeding stock.
- (2) The view was provided to the Rock Lobster Industry Advisory Committee between the 1991-92 and 1992-93 seasons.
- (3) Yes.
- (4) The view was a judgment based on detailed understanding of the operation of the fishery.
- (5) Not applicable.
- (6) Advice was sought from the Rock Lobster Industry Advisory Committee.

FISHERIES DEPARTMENT - HOME PORTING

712. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

- (1) What facts or matters other than Fisheries Department advice and the view of the Rock Lobster Industry Advisory Committee were taken into account by the Minister in making his decision to rescind home porting?
- (2) What weight, if any, did the Minister give to representation by Hon Peter Foss in making his decision on home porting?
- (3) What was the technical and scientific basis of the representations made to the Minister by Hon Peter Foss MLC?
- (4) Was the scientific basis of the representations made by Hon Peter Foss evaluated by Fisheries Department?
- (5) If yes to (4), was the evaluation in (4) carried out before or after the Minister made his decision to rescind home porting?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1)-(5) The decision to remove home porting was taken on advice from the Rock Lobster Industry Advisory Committee.

FISHERIES DEPARTMENT - MANAGEMENT PAPER 54, IMPACT STUDIES

713. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

- (1) What impact studies have been undertaken by the Fisheries Department with regard to the fisheries management strategies contained in the current (Paper 54) Rock Lobster Industry Advisory Committee proposal?
- (2) Will the Minister table the primary source material and the results of those studies to enable interest groups to comment prior to a decision being made on a 1993-94 management strategy?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) The department has evaluated the contribution to the breeding stock resulting from the management strategies in paper 54 based on the best available data.
- (2) This information was provided to licence holders who attended the coastal tour meetings and is contained in paper 54. The research division of the Fisheries Department will provide verbal briefings on research information if required by the member.

FISHERIES DEPARTMENT - MANAGEMENT STRATEGIES, OPTIONS EVALUATION

714. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

- (1) Have impact studies been undertaken with respect to alternative proposals to those of the Rock Lobster Industry Advisory Committee outlined in fisheries discussion paper 54?
- (2) If so, what alternative management strategies have been evaluated and with what results?
- (3) Will the Minister table the primary research data used in arriving at conclusions in (1) and (2) above to enable it to be considered by interest groups prior to the 1993-94 management strategy being determined?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

(1) Yes; some of the various alternatives raised by industry have been examined within the constraints of the data and resources available.

(2)-(3)

The Rock Lobster Industry Advisory Committee has examined over past years a large number of options for reducing exploitation in the fishery. I refer the member to fisheries management papers 46, 53 and 54. In addition, minimum size, maximum size, protection of setose, quotas, seasonal closures and buy back arrangements have been progressively examined by the Rock Lobster Industry Advisory Committee through a committee process over time. Resources are not available to extract these data. However, the research division of the Fisheries Department will provide verbal briefings on particular aspects of the research information if required by the member.

FISHERIES DEPARTMENT - HOME PORTING

715. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

Will the Minister table all of the primary data and researchers' conclusions upon which he based his decision to rescind home porting?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

The decision to remove home porting was taken on advice from the Rock Lobster Industry Advisory Committee.

WESTRAIL - PEMBERTON-NORTHCLIFFE LINE AND ALUMINA JUNCTION-DWELLINGUP LINE, CREWING PROCEDURES DIFFERENCE

717. Hon JOHN HALDEN to the Minister for Transport:

Can the Minister fully explain any difference in the possible crewing procedures between the Pemberton-Northcliffe line and the Alumina Junction-Dwellingup line as both are used solely by private tourist operations?

Hon E.J. CHARLTON replied:

The Pemberton-Northcliffe line is operated by a private company under an Order-in-Council which allows it to manage, operate and maintain a tourist railway on the line under the Government Railways Act. Alumina Junction-Dwellingup railway is an open railway and the tourist operation thereon is operated in accordance with normal Westrail procedures with locomotives crewed by Westrail staff.

WESTRAIL - PEMBERTON-NORTHCLIFFE LINE, CREW

718. Hon JOHN HALDEN to the Minister for Transport:

(1) Do Westrail employees crew the line from Pemberton to Northcliffe that is only used by a private operator?

(2) If not, why not?

Hon E.J. CHARLTON replied:

(1) No.

(2) The Pemberton-Northcliffe line is operated by a private company under an Order-in-Council which allows it to manage, operate and maintain a tourist railway on the line under the Government Railways Act.

WESTRAIL - HOTHAM VALLEY TOURIST RAILWAY
Alumina Junction-Dwellingup Transfer, Enginemmen's Action

719. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is the Minister aware that Westrail enginemmen have stated that if the section of track from Alumina Junction to Dwellingup is handed to Hotham Valley Tourist Railway, that these enginemmen would refuse to handle any private trains on Westrail lines?
- (2) If so, how will this affect the Minister's decision on this matter?

Hon E.J. CHARLTON replied:

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

WESTRAIL - HOTHAM VALLEY TOURIST RAILWAY
Pinjarra-Dwellingup, Forrestfield Based Crew Use

720. Hon JOHN HALDEN to the Minister for Transport:

- (1) How many Forrestfield based locomotive crews are used on a day when two Hotham Valley Tourist Railway steam locomotives are utilised from Pinjarra to Dwellingup?
- (2) Can the Minister supply the "sign on" times at home depot and "sign off" times for such crews?
- (3) How much time is spent by such crews travelling in Westrail motor vehicles to and from Pinjarra?
- (4) What is the cost component factor for these crews alone?

Hon E.J. CHARLTON replied:

I presume the member is referring to excursions offered by Hotham Valley Tourist Railway using a diesel service between Perth and Pinjarra and a steam service between Pinjarra and Dwellingup. My answer is provided on this basis.

- (1) Four locomotive crews - eight persons.
- (2) Locomotive crew No 1 sign on 0630, sign off 1430 - 8 hours
 Locomotive crew No 2 sign on 0630, sign off 1430 - 8 hours
 Locomotive crew No 3 sign on 1130, sign off 1930 - 8 hours
 Locomotive crew No 4 sign on 1130, sign off 1630 - 5 hours
- (3) Locomotive crew No 1 - 2.75 hours for travel Forrestfield to Pinjarra and Dwellingup to Forrestfield
 Locomotive crew No 2 - 1.50 hours for travel Dwellingup to Forrestfield
 Locomotive crew No 3 - 1.50 hours for travel Forrestfield to Dwellingup
 Locomotive crew No 4 - 2.75 hours for travel Forrestfield to Dwellingup and Pinjarra to Forrestfield
- (4) \$2 047 based on a weekend service and \$1 023.50 based on a weekday service.

WESTRAIL - HOTHAM VALLEY TOURIST RAILWAY
Charges per Tonne per Kilometre

721. Hon JOHN HALDEN to the Minister for Transport:

- (1) How much per tonne per kilometre is charged for Hotham Valley Tourist Railway locomotives and rolling stock to pass over Westrail tracks?
- (2) Does this per tonne per kilometre fee also apply to the non-Westrail used section between Alumina Junction and Dwellingup?

Hon E.J. CHARLTON replied:

- (1) There is no tonne per kilometre charge. However, there is a charge of 10¢ per kilometre for each vehicle.
- (2) The charge of 10¢ per kilometre for each vehicle does not apply between Alumina Junction and Dwellingup.

WESTRAIL - HOTHAM VALLEY TOURIST RAILWAY

Dwellingup Return Six Coach Train, Charges

722. Hon JOHN HALDEN to the Minister for Transport:

What is the full Westrail fee charged for a Hotham Valley Tourist Railway train to Dwellingup and return ex the city station for a six coach train?

Hon E.J. CHARLTON replied:

The weekday charge would be \$2 560. The weekend charge would be \$4 135.

WESTRAIL - HOTHAM VALLEY TOURIST RAILWAY

Alumina Junction-Dwellingup Transfer

723. Hon JOHN HALDEN to the Minister for Transport:

- (1) Does the Government intend to hand over the disused section of Westrail track from Alumina Junction to Dwellingup to the Hotham Valley Tourist Railway?
- (2) If so, when will this be done?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1) No.
- (2) Not applicable.
- (3) There is no current request before Government to consider the matter.

WESTRAIL - RAIL LINES NOT USED, TOURISM OR DEVELOPMENT USE

724. Hon JOHN HALDEN to the Minister for Transport:

Can the Minister provide a list of those rail lines in Western Australia that are no longer in use, but have potential alternative uses for tourism or future developments?

Hon E.J. CHARLTON replied:

Pemberton-Northcliffe	tourism ores and minerals forest products
Alumina Junction-Dwellingup	tourism
Wonnerup-Nannup	ores and minerals
Donnybrook-Boyup Brook	forest products
Yoting-Shackleton	grain
Kulin-Kondinin	grain
Collie-Narrogin	forest products
Bowelling-Wagin	forest products

WESTRAIL - MAIN RAIL LINES, LEASING TO PRIVATE ENTERPRISE

725. Hon JOHN HALDEN to the Minister for Transport:

- (1) Will the Government follow the Victorian example of leasing some main rail lines to private enterprise?
- (2) If so, which lines and when?

Hon E.J. CHARLTON replied:

(1)-(2)

There are no plans to follow the Victorian example. However, proposals from private operators to run trains on the rail infrastructure under track access agreements will be considered. The first agreement will be with the National Rail Corporation on the Kewdale to West Kalgoorlie section of the east-west interstate route.

ROAD FUNDING, COMMONWEALTH - UNTIED GRANTS

726. Hon JOHN HALDEN to the Minister for Transport:

Is it the case that Commonwealth road funding, commencing 1 January 1994, will be drawn from untied grants?

Hon E.J. CHARLTON replied:

With regard to national highways, the Australian Land Transport Development Act ceases on 31 December 1993, but the Commonwealth has indicated it will continue funding national highways. It is understood the present Act will be extended to 30 June 1994 if a new Act is not in place by 1 January 1994. Untied grants from the Commonwealth, previously tied for use on national arterial roads, will continue to be applied to arterial roads commencing 1 January 1994.

AUSTRALIAN CUSTOMS SERVICE - NATIONAL REVIEW

Transport Department Submission

727. Hon TOM STEPHENS to the Minister for Transport:

- (1) Did the Department of Transport or any other agency in his portfolio make a submission to the national review being undertaken into the Australian Customs Service?
- (2) If yes, would the Minister please advise what was the thrust of any submissions made to the review?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1) No.
- (2) Not applicable.
- (3) I am not aware of any particular concerns with the procedures of customs that would warrant a submission to the national review.

ROADS - EASTERN GOLDFIELDS-PILBARA ROUTE

729. Hon TOM STEPHENS to the Minister for Transport:

- (1) Has the Minister decided on the route that should be followed by the future road link between the eastern goldfields and the Pilbara?
- (2) Does the Minister intend that the road route would be to connect the two regions with a route from Leinster to Meekatharra via Wiluna?
- (3) Is the Minister proposing that the proposed road would be a sealed road?
- (4) What is the cost of the proposed upgrade?
- (5) What will be the contribution of the State Government towards this road upgrade and what funds will be sought from the Commonwealth?
- (6) Does the Minister propose to ensure that there is an upgrade on the road connection west from Leinster to Mt Magnet?
- (7) If so, what would be the cost of this upgrade?
- (8) Is the Minister proposing that the two roads be upgraded simultaneously?

- (9) If not, why not?
- (10) Will there be a significant negative impact on the inland Murchison communities of Mt Magnet, Sandstone, Cue and Yalgoo if there is not a significant upgrade done simultaneously on the Westward Road connection of the region of Leinster?

Hon E.J. CHARLTON replied:

(1)-(10)

As the member will be aware, the Main Roads Department has just completed a report on these road issues and I made the report public in late August. My intention is to make decisions on the recommendations of the report shortly, which will answer the questions put by the member.

ROCK LOBSTER INDUSTRY ADVISORY COMMITTEE - DEMOCRATIC ELECTIONS

730. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

Will the Minister provide for industry representatives on the Rock Lobster Industry Advisory Committee to be elected democratically rather than appointed under the new Act?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

The method of selection of members is being reviewed in consultation with the Western Australian Fishing Industry Council.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY - ALBANY RESIDENTIAL COLLEGE, BED EXTENSIONS FOR TAFE STUDENTS, FUNDING

731. Hon BOB THOMAS to the Minister for Education:

- (1) Has the Education Ministry received an application from the Country High School Hostels Authority (CHHA) for funding for a 40 bed extension of the Albany Residential College to house TAFE students?
- (2) Has the Ministry applied to the Department of Education, Employment and Training for the Commonwealth to jointly fund this project?
- (3) If not, will the Minister direct his department to expedite the preparation of a submission for joint Commonwealth-State funding for this project so that work can commence as soon as possible?
- (4) Why has this submission, prepared for the CHHA in January 1993, not been acted on before now?

Hon N.F. MOORE replied:

(1)-(2)

No.

- (3) My ministerial office will be seeking the expeditious handling of this matter.
- (4) The Country High School Hostels Authority invited the Albany residential college to personally present its proposal to authority members at the authority's July meeting. The authority is evaluating the proposal. Matters needing to be resolved before the proposal can be considered for inclusion in the authority's capital works program include -

Uncertainty of patronage by TAFE students.

The co-location of upper secondary students and TAFE students in TAFE style accommodation in close proximity to the existing boarding facilities for secondary school students.

Limited support by Albany TAFE and the ongoing efforts by Albany TAFE for the construction of separate accommodation for TAFE students in Albany closer to the TAFE college.

The availability of Commonwealth funding.

The need for extra accommodation for secondary school students at Albany bearing in mind the availability of accommodation for 40 secondary school students at the Katanning residential college for students who live nearer to Katanning.

The authority reviews all new capital works proposals for inclusion in its capital works program each October. This proposal will be among those reviewed. Approved projects are prioritised and scheduled within a program projected over three years.

TRANSPERTH - ZONAL FARES, TRANSPORT MODES, SECOND MODE FREE

732. Hon JOHN HALDEN to the Minister for Transport:

Is it correct that under the current Transperth zonal fare system if a person uses two modes of transport - for example, bus and train - the second mode of transport is free?

Hon E.J. CHARLTON replied:

No. Perth's current public transport system is a fully integrated, multimodal structure where the fare is determined on the number of zones travelled rather than mode.

TRANSPERTH - SCHOOL BUS SERVICES, PRIVATE SCHOOLS REDUCTION

733. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is Transperth planning to reduce school bus services to private schools this year and in 1994?
- (2) If yes, what schools will be affected?

Hon E.J. CHARLTON replied:

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

TRANSPERTH - RAIL SYSTEM, TRANSFER TO WESTRAIL

734. Hon JOHN HALDEN to the Minister for Transport:

Is the Government going to transfer Perth's rail system, operations, administration and marketing from Transperth to Westrail?

Hon E.J. CHARLTON replied:

No. Responsibility for the Fastrak operation will eventually rest with the Department of Transport as the public transport coordinator.

TRANSPERTH - FERRY SERVICES *Running Costs*

735. Hon JOHN HALDEN to the Minister for Transport:

What was the cost per kilometre of running Transperth's ferries in -

- (a) 1991-92; and
- (b) 1992-93?

Hon E.J. CHARLTON replied:

- (a) \$13.79, expressed in 1992-93 dollars.
- (b) \$12.55.

TRANSPERTH - FERRY SERVICES

Privatisation

736. Hon JOHN HALDEN to the Minister for Transport:

Is the Government considering privatising Transperth's ferry service?

Hon E.J. CHARLTON replied:

Transperth will be corporatised over the next two years and will tender to the public transport coordinator, in an open competitive market, for the provision of services, including ferries.

WESTRAIL - COACH SERVICES

Privatisation

737. Hon JOHN HALDEN to the Minister for Transport:

What Westrail coach services, if any, is the Government considering privatising?

Hon E.J. CHARLTON replied:

Any privatisation of Westrail's road coach services will be comprehended in the Department of Transport's 1994 review of all country road passenger services.

WESTRAIL - COACH SERVICES

Cost per Kilometre

738. Hon JOHN HALDEN to the Minister for Transport:

What is the cost per road coach kilometre to operate Westrail's road coach services?

Hon E.J. CHARLTON replied:

For the 1992-93 financial year the cost was \$2.23 per road coach kilometre.

WESTRAIL - COACH SERVICES

Operating Costs

739. Hon JOHN HALDEN to the Minister for Transport:

What were the costs incurred by Westrail in operating its coach service for the financial years 1991-92 and 1992-93?

Hon E.J. CHARLTON replied:

\$6 497 000 and \$6 614 000.

WESTRAIL - COACH SERVICES

Revenue

740. Hon JOHN HALDEN to the Minister for Transport:

What revenue was gained by Westrail in operating its coach services for the financial years -

(a) 1991-92; and

(b) 1992-93?

Hon E.J. CHARLTON replied:

(a) \$4 363 000.

(b) \$4 598 000.

SOUTH WEST COACH LINES - GOVERNMENT SUBSIDY

741. Hon JOHN HALDEN to the Minister for Transport:

(1) Does South West Coach Lines receive a subsidy from the Government?

(2) If yes, how much?

Hon E.J. CHARLTON replied:

(1)-(2)

The proprietors of South West Coach Lines operate the Bunbury intra-town bus service - trading as Bunbury City Transit. For the Bunbury City Transit service, the operating subsidy paid in 1992-93 was \$976 300.

TAXIS - NEW COMPANIES, ESTABLISHMENT DISCUSSIONS

742. Hon JOHN HALDEN to the Minister for Transport:

(1) Has the Minister had discussions with either individuals or companies that wish to establish new taxi companies in the metropolitan area?

(2) If yes, with whom and how far advanced are the negotiations?

Hon E.J. CHARLTON replied:

(1) No.

(2) Not applicable.

TRANSPORT, DEPARTMENT OF - CENTRALISATION OF DEPARTMENTS, AUTHORITIES AND BOARDS' FUNCTIONS

743. Hon JOHN HALDEN to the Minister for Transport:

Is the Government proposing to centralise the policy, regulatory and planning functions of the various transport departments, authorities and boards under the Department of Transport?

Hon E.J. CHARLTON replied:

No.

TAXI CONTROL BOARD - ABOLITION

744. Hon JOHN HALDEN to the Minister for Transport:

When is the Minister proposing to abolish the Taxi Control Board?

Hon E.J. CHARLTON replied:

Any decision regarding the future of the Taxi Control Board will be part of an announcement concerning the review of the Taxi Car Control Act.

TAXIS - PERFORMANCE BASED CONTRACTS

745. Hon JOHN HALDEN to the Minister for Transport:

Does the Minister propose to enter into performance based contracts so as to regulate the taxi industry?

Hon E.J. CHARLTON replied:

No.

TRANSPERTH - BUS TRANSFER STATIONS, CLOSURE

746. Hon JOHN HALDEN to the Minister for Transport:

Is the Minister proposing to close any bus transfer stations?

Hon E.J. CHARLTON replied:

No.

TRANSPERTH - BUSES *Cost per Vehicle Kilometre*

747. Hon JOHN HALDEN to the Minister for Transport:

What was the cost per vehicle kilometre of operating Transperth buses in -

(a) 1991-92; and

(b) 1992-93?

Hon E.J. CHARLTON replied:

- (a) \$2.75, expressed in 1992-93 dollars.
- (b) \$2.86.

TRANSPERTH - BUSES

Cost per Vehicle Hour

748. Hon JOHN HALDEN to the Minister for Transport:

What was the cost per vehicle hour of operating Transperth buses in -

- (a) 1991-92; and
- (b) 1992-93?

Hon E.J. CHARLTON replied:

- (a) \$53.75, expressed in 1992-93 dollars.
- (b) \$55.95.

PEEL INLET - CREERY WETLANDS, CONSERVATION

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

- (1) Is the Minister aware that the Peel Inlet is a wetland of international significance which Australia has promised to conserve especially as a waterfowl habitat, under the Ramsar Convention?
- (2) Is the Minister aware that the Creery Wetlands are samphire flats and are regarded as one of the richest habitats in the Peel Inlet?
- (3) Is the Minister aware that the former Minister for the Environment proposed last year to purchase the Creery Wetlands for conservation purposes?
- (4) What is the Minister's position on the question of purchasing the wetlands?
- (5)
 - (a) Is the Minister aware that \$7m has been saved from the uninterrupted flow of approvals in relation to the Dawesville Cut; and
 - (b) will the Minister direct \$1.1m of this saving towards rescuing one of the State's most important wetlands?
- (6) The coalition parties promised, prior to the 1993 State election, to give unprecedented attention to the protection of wetlands and the environment, will this promise be honoured in the case of the Creery Wetlands?
- (7) What action will the Minister take to prevent these internationally significant and irreplaceable wetlands from being destroyed for another canal estate?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) I am aware that areas adjacent to the Peel Inlet are covered under the Ramsar Convention. This convention specifically excludes land owned in freehold; that is, privately owned land.
- (2) Yes. The samphire flats within the area proposed for development in the Harbour City Canal Estate include some samphire flats having high conservation value as identified in the Environmental Protection Authority's report and recommendations on the original Harbour City Canal Estate proposal, Bulletin 656 in October 1992,

and the subsequent assessment of a new development proposal for Harbour City Canal Estate in August 1993, Bulletin 695. These samphire flat areas were identified within areas referred to as areas B and C in the plan.

- (3) I am aware that the former Minister for the Environment partially upheld several appeals received against the EPA's report and recommendations on the original development proposal in 1992. At this time, the Minister stated that there should be no development of area B. However, I understand that the former Minister also acknowledged that the land included within area B was still within private ownership, and that at some future date discussions would be held between the existing landowner and the State Government regarding the future of the land. It was also acknowledged that a decision on the future use of the land would take into consideration the environmental values of the area, to ensure they were protected.
- (4) I was aware that the EPA was undertaking an assessment of a new proposal for the Harbour City Canal Estate prior to release of Bulletin 695 in August 1993. In June 1993 I forwarded a letter to the EPA, stating that further to consultation on the matter with the Minister for Planning, this Government has no intention to purchase areas A, B or C for conservation. Likewise I understand that the Federal Government has also declined to purchase the land contained in area B.
- (5)
 - (a) I understand that the savings were taken into account in the initial budgeting for the channel, rather than being an amount returned to the Government.
 - (b) I am not in a position to direct any funds derived from this purpose, and they are, in my opinion, a separate matter.
- (6) The most important area of the Creery wetlands was identified through the EPA's System 6 study. There have been no proposals to develop that land, and the Government is committed to its protection. Adjacent to the Mandurah bypass road is some high land which does not have wetland values. In between this land and the area included within the System 6 area is some low lying samphire land which has conservation value in some parts. Some other parts of the area are presently degraded. The current proposal by the landowner is to cede free of cost and to manage on behalf of the State free of cost for a period of five years approximately half of this land, as well as all the privately owned land covered by the System 6 recommendation. This will extend the area of public wetlands in the Peel Inlet area significantly.
- (7) I am currently examining the appeals lodged against the EPA's recommendation to approve this proposal. My eventual decision will be an informed one, and protection of the wetland areas will be extensively considered.

FISHERIES DEPARTMENT - BIG BANK, KALBARRI, FISHING CHARGES

753. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

- (1) Were any boats caught fishing in closed waters off Kalbarri, known as the Big Bank, in February 1993?
- (2) Have the owners and/or skippers of any boats caught fishing in closed waters off Kalbarri, known as the Big Bank, in February 1993 been charged with any offence?

- (3) If yes to (2), what offence have they been charged with?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) Yes. Nine boats.
- (2) No. Breach reports are currently being prepared for consideration and appropriate action.
- (3) Not applicable.

AIR CHARTERS - STATE SERVICES, HOURLY RATE

755. Hon MARK NEVILL to the Leader of the House representing the Premier:

- (1) In calculating the cost of air charters undertaken by State Services, what hourly rate is used to calculate the cost of the charter?
- (2) Is this air charter service available for other members of Parliament to use at this rate when the aircraft is not required by Government Ministers?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(2)

The contract for Government aircraft charter - Kingair - is administered by the Department of State Services. The hiring procedures, practices and charge out rates are the same as those determined by the previous Government with Ministers and Government departments and agencies being charged at a rate of \$380 per hour for normal use. These matters will be reviewed in any new charter arrangement to be put in place following the expiry of the current contract.

MINISTERIAL TRAVEL - MINISTER FOR PRIMARY INDUSTRY

Fitzroy Crossing Trip, Flood Damage Inspection

756. Hon MARK NEVILL to the Minister for Transport representing the Minister for Primary Industry:

I refer to the answer given to question on notice 416 on 4 August 1993.

- (1) In respect of the trip to Fitzroy Crossing to inspect flood damage caused by flooding of the Fitzroy River, to whom was the cost of -
 - (a) the flight from Perth to Newman; and
 - (b) from Derby to Perth allocated?
- (2) What was the cost of the two flights?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following response -

(1)-(2)

The costs of the overall trip, which involved a refuelling stop only at Newman, were shared equally between the Ministers for Transport and Primary Industry.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ENERGY SAVING MEASURES

757. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:

In the Budget speech at page 5 the Treasurer says that "Commercial and industrial electricity tariffs have been lowered by up to 10.6 per cent . . .". Have any taxation or other measures been taken to encourage energy saving?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

The energy conservation unit within the energy policy and planning bureau actively encourages energy conservation. Funding for the energy policy and planning bureau's energy conservation subprogram, some of which is recouped from SECWA, has been provided. This subprogram will involve among other things development in association with other States and the Commonwealth of a commercial building energy code; and funding of Government agencies' proposals for energy audits and energy efficient equipment and systems that will serve as examples that others can emulate. The scope for a similar scheme in the commercial and industrial sectors will be investigated.

Other initiatives include development of a nationally applicable house energy rating scheme and appliance labelling. In the course of its normal business, SECWA provides publications and advice on general energy efficiency.

GROSS STATE PRODUCT - OTHER STATES USE

758. Hon GRAHAM EDWARDS to the Minister for Finance:

Which other States use the gross state product implicit price deflator, rather than the consumer price index to calculate real increases in their State Budgets?

Hon MAX EVANS replied:

The Commonwealth, New South Wales, Victoria and South Australia - for debt.

TRANSPERTH - BUDGET, SOCIAL WELFARE AND FARE CONCESSIONS REMOVAL

759. Hon JOHN HALDEN to the Minister for Transport:

Can the Minister explain why a total of \$90m in social welfare and fare concessions subsidies has been removed from Transperth's 1993-94 budget?

Hon E.J. CHARLTON replied:

The 1992-93 Budget provided \$72.743m to Transperth for social welfare concessions and \$17.822m for fare concessions - a total of \$90.565m. Presentation of these amounts under the Treasurer's Miscellaneous Services allocation was confusing and made it difficult to readily identify the full extent of the Government's financial commitment to Transperth. No similar provision has been included in the 1993-94 Budget and the net recurrent expenditure budget from the consolidated fund is \$173.348m. This amount, with the exception of \$32.5m provided from the Transport trust fund, represents the full extent of the Government's budgeted commitment to Perth's urban public transport in 1993-94.

TAFE - KIMBERLEY, ADDITIONAL FACILITIES

761. Hon TOM STEPHENS to the Minister for Education:

What additional technical and further education facilities are to be built in the Kimberley as a result of this year's State Budget allocations?

Hon N.F. MOORE replied:

Three additional facilities are planned to be constructed in the Kimberley region as a result of this year's State Budget allocation, with the assistance of Federal TAFE infrastructure funding; that is, Kimberley Regional College facilities at Kununurra - \$1.5m, and Halls Creek - \$680 000; and Karrayili Adult Education Centre at Fitzroy Crossing - \$300 000.

POLICE - POWERS TO DEMAND NAMES AND ADDRESSES

765. Hon DERRICK TOMLINSON to the Leader of the House representing the Minister for Police:

- (1) Are police officers instructed that the power to demand name and address under section 50 of the Police Act 1892 is exercisable only when there is reasonable suspicion that the person of whom the demand is made has committed an offence or is witness to the commission of an offence?
- (2) Are names and addresses taken under those circumstances recorded for purposes other than field reports for intelligence purposes?
- (3) How are such names and addresses recorded and for how long are those records maintained?
- (4) Are the names and addresses of persons shown not to have committed an offence nor to have witnessed the commission of an offence also recorded?
- (5) How are such names and addresses recorded and for how long are those records maintained?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

- (1) Yes.
- (2) Names and addresses taken under section 50 of the Police Act are recorded in areas applicable to the purpose for which they have been taken - for example, traffic, criminal intelligence, etc.
- (3) Generally names and addresses taken in such a manner are initially recorded by a police officer in his/her official note book. These names and addresses may also be recorded either as computerised records or hard copy such as action reports, field reports, offence reports, court briefs, liquor licensing offences and traffic etc. They are retained as long as the requirement exists.
- (4) Names and addresses of persons taken under such provisions remain a matter of public record and, as such, must be retained in the officer's note book.
- (5) Refer to (3).

WESTRAIL - POSITIONS ABOLITION

766. Hon KIM CHANCE to the Minister for Transport:

Following the Minister's confirmation that four signal operator positions will be abolished by Westrail at Merredin, can the Minister advise how many further Westrail positions will be abolished over the next three and a half years?

Hon E.J. CHARLTON replied:

No.

NATURAL DISASTER RELIEF - KIMBERLEY FLOODS

767. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to the Premier's media statement of 28 February 1993 in which he announced details of natural disaster relief for land owners affected by the Kimberley floods.

- (1) How many grants were made?
- (2) How many loans were made?
- (3) What was the total amount in dollars for -

- (a) grants; and
- (b) loans?
- (4) How many people/groups were assisted?
- (5) How many applications for assistance were lodged?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) Seven to date, being fencing subsidies.
- (2) Nil.
- (3) (a) \$64 707.41;
- (b) Nil.
- (4) Seven stations to date with further applications pending.
- (5) Twelve stations have indicated an intention to seek assistance with fencing requirements.

ROCK LOBSTER FISHERIES - RECREATIONAL ROCK LOBSTER REVIEW COMMITTEE

Meetings, Members, Chairman, Recommendations

768. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

- (1) How many times has the recreational rock lobster review committee met since the minister first established it?
- (2) On what date did it first meet?
- (3) Who are the members of the committee?
- (4) Who is the chairman?
- (5) How often does the committee meet?
- (6) What recommendations has that committee made?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1)-(2) The current committee met for the first time on Wednesday, 29 September 1993.
- (3) Mr Frank Prokop
Mr Angus Horwood
Mr Neil Patrick
Mr Bob Urquart
Mr Brian Fearn
Mr Phil Travia
Mr John Fitzhardinge
- (4) Mr Frank Prokop.
- (5) On a needs basis.
- (6) I have yet to receive any recommendation.

SCHOOLS - GREENFIELDS-COODANUP, NEW PRIMARY SCHOOL FUNDING

775. Hon J.A. COWDELL to the Minister for Education:

Could the Minister give an assurance to this House that the urgent educational needs of the Greenfields/Coodanup area will be met by the allocation of funds out of this Budget for a new primary school?

Hon N.F. MOORE replied:

Funding was announced in the recent Budget to commence the construction of four new primary schools to open in February 1995. Decisions regarding the locations of these schools will be taken later this year.

SCHOOLS - COODANUP SENIOR HIGH
School Based Police Officer Appointment

776. Hon J.A. COWDELL to the Minister for Education:

Could the Government indicate when it intends to honour its election promise of appointing a school based police officer to Coodanup Senior High School?

Hon N.F. MOORE replied:

Appointment of school based police officers is the responsibility of the Police Department, and consequently the question should be referred to the Minister for Police for consideration and reply.

**GROSS STATE PRODUCT - TAXES, FEES, FINES AS A SHARE OF,
ESTIMATE**

777. Hon MARK NEVILL to the Minister for Finance:

Has the Government succeeded in its 1993-94 Budget in reducing general Government taxes, fees and fines as a percentage of gross state product?

Hon MAX EVANS replied:

Taxes, fees and fines as a share of gross State product in 1993-94 is estimated at 4.9 per cent in 1993-94, compared with 4.8 per cent in 1992-93.

**MINISTERIAL STAFF - MEMBER FOR MELVILLE'S FORMER "TERM OF
GOVERNMENT" STAFF, PRESENT POSITIONS**

778. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to the resignation of the member for Melville, on 24 August 1993, from his ministerial responsibilities of Tourism, Housing, and Sport and Recreation.

- (1) Can the Premier advise the House as to what became of the member's former "Term of Government" ministerial staff?
- (2) Have any of these employees been relocated into Public Service positions?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) Ms M. Miller is located in the Office of the Minister for Sport and Recreation; Ms L. Bungey is located in the Office of the Minister for Housing. Ms A. Piggot has been assisting with the closure of the former Minister's office and with transitional arrangements between the former and the current Minister for Housing.
- (2) No.

**STATE GOVERNMENT INSURANCE COMMISSION - BUILDINGS, CBD
AREA, OWNERSHIP**

780. Hon KIM CHANCE to the Minister for Finance:

- (1) Which buildings in the Perth central business district are owned or partly owned by the State Government Insurance Commission?
- (2) What are the addresses of those buildings, and what is the percentage of SGIC's ownership?

- (3) In respect of each building partly owned by SGIC, who are the owners of the remaining equity?
- (4) What was the most recent valuation of each building and what was the date of each valuation?

Hon MAX EVANS replied:

- (1) SGIO Atrium; Forrest Centre; Westralia Square.
- (2) SGIO Atrium, 170 St George's Tce, Perth - 100 per cent.
Forrest Centre, 221 St George's Tce, Perth - 100 per cent.
Westralia Square, 141 St George's Tce, Perth - 70 per cent.
- (3) Westralia Square is 30 per cent owned by the Government Employees Superannuation Board.
- (4) Each property was revalued on 30 June 1993. Given that SGIC may wish to divest itself of part of its property portfolio to address the overweighting of property in its global investment portfolio, it prefers not to reveal individual valuations. The composite value of the three properties is \$170.1m.

MINISTERIAL OFFICES - MINISTER FOR EDUCATION
Stationery and Nameplates Cost

788. Hon TOM STEPHENS to the Minister for Education:

- (1) What was the cost of producing the Minister's stationery?
- (2) Who designed and printed it?
- (3) What was the cost of
 - (a) designing; and
 - (b) printing?
- (4) What was the cost of manufacturing and installing office nameplates for the Minister's office?
- (5) What was the cost of any additional stationery, design or printing that was necessary as a result of the recent portfolio changes?
- (6) What was the cost of any alterations to nameplates as a result of the recent portfolio changes?

Hon N.F. MOORE replied:

- (1) \$2 426.69 for design and printing of two reams of letterhead for each portfolio, business cards, and with compliments slips.
- (2) The stationery was designed by Cogent Advertising and printed by State Print.
- (3) (a) \$969.69
(b) \$1 457
- (4) \$1 245
- (5) \$844 for new letterhead, business cards and with compliments slips.
- (6) Nil.

NUMBAT PATROL, DERBY - FUNDING

830. Hon TOM STEPHENS to the Minister for Education representing the Minister for Aboriginal Affairs:

Further to question on notice 525 asked on 17 August 1993 and the Minister's answer, I ask: In view of the fact that the Premier handed down the 1993-94 Budget on 16 September 1993, what progress has now been made in identifying funds for the Derby based "Numbat" patrol?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

The Aboriginal Affairs Planning Authority officer responsible for the West Kimberley is working closely with the numbat patrol to assist them to obtain resources from a range of Commonwealth, State, local government and private sector sponsors. There is a positive response from these bodies to the patrol.

NOISE STANDARDS - REDUCTION, DISSENTERS FROM OCCUPATIONAL HEALTH AND SAFETY COMMISSION

833. Hon MARK NEVILL to the Minister for Health representing the Minister for Labour Relations:

In respect of debate last week on noise standards, the Minister stated there were two dissenting voices against lowering the standards; that is, people from the Occupational Health and Safety Commission. Can the Minister advise which expert and which employer representative on the commission dissented?

Hon PETER FOSS replied:

The Minister for Labour Relations has provided the following reply -

The Occupational Health, Safety and Welfare Commission did not reach a consensus view on the question of reducing the noise action level from 90dB(A) to 85dB(A). The dissenting voices referred to in the debate relate to the lack of support by the employer representatives (three in total) and lack of support from all three expert members.

HOSPITALS - SIR CHARLES GAIRDNER
Aged Care Assessment Team, Transfer to Osborne Park Hospital

834. Hon SAM PIANTADOSI to the Minister for Health:

Can the Minister confirm that the aged care assessment team is being moved from Sir Charles Gairdner Hospital to Osborne Park Hospital?

Hon PETER FOSS replied:

There are no current plans to move the aged care assessment team from Sir Charles Gairdner Hospital to Osborne Park Hospital.

HOSPITALS - SIR CHARLES GAIRDNER
Special Geriatric and Extended Care, Resources Reduction

835. Hon SAM PIANTADOSI to the Minister for Health:

Given that the community's aged population is increasing in number both in real terms and as a proportion of total population, why has the Government chosen to reduce the resources offered by the special geriatric and extended care department at Sir Charles Gairdner Hospital?

Hon PETER FOSS replied:

In this case it was decided that a small reduction (0.5 FTE) was appropriate, although no decision has been made to maintain this level permanently. In fact, in preparation for known budget reductions in 1993-94, Sir Charles Gairdner Hospital acted responsibly and reviewed all vacancies as they arose.

Care for the elderly is a priority in the north metropolitan health region and Sir Charles Gairdner Hospital is participating in the review of such services in an overall regional context. The objective of the review is to enhance services to the elderly where appropriate and to provide services closer to areas of greatest need, rather than necessarily at one point or hospital.

ROAD FUNDING - COMMONWEALTH, \$98m ALLOCATION
10 National Highways and Arterial Road Projects Delay

836. Hon JOHN HALDEN to the Minister for Transport:

What are the 10 national highways and arterial road projects that will be delayed as a result of Commonwealth road funding being allocated at the level of \$98m for this financial year?

Hon E.J. CHARLTON replied:

National Highway Projects

Great Northern Highway - Mt Magnet realignment

Great Northern Highway - Widening and reconstruction north of
 Meekatharra to Karalundi

Great Northern Highway - Reconstruct section Pithara to Wubin

Eyre Highway - Reconstruction of section Norseman to
 32 km east

Great Eastern Highway - Reconstruction of section Meenaar to
 Burracoppin

Great Eastern Highway Reconstruct section near The Lakes.

National Arterial Projects

Reid Highway - Section Wanneroo Road to Erindale Road

Albany Highway - Section Gleneagles to North Bannister

Bunbury-Augusta Road (Ludlow section)

Brand Highway (Rudds Gully)

Brand Highway (Pells Bridge)

HOSPITALS - SIR CHARLES GAIRDNER

Special Geriatric and Extended Care, Staff Reduction

837. Hon SAM PIANTADOSI to the Minister for Health:

(1) Is it the case that there has been or will be a 33 per cent reduction of medical staff at the special geriatric and extended care department at Sir Charles Gairdner Hospital?

(2) Is this reduction in medical staff temporary or permanent?

(3) If it is temporary, when will medical staff numbers be returned to the full complement?

Hon PETER FOSS replied:

(1) No. One 0.5 FTE specialist medical officer has not been replaced in the geriatric and extended care service at Sir Charles Gairdner Hospital. This is equivalent to one-sixth of the total medical staffing in the area.

(2) No decision has yet been made about the permanent/temporary nature of this reduction. Sir Charles Gairdner Hospital is one hospital in the north metropolitan regional health services which is reviewing services to the elderly in the region. Decisions about staffing will be made in context of an overall plan for service provision to the elderly.

(3) If it is appropriate after the review (above), numbers of staff will return to normal levels.

TRANSPERTH - PASSENGER LOADINGS

Rail Services; Bus Services

838. Hon JOHN HALDEN to the Minister for Transport:

(1) What were the passenger loadings for each month from February 1993 to the present for the following Transperth rail services -

(a) northern suburbs line;

- (b) Fremantle line;
 - (c) Armadale line; and
 - (d) Midland line?
- (2) What were the total passenger loadings for each month from February 1993 to the present for Transperth bus services?

Hon E.J. CHARLTON replied:

- (1) Transperth is currently in the process of developing a method to estimate patronage information for each of the Fastrak train lines. Unfortunately, it is not available at this time and the following patronage information is provided in accordance with Transperth's four week reporting periods -

Four week period to -

6 March 1993	852 699
3 April 1993	1 174 196
1 May 1993	1 556 388
29 May 1993	1 544 775
26 June 1993	1 510 872
24 July 1993	1 588 635
21 August 1993	1 588 771
18 September 1993	1 551 174

- (2) Period ending -
- | | |
|-------------------|-----------|
| 6 March 1993 | 4 136 641 |
| 3 April 1993 | 4 310 695 |
| 1 May 1993 | 3 091 667 |
| 29 May 1993 | 3 936 513 |
| 26 June 1993 | 3 669 896 |
| 24 July 1993 | 3 877 275 |
| 21 August 1993 | 3 598 864 |
| 18 September 1993 | 3 571 527 |

VICKERY REPORT - PAYMENT; TOTAL HOURS; CONSULTANCY FEES

841. Hon KIM CHANCE to the Minister for Education:

- (1) What was Dr Bob Vickery paid for undertaking the review of the education and training portfolio?
- (2) What were the total hours Dr Vickery spent on the review?
- (3) Were any other review members paid consultancy fees for their work on the review?
- (4) If so, what amounts?

Hon N.F. MOORE replied:

- (1) \$30 000.
- (2) Dr Vickery worked full time from 8 April to 6 August. It should be noted that since then, Dr Vickery has addressed a number of organisations in the review and is still continuing to accept invitations to address seminars and workshops.
- (3) No.
- (4) Not applicable.

EDUCATION - NEW ZEALAND EVIDENCE, NO LINK BETWEEN IMPROVED STUDENT LEARNING AND GREATER SCHOOL AUTONOMY

842. Hon KIM CHANCE to the Minister for Education:

- (1) Is the Minister aware of evidence from New Zealand that there is no link between improved student learning and greater school autonomy?

- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) No.
 (2) Because there is no sustainable evidence that there is no link between improved student learning and greater school autonomy.

EDUCATION - PRODUCTIVITY, MEASUREMENT METHOD AND USE IN ENTERPRISE BARGAINING IN TEACHING PROFESSION

843. Hon KIM CHANCE to the Minister for Education:

Will the Minister explain how productivity is measured in education and how this measurement can be used to facilitate enterprise bargaining and salary increases in the teaching profession?

Hon N.F. MOORE replied:

In 1990 the Industrial Relations Commission endorsed a view of productivity in education related to increased accountability and flexibility at the school level. In respect of enterprise bargaining and salary increases in the teaching profession, the ministry is currently reviewing issues related to productivity in the context of responsiveness, flexibility and accountability.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - HEALTH EDUCATION SERVICES, CENTRAL WHEATBELT HEALTH REGION

846. Hon KIM CHANCE to the Minister for Health:

- (1) Is the new direction proposed for the delivery of health education services in the central wheatbelt in accord with current studies which have directed their attention to this matter?
 (2) If so, can the Minister advise which studies or reports make similar recommendations?

Hon PETER FOSS replied:

- (1) Yes.
 (2) The proposed direction is in accord with current studies and in part of the national health strategy as promoted by the Federal Government. Issues paper 7 of the national health strategy titled "Pathways to Better Health" was released in March 1993. Chapter 3 of this document identifies the health promotion work force as professionals whose roles include health promotion. "Primary health care professionals (community nurses, general practitioners, pharmacists, etc); medical, nursing and allied health professionals in hospitals and nursing home settings; teachers, welfare workers, environmental health officers, make up this group". This chapter also identifies community members as participants. Chapters 6 to 12 of this document recommend the need for an increased focus on health promotions, wider participation by all health professionals, and more community participation. A more coordinated approach is recommended to allow better utilisation of resources.

Regional health education officers have in fact identified and raised the need for an increase in the classification of their positions. This is confirmed in a letter to the country regional directors from the director of health promotions. This letter also proposed that the health education officers should be redesignated as health promotions officers. This direction is in line with the national health strategy document which quotes "health promotion to encompass all those activities that seek to make life safer and enable individuals more easily to choose health and behave in health preserving and health enhancing ways". Health education is then merely a part of health promotion.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - HEALTH EDUCATION SERVICES, CENTRAL WHEATBELT HEALTH REGION

847. Hon KIM CHANCE to the Minister for Health:

In the implementation of the new direction for the delivery of health education services in the central wheatbelt health region what will be the responsibility of the -

- (a) Minister;
- (b) director;
- (c) regional director;
- (d) subregional health committees;
- (e) district hospital/MPS boards;
- (f) DOMs of those hospitals/MPS;
- (g) health education coordinator;

in determining priorities for programs delivered by the system?

Hon PETER FOSS replied:

- (a) Determination of Government Statewide health promotion policy priorities, incorporating national priorities as appropriate.
- (b) Assuming the member is referring to the Director, Health Promotion Services, Health Department of Western Australia: Direction of Statewide priorities in health promotion.
- (c) Direction regarding the regional priorities in health promotion and implementation strategies. Ensuring the regional strategies incorporate Statewide priorities and local needs.
- (d) It is assumed the member is referring to the subregional planning committees. To comment and make recommendations to the regional director as the committee sees fit, about regional priorities and plans to operationalise these on a subregional basis.
- (e) Ensure that hospital/MPS resources (Staff, people and funding) assume an appropriate level of priority to health promotion activities. Assist, plan and deliver the ongoing health promotion strategy.
- (f) Participate appropriately in each community's self-determined ongoing health promotion strategy. Some DON's will play a bigger role than others. The roles will vary according to skill, experience and background. Some will be more involved in the community activity whereas others may be more involved in the evaluation.
- (g) Will the member please note that there will not be a health education coordinator. The health promotion strategy will be coordinated by a health promotion coordinator, whose role will be to coordinate provision of community owned and driven health promotion activities provided by community health, hospitals and others.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL WHEATBELT HEALTH REGION, SINGLE ADMINISTRATION POST

848. Hon KIM CHANCE to the Minister for Health:

Does the operational plan of the central wheatbelt health region contain a proposal to abolish health education officer positions in favour of the creation of a single administration post to coordinate generic health resources to provide health education services?

Hon PETER FOSS replied:

The decision to implement this health promotion strategy is in response to the strategies outlined in the operational plan of the central wheatbelt health region. The decision to abolish a health education officer position and recreate the other into a coordinator position was discussed fully at the region's planning summit in response to both the documented health promotion strategy and the desire to make productivity gains within the region.

It has again been discussed at the 22 and 23 September 1993 budget management meetings in the region. The managers of all health care units were represented, plus community and public health services and hospital board members, representing their community. Participants have remained in favour of this strategy.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - REGIONAL HEALTH PROMOTION SERVICES, FUNDING

849. Hon KIM CHANCE to the Minister for Health:

Will the new direction proposed for the delivery of regional health promotion services require increased funding by -

- (a) the Health Department of WA;
- (b) if yes, by what amount;
- (c) the Commonwealth;
- (d) if yes, by what amount;
- (e) non-government agencies;
- (f) if yes, by what amount?

Hon PETER FOSS replied:

- (a) No.
- (b) Not applicable.
- (c) No.
- (d) Not applicable.
- (e) No.
- (f) Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL WHEATBELT HEALTH REGION, SINGLE COORDINATOR

850. Hon KIM CHANCE to the Minister for Health:

- (1) Has a budget, or any other form of financial forecast, been prepared in respect of the effects the proposal to abolish the two health education officers' positions in the central wheatbelt health region with a single health promotion coordinator?
- (2) If so, what is the difference in the cost of salaries, vehicle and administration expenses between the existing situation with two officers and the proposed structure of a single coordinator?
- (3) What is the total difference in cost between the present and proposed systems taking into account the costs incurred by district hospitals in fulfilling their proposed role?

Hon PETER FOSS replied:

- (1) Yes.
- (2) It has been estimated that a full year saving of \$50 000 can be achieved.

For the 1993-94 year, a saving of \$30 000 is expected due to the implementation lead time.

- (3) District hospitals and other generic service providers, i.e. community, school and child health nurses, will accommodate the costs of their involvement within existing budgets already applied to their local communities. They will be assisted with regard to specific health promotional materials (i.e. posters) from the health promotion coordinator's other goods and services budget. From a total previous full year health education budget of \$98 900, it is expected the new health promotion strategy will be implemented for \$48 900. This is clearly a productivity gain of \$50 000 to the region.

**HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL
WHEATBELT HEALTH REGION, TWO POSITIONS ABOLITION**

851. Hon KIM CHANCE to the Minister for Health:

With reference to his answer to question without notice 242 on 10 August 1993, by what means does the Minister intend to ensure the job security of the two health education officers whose positions are to be abolished in the central health region?

Hon PETER FOSS replied:

One of the two health education officers has already been appointed to an alternative position within the central wheatbelt health region. The position is located in the same organisation and location. The second officer will be given the opportunity to apply for the new position. However, if unsuccessful, this person will be assisted to gain another position in their preferred location. Both officers were guaranteed ongoing employment of some form when the decision was announced.

**HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL
WHEATBELT HEALTH REGION, "WIDESPREAD CONSULTATION"**

852. Hon KIM CHANCE to the Minister for Health:

In reference to the answer provided to my question without notice 242 on 10 August 1993, will the Minister now advise: What form of "widespread consultation" has been undertaken throughout the central wheatbelt health region which has led to the determination that the health promotion needs of the region will be better served by the abolition of the two health education officers' positions?

Hon PETER FOSS replied:

- (1) Involvement of ongoing program reference groups over the past three years in determining the change in direction away from health education to health promotion, and the involvement of all generic service providers.
- (2) Circulation of strategic and operational plans over the past three years to managers of all health care units, hospital boards of management, doctors, other significant health care providers and some shires outlining the change of direction.
- (3) Ongoing involvement in discussions and monitoring of Dalwallinu strategy over past 18 months.
- (4) At a budget meeting on 27 April 1993 with all HCU managers, including Director of Community Health when productivity options were suggested and discussed.
- (5) On 22 June 1993 all community health staff were apprised of the new approach to promoting health in their communities.
- (6) At a regional planning summit on 28 June 1993 at which the option to

abolish HEO positions was discussed with all community and service provider representatives (more than 60 people from across the region present).

- (7) Option discussed more fully with HEOs at a meeting on 1 July 1993.
- (8) Subregional planning committees meet during July 1993 to further discuss and endorse 1993-94 business plan including this strategy.
- (9) During July 1993, a series of discussions with CSA union.
- (10) Discussion on initiative with Assistant Commissioner of Public Health and Statewide Services in the Health Department on 21 July 1993.
- (11) A series of discussions with A/Director, Health Promotion Services within the Health Department.
- (12) Further lengthy discussions with health education officers on 27 July 1993.
- (13) Discussion with Dr Ray James, Coordinator, Regional Support Services and Coordination, Health Promotions Branch on 28 July 1993.
- (14) Ongoing discussion with human resource branch of Health Department.
- (15) Management meetings with HCU managers and hospital board representatives to discuss productivity initiatives on 22 and 23 September 1993.
- (16) A series of further discussions with health education officers.
- (17) Many informal discussions by all staff with other staff and communities as opportunities arise.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL WHEATBELT HEALTH REGION, DISCUSSIONS WITH SUBREGIONAL COMMITTEES

853. Hon KIM CHANCE to the Minister for Health:

- (1) What level of consultation has taken place within the subregional health committees of the central wheatbelt health region on the specific proposals contained in the new direction for health promotion in that region?
- (2) Have these committees discussed and endorsed the proposal to replace the existing health education officers with a single administrative post to coordinate generic health resources who would provide health promotion services?
- (3) If so, when did discussions on the specific proposals take place within the subregional committees?

Hon PETER FOSS replied:

- (1) The issue was discussed at regional planning summit on 28 June 1993. Members of health care units and subregional planning committees were present at this meeting.
- (2) The committees have not raised the issue at their individual meetings and have not voiced any concerns about the proposal. However, the committees have endorsed the need to better utilise existing resources and the desirability of increased community participation.
- (3) Not applicable.

SWAN RIVER - POLLUTION, COMPANIES STOPPAGE ACTION

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

- (1) What action is the Minister taking to stop companies named in EPA documents tabled on 18 August from continuing to pollute waterways?

- (2) Will the Minister cancel licences in the event that some, or all, of these companies continue to ignore statutory requirements?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) No action is necessary at present as Wandalup Farms and Capel Dairy are operating within their current licence conditions. Neither Watsons Foods nor Love Starches are polluting any "waterways". In addition, Capel Dairy is, with Environmental Protection Authority approval, operating a new waste water disposal facility. The company is also purchasing additional equipment to further improve its effluent quality.
- (2) In the event that a premises licensed under the Environmental Protection Act (1986) fails to comply with specific licence conditions, an option available to the director, pollution control division acting under delegated authority from the Chief Executive Officer of the Environmental Protection Authority, is to revoke the operating licence.

This action will be considered and applied as is necessary to ensure the statutory provisions of the Environmental Protection Act are upheld.

SCHOOL CLEANERS - KALAMUNDA HIGH SCHOOL, PRIVATE CONTRACT TERMINATION

858. Hon BOB THOMAS to the Minister for Education:

Further to question on notice 566 asked on 7 September -

- (1) Was the private cleaning contract for the Kalamunda High School recently terminated?
- (2) For what reason was it terminated?
- (3) How many other similar contracts have been terminated for -
 - (a) 1991;
 - (b) 1992; and
 - (c) 1993?
- (4) How many staff are employed in the Ministry of Education to oversee the private cleaning contractors?

Hon N.F. MOORE replied:

- (1) No. It expired after a three year contract.
- (2) Not applicable.
- (3)
 - (a) 1991 - 1
 - (b) 1992 - Nil
 - (c) 1993 - Nil.
- (4) Five advisory staff for all ministry schools, day labour and contract.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - HEALTH REGIONS

859. Hon M.J. CRIDDLE to the Minister for Health:

- (1) What are the existing health regions in Western Australia?
- (2) Does the Minister have any plans to alter the boundaries of these health regions?
- (3) If so, what are these plans?

Hon PETER FOSS replied:

- (1) South Metropolitan health region
North Metropolitan health region

East Metropolitan health region
Kimberley health region
Pilbara health region
Mid-West and Gascoyne health region
Central Wheatbelt health region
Goldfields health region
Great Southern health region
South West health region

(2)-(3)

No. However, a trial is presently being conducted to ascertain whether there are any advantages to the Mid-West and Gascoyne health region and the Central Wheatbelt health region being amalgamated or jointly managed.

PORTMAN MINING LTD - IRON ORE EXPORTS, CHINA; ESPERANCE PORT

861. Hon MARK NEVILL to the Minister for Transport:

- (1) Can the Minister confirm that Portman Mining has a signed contract to supply iron ore to the Chinese Government and that this iron ore will be exported through Esperance?
- (2) Has the Government requested a guarantee from Portman Mining that it will continue with its plan to export iron ore through Esperance in the light of recent problems with the Australian Securities Commission?

Hon E.J. CHARLTON replied:

- (1) Portman Mining has a joint venture arrangement with Anshan Iron and Steel Complex of China that provides for Koolyanobbing iron ore being exported through Esperance subject to all the appropriate approvals being received.
- (2) No.

WESTRAIL - WORKS AND SERVICES SUPPLY ESTIMATE INCREASE

862. Hon JOHN HALDEN to the Minister for Transport:

Can the Minister explain why the works and services supply estimate for the Western Australian Government Railways has increased from \$28.5m last year to \$35.5m this year?

Hon E.J. CHARLTON replied:

The 1992-93 estimate of \$28.5m was compiled on a different basis to the 1993-94 estimate of \$35.6m. The 1993-94 estimate includes an allocation of debt servicing costs and excludes recoveries from capital works and work done on other programs, which were included in the 1992-93 estimates. The 1992-93 result - using the same basis for calculating the 1993-94 estimate - was \$40.44m. The reduction of \$4.8m in 1993-94 reflects the closure of the Midland Workshops by 4 March 1994.

WESTRAIL - TOTAL NET EXPENDITURE INCREASE

863. Hon JOHN HALDEN to the Minister for Transport:

As the Minister has made numerous announcements about the increased efficiencies that will be placed on Western Australian Government Railways, how does he explain the increase in total net expenditure for Westrail from \$6m last year to \$12m this year?

Hon E.J. CHARLTON replied:

I assume the \$6m referred to by the member relates to the 1992-93 consolidated revenue fund estimates of expenditure; this did not include capital expenditure. The \$12.18m for the 1993-94 year consists of \$5.3m

of net consolidated revenue expenditure and \$6.88m of net capital expenditure. This represents a decrease in the consolidated revenue fund estimate of \$0.7m.

PORT BOUVARD BRIDGE - PROTECTING MOTORISTS AGAINST WIND

864. Hon J.A. COWDELL to the Minister for Transport:

What steps will the Minister be taking to protect motorists using the recently opened Port Bouvard bridge against high winds?

Hon E.J. CHARLTON replied:

A concrete median barrier has been installed on the bridge to prevent any possibility of vehicles veering into traffic travelling in the opposing carriageway and the steel safety barrier along the edges of the bridge deck will restrain any vehicle deviating from the normal traffic lanes. Additionally, high wind warning signs have been erected similar to those on the adjacent Mandurah estuary bridge.

AUSTRALIAN CUSTOMS SERVICE - NATIONAL REVIEW

Western Australian Tourism Commission's Submission

865. Hon TOM STEPHENS to the Minister for Education representing the Minister for Tourism:

- (1) Did the Minister arrange for the WA Tourism Commission to make a submission to the national review being undertaken into the Australian Customs Service?
- (2) If yes, would the Minister please advise what was the thrust of the submission made to this review?
- (3) If not, why not?

Hon N.F. MOORE replied:

The Minister for Tourism has provided the following answer -

Please note, a similar question No 970 was asked in the Legislative Assembly by Mr Catania.

- (1) No.
- (2) Not applicable.
- (3) The WA Tourism Commission had no knowledge of the review being undertaken into the Australian Customs Services.

**PARLIAMENTARY SECRETARY - ELECTORAL BOUNDARIES
REDISTRIBUTION SUBMISSION**

866. Hon TOM STEPHENS to the Parliamentary Secretary representing the Minister for Parliamentary and Electoral Affairs:

Further to my question without notice 497 to the Parliamentary Secretary on Thursday, 23 September -

- (1) Can the Parliamentary Secretary advise if he is preparing, for the Government, a submission to the Electoral Boundary Commissioners proposing a specific redistribution of the electoral boundaries within Western Australia?
- (2) Can the Parliamentary Secretary confirm the claim made by the Hon Phil Lockyer in the Legislative Council that the Parliamentary Secretary is formulating a submission for an electoral redistribution that would lead to the removal of the township of Newman from the Northern Rivers electorate?

Hon R.G. PIKE replied:

The Minister for Parliamentary and Electoral Affairs has provided the following response -

(1)-(2)

No.

MINING APPLICATIONS - No 0968 SHELL BEACH, SHARK BAY

867. Hon TOM STEPHENS to the Minister for Mines:

Further to my questions without notice 493 and 498 regarding mining application No 0968, Shell Beach asked on Thursday, 23 September -

- (1) Is the Minister now aware of an application having been made for mining lease No 0968 over an area known as Shell Beach in the World Heritage listed area of Shark Bay?
- (2) Can the Minister confirm that he gave approval to this application on 16 September 1993?
- (3) Did the Minister seek the advice and recommendation of the Environmental Protection Authority on this application before granting approval?
- (4) What was the nature of the advice from the EPA to the Government on applications for mining on the Shell Beach area of Shark Bay?
- (5) Has the Government or the EPA received any objections to mining proposals at Shell Beach?
- (6) If yes, will the Minister please provide details of these objections?

Hon GEORGE CASH replied:

- (1) Yes.
- (2) Approval was given on 16 September 1993 by an officer of the Department of Minerals and Energy acting with my delegated authority.
- (3) Yes.
- (4) The EPA requested the same conditions for environmental protection be imposed as they apply to the existing shell grit quarry vested with the Shire of Shark Bay.
- (5) Yes, from the Shire of Shark Bay after the lease was granted. No objections were received by the EPA in its assessment process.
- (6) The Shire of Shark Bay has expressed the view that it should control all shell grit mining in the area.

AIR TRAVEL - MINISTER FOR EDUCATION

Budget for Statutory Authorities, Departments, Agencies

870. Hon TOM STEPHENS to the Minister for Education:

What is the Budget allocation for 1993-94 for -

- (a) intrastate;
- (b) interstate

air travel for all statutory authorities, departments and agencies within the Minister's portfolio?

Hon N.F. MOORE replied:

Under the program budgeting format which allocates expenditure to program objectives, responsibility for detailed management of resources is devolved to chief executive officers to handle in accordance with priorities and having regard to Government policy. However, all air travel is

subject to clear guidelines made available to each chief executive officer. The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question regarding travel he can direct it to me in writing and I will be pleased to respond.

AIR TRAVEL - MINISTER FOR HEALTH
Budget for Statutory Authorities, Departments, Agencies

872. Hon TOM STEPHENS to the Minister for Health:

What is the Budget allocation for 1993-94 for -

- (a) intrastate;
- (b) interstate

air travel for all statutory authorities, departments and agencies within the Minister's portfolio?

Hon PETER FOSS replied:

Under the program budgeting format which allocates expenditure to program objectives, responsibility for detailed management of resources is devolved to chief executive officers to handle in accordance with priorities and having regard to Government policy. However, all air travel is subject to clear guidelines made available to each chief executive officer. The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question regarding travel he can direct it to me in writing and I will be pleased to respond.

AIR TRAVEL - PREMIER
Budget for Statutory Authorities, Departments, Agencies

873. Hon TOM STEPHENS to the Leader of the House representing the Premier:

What is the Budget allocation for 1993-94 for -

- (a) intrastate;
- (b) interstate

air travel for all statutory authorities, departments and agencies within his portfolio?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

Under the program budgeting format which allocates expenditure to program objectives, responsibility for detailed management of resources is devolved to chief executive officers to handle in accordance with priorities and having regard to Government policy. However, all air travel is subject to clear guidelines made available to each chief executive officer. The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question regarding travel he can direct it to me in writing and I will be pleased to respond.

MIDLAND WORKSHOPS - BOGIES FOR ELECTRIC RAIL CARS PROJECT

884. Hon N.D. GRIFFITHS to the Minister for Transport:

With respect to the manufacture of bogies for the electric rail cars in the Midland Workshops.

- (1) What was the value of material purchased for the project?
- (2) What was the total cost of the bogies?

- (3) How much of the expenditure was recouped by Westrail from other sources?
- (4) From what other sources was the expenditure recouped?
- (5) Was there any profit or loss on the manufacture of the bogies in the Midland Workshops?
- (6) If so, how much?

Hon E.J. CHARLTON replied:

- (1) The cost of material charged to the project as of 28 September 1993 was \$4 217 802. It is estimated that there will be further expenditure on materials of \$10 000 to complete the work.
- (2) The total cost of the bogies charged to the project as of 28 September 1993 was \$9 095 443. It is estimated that further costs of \$25 000 will be incurred to complete the project.
Labour and overheads have been charged to the project over several years at hourly labour rates ranging from \$32 to \$41. During the period of the project the actual workshop's hourly rate would have averaged around \$62, excluding corporate overheads and notional rent.
- (3) The Midland Workshops has claimed \$9 534 122 from Asea Brown Boveri in accordance with the tender for the project.
- (4) Unrecovered overheads on this project were contained in and funded annually from the CRF operating budget. There was no specific amount identified for this project in the accounting records.
- (5)-(6) The total tender claims of \$9 534 122, less the final costs expected to be charged to the project of \$9 120 443, results in a theoretical surplus of \$413 679. However, there would be a significant loss if the full hourly rate of \$62 had been charged.

WESTRAIL - DOG SPIKES CONTRACT

885. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) As Westrail has recently ordered dog spikes from manufacturing firms in New South Wales, Victoria and Queensland, will freight be charged for delivery to Western Australia?
- (2) If so, has the freight payable been included in the manufacturing firms contracted price?
- (3) If not, what is the freight payable on each order and the total payable on the complete order of 438 900 dog spikes?

Hon E.J. CHARLTON replied:

(1)-(2)

Yes.

(3) Not applicable.

MIDLAND WORKSHOPS - DOG SPIKES MANUFACTURE

886. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) In each of the financial years ending respectively on 30 June 1993, 30 June 1992 and 30 June 1991, what quantity of dog spikes were manufactured in the Midland Workshops?
- (2) What were the quantities in each size for the years referred to above?
- (3) How many work order numbers were issued and what were the dates of their issue?

- (4) What were the labour costs charged to each of the work orders?
 (5) What was the total cost of the dog spikes manufactured in each of the years referred to above?

Hon E.J. CHARLTON replied:

(1)	Financial year	Quantity		
	1990-91	854 100		
	1991-92	616 720		
	1992-93	515 500		
(2)	Financial year	16mm long	16mm short	19mm
	1990-91	150 000	564 600	139 500
	1991-92	143 100	326 500	147 120
	1992-93	129 400	179 500	216 600

- (3)-(4) 25 work orders were issued for the manufacture of dog spikes for financial years 1990 to 1993. These were as follows -

Work Order No	Date	Direct Labour Costs (Inc. overheads) \$
914007	6/7/89	28 568
914016	6/7/89	3 872
928827	18/7/88	3 520
P19299	19/6/90	18 680
P22684	30/7/90	11 872
P25682	5/9/90	3 200
P28485	16/10/90	3 520
P28772	19/10/90	5 728
P30132	8/11/90	5 680
P34867	12/2/91	6 168
P37535	25/3/91	4 000
P39099	19/4/91	3 104
P44003	2/7/91	14 200
P45971	31/7/91	3 200
P46546	8/8/91	6 400
P47959	29/8/91	5 120
P52520	12/11/91	9 600
P52521	12/11/91	6 512
P54851	17/12/91	6 380
P67369	12/8/92	4 400
P67788	20/8/92	4 400
P67862	20/8/92	7 040
Z00874	21/9/92	1 540
Z01130	24/9/92	7 920
Z05454	21/12/92	16 456

- | | | |
|-----|----------------|------------|
| (5) | Financial year | Total Cost |
| | 1990-91 | \$617 448 |
| | 1991-92 | \$510 716 |
| | 1992-93 | \$516 247 |

These costs were based on commercial labour rates and the full overhead costs were not recovered.

CARNARVON FASCINE - DREDGING FUNDS

890. Hon TOM STEPHENS to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Does the Minister have funds identified within his portfolio areas which can be allocated to dredging the Carnarvon fascine?

- (2) If so, what amount is available and when will these funds be allocated so that work on this project can commence?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

- (1)-(2) No. However, a Cabinet subcommittee has been established to investigate the dredging proposal.

AIR TRAVEL - MINISTER FOR EDUCATION

Expenditure for Statutory Authorities, Departments, Agencies

893. Hon TOM STEPHENS to the Minister for Education:

What has been the total expenditure on air travel

- (a) interstate;
- (b) intrastate

for all statutory authorities, departments and agencies within the Minister's portfolio between 1 July 1993 and 30 September 1993?

Hon N.F. MOORE replied:

- (a) Details will be contained in the September quarter report on travel to be tabled in Parliament.
- (b) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question regarding travel, he can direct it to me in writing and I will be pleased to respond.

AIR TRAVEL - MINISTER FOR HEALTH

Expenditure for Statutory Authorities, Departments, Agencies

895. Hon TOM STEPHENS to the Minister for Health:

What has been the total expenditure on air travel

- (a) interstate;
- (b) intrastate

for all statutory authorities, departments and agencies within the Minister's portfolio between 1 July 1993 and 30 September 1993?

Hon PETER FOSS replied:

- (a) Details will be contained in the September quarter report on travel to be tabled in Parliament.
- (b) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question regarding travel, he can direct it to me in writing and I will be pleased to respond.

AIR TRAVEL - PREMIER

Expenditure for Statutory Authorities, Departments, Agencies

896. Hon TOM STEPHENS to the Leader of the House representing the Premier:

What has been the total expenditure on air travel

- (a) interstate;
- (b) intrastate

for all statutory authorities, departments and agencies within his portfolio between 1 July 1993 and 30 September 1993?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (a) Details will be contained in the September quarter report on travel to be tabled in Parliament.
- (b) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question regarding travel, he can direct it to me in writing and I will be pleased to respond.

MINING INDUSTRY - BANJAWARN STATION, ILLEGAL MINING INQUIRY
Japanese People, Mining Interests

907. Hon J.A. SCOTT to the Minister for Mines:

- (1) Is the Minister aware that a Japanese group entered Western Australia on a holiday visa carrying dangerous goods in their hand luggage and with two crates of mining equipment as excess baggage?
- (2) Did the Minister investigate the purpose of their visit?
- (3) Will the Minister instruct the Department of Mines to conduct an urgent investigation into possible illegal mining in WA and more specifically in relation to Banjawarn station?
- (4) Who were the purchasers of Banjawarn station?
- (5) Do any of the following people have mining interests in WA -
 - (a) Matsumoto Chizuo;
 - (b) Tomomasi Nakagawa;
 - (c) Sellchi Endo;
 - (d) Shimada Yasuko; and
 - (e) Miky Webb?
- (6) Do any of the above people hold miners' rights?
- (7) Does the company Mahaposya Pty Ltd hold a miner's right?
- (8) Where is the equipment, brought into the State in the crates, now located?

Hon GEORGE CASH replied:

- (1) Yes.
- (2) No.
- (3) If the Department of Minerals and Energy receives any information on illegal mining activities, investigations are made as a matter of course; instruction from the Minister is not necessary.
- (4) Approval for the sale of Banjawarn pastoral lease to Mahaposya Australia Pty Ltd has been given but a transfer is yet to be registered.
- (5) (a),(d) Yasukop Shimada and Chizuo Matsumoto are directors of Mahaposya Australia Pty Ltd and Clarity Investments Pty Ltd. Eight applications for exploration licences covering Banjawarn pastoral lease have been lodged, three in the name of Mahaposya Inc and five in the name of Clarity Investments Pty Ltd.
- (b)-(c),(e) No mining interests are recorded.
- (6)-(7) No.
- (8) Not known.

QUESTIONS WITHOUT NOTICE

SCHOOLS - ASBESTOS ROOFS

521. Hon GRAHAM EDWARDS to the Minister for Education:

- (1) Does the Minister stand by the claim of his spokesman that the previous Government's policy was not to encapsulate asbestos roofs?
- (2) Is the Minister aware of any Cabinet decision by the previous Government to the effect that it would cease its ongoing encapsulation program?
- (3) Is the Minister aware of any document signed by the previous Minister authorising the cessation of the encapsulation program?
- (4) If so, will the Minister table these documents?

Hon N.F. MOORE replied:

- (1) The previous Government's policy, as I understand it, was that encapsulation of school roofs was undertaken essentially for maintenance reasons, not health reasons. My understanding from the documents provided is that the previous Government had decided, once level 5 roofs had been encapsulated, that the process would terminate and in future schools would be considered on a school by school basis and roofs would be renewed for structural reasons. I have some documents signed by the previous Minister to that effect.
- (2) I am not aware of a Cabinet decision by the previous Government.
- (3) No.
- (4) Not applicable.

SCHOOLS - ASBESTOS ROOFS

522. Hon GRAHAM EDWARDS to the Minister for Education.

When will the Minister honour the Premier's pre-election commitment that his party, if elected to Government, would speed the program to remove asbestos fibres from Government schools?

Hon N.F. MOORE replied:

I am not aware whether that quotation is strictly in accordance with any policy position or any commitment given by the Premier. I will need to check whether the phraseology used by the Leader of the Opposition is correct?

Hon Graham Edwards: It is quoted from *The West Australian* of 11 September.

Hon N.F. MOORE: The Leader of the Opposition did not say. I will confirm with the Premier whether that is correct and respond in due course. The Opposition seems to forget that we inherited a very difficult financial situation. One would like to do many things in the school system, but there is simply not enough money. This Government has adopted a responsible approach to its Budget and we are doing what is essentially required. However, many other areas of maintenance and work in the schools simply cannot be done because of lack of funds. I lay the blame for that squarely at the feet of the Opposition.

SCHOOLS - ASBESTOS ROOFS

523. Hon GRAHAM EDWARDS to the Minister for Education:

In view of the answer he has given, can the Minister confirm that he has turned his back on pre-election commitments given by the now Premier, the member for Scarborough and other members of the then Opposition - now Government - in relation to the removal of asbestos from schools?

Hon N.F. MOORE replied:

The Government is following the process for asbestos roofs that, to my knowledge, was the policy of the previous Government. In a memo from the Acting Director Facilities and Services of the Ministry of Education to the Minister he says that there is no program to encapsulate the remaining level 4 to level 1 roofs at schools and roofs will be encapsulated as necessary only for maintenance reasons. That is signed by the asbestos coordinator and noted by and signed by the Minister, Hon Kay Hallahan. The current Government is continuing that.

Hon Graham Edwards: I ask that the Minister table the document from which he is quoting.

Hon N.F. MOORE: I have in my hand some confidential documents held together in a clip. I am happy to table the letter I just quoted from, but not the confidential documents.

Hon Graham Edwards: I seek your ruling, Mr President. We have recently been through this very same exercise. The Minister is now removing papers from the file he quoted from. My understanding is that the Minister needs to comply with my request to table all the documents from which he is quoting.

Hon George Cash: There was a ruling on this the other day. Perhaps you were not here.

Ruling by the President

The PRESIDENT: There are two requirements regarding documents which need to be tabled in this place. One of them relates to documents quoted from by the Minister and one by other members. Standing Order 47 reads -

A document relating to public affairs quoted from by a Minister, unless stated to be of a confidential nature, or such as should more properly be attained by Address, may be called for and made a public document.

Under that standing order the Minister is quite within his rights to indicate that there are sections of that parcel of papers that are of a confidential nature. Standing Order No 48 refers to documents quoted from by a member and covers the state of affairs referred to by the Leader of the Opposition.

Hon GRAHAM EDWARDS: My understanding of Standing Order No 47 was that before quoting from the documents it was necessary for the Minister to advise the House that the documents were confidential. The Minister did not do that and that is why I asked for them to be tabled.

The PRESIDENT: Order! Apparently the Deputy President made a ruling on this which I have still not read and which I will read aloud so we all understand it. He said on 4 August -

Unfortunately, it is not open to the Minister to claim confidentiality for part of the document after tabling occurs. That claim must be made before tabling. I have no doubt that the Minister, acting on advice given at the time, acted from the best of motives in removing papers from the document, and the House should accept that the Minister did not believe that he was obliged to table any part of the document, confidential or not, that had not been quoted from. I also believe that the Minister thought that tabling had not occurred at the time that he removed the papers. There is nothing to suggest that the Minister intended to mislead the House intentionally or inadvertently.

In other words the ruling given by my deputy is in accordance with Standing Order No 47, as I have just outlined; that is, the confidentiality aspect of the document must be advised prior to tabling. There is no question in this instance - I was not here on 4 August - that the Minister had not tabled the document and therefore it was quite proper for him to point out, prior to tabling, that certain papers clipped together with the paper from which he quoted are of a confidential nature. I rule he does not have to table them.

Hon Graham Edwards: I accept your ruling, Mr President.

[See paper No 709.]

SCHOOLS - LEEDERVILLE PRIMARY
Closure Discussions

524. Hon GRAHAM EDWARDS to the Minister for Education:

- (1) Will the Minister confirm that he gave a commitment to the children of the Leederville Primary School that he would meet with them to discuss their concerns about the closure of their primary school?
- (2) If so, will the Minister advise why he declined to meet with the children at Parliament House yesterday?
- (3) Will the Minister arrange an alternative time to discuss the closure of the Leederville Primary School with those most affected, the children?

Hon N.F. MOORE replied:

(1)-(3)

No. I was given two days' notice of a request to meet with these children. However, I had already made arrangements to participate in a function at the Claremont campus of the Edith Cowan University which finished in time for me to get to this Chamber at 4.00 pm for the Estimates Committee hearings. There was no time for me to meet with the children and I advised them accordingly that Mr Tubby, the Parliamentary Secretary assisting the Minister for Education, had been organised to meet with them on my behalf.

Hon Peter Foss: A worthy substitute.

Hon N.F. MOORE: Right. I have been told that the people who organised the protest were not satisfied with that and that the students came to this Chamber and did not do their school proud in the way they behaved.

Hon Graham Edwards: I had no problems with their behaviour.

Hon N.F. MOORE: The Hansard reporter could not hear the proceedings and requested the Chairman to bring some order to them so that what was being said could be heard. That happened yesterday. When I was told by my principal private secretary that Mr Tubby was not an acceptable person for these children to give their opinions to, I indicated that I would be happy to meet with them on any occasion they wished to come to my office. I am happy to do that.

The bottom line is that the Leederville Primary School is being assessed for closure at the end of this year. The process is being undertaken by the ministry so that we come to a proper decision. The reason that Leederville Primary School is being singled out, in a sense, for attention at this time is the requirement for us to utilise that building for distance education in the event of the school's closing. Distance education is responsible for the education of many thousands of students in Western Australia and the projected number of students that is anticipated to attend Leederville school next year is 59. It seems to me that running a school of that size for 59 students is not an economical way to run the education system.

However, the matter is being properly assessed. The parents are discussing their circumstances with the ministry and I will make a proper decision in due course.

It is a pity that I found as I went through the data and the files on past decisions on school closures, that the Leederville Primary School has been on lists prepared by my predecessors in the past including the member for Glendalough, a former Minister for Education.

Hon Mark Nevill interjected.

Hon N.F. MOORE: The member should ask her. It had nothing to do with the number of students.

Yesterday, we had the spectacle of young children coming into this House with stickers across them and protesting in a way that I found rather disappointing bearing in mind that they are school children. I have indicated to that school community that the proper processes will be put in place and a decision will be made based on the reality of the situation at the school. The ministry is also preparing a document which will enable us to rationalise schools in Western Australia on an ongoing basis which is the opposite to the policy adopted by our predecessors.

EXMOUTH - NAVY HOUSES, SALE

No Trust Fund

525. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Is it true that no trust fund was put in place by the previous Labor Government in relation to the funds from the sale of the Navy houses in Exmouth?

Hon Tom Stephens: No.

Hon P.H. LOCKYER:

- (2) If no trust fund is in place, is there a requirement by law that the funds must go into consolidated revenue?

Hon Tom Stephens: Yes.

Hon P.H. LOCKYER: The member should listen very closely to this because he may well go to gaol over this. I continue -

- (3) If that is the case, is the Government committed to using the total funds raised for the long term development of Exmouth?
- (4) Is a trust account now in place and if so when was it put in place?

Hon Tom Stephens: Yes.

Hon P.H. LOCKYER: Mr Stephens tells lies.

Hon N.F. MOORE replied:

I thank the member for some notice of the question. The answer provided by the Minister for Commerce and Trade is as follows -

- (1) Yes, the trust fund was not established.

Hon Peter Foss: Repeat that.

Hon N.F. MOORE: The trust fund was not established.

Withdrawal of Remark

Hon JOHN HALDEN: Hon Philip Lockyer said that Hon Tom Stephens tells lies and I believe it should be withdrawn.

The PRESIDENT: Order! I did not hear the remark. If the honourable member said it, the honourable member must withdraw.

Hon Mark Nevill: Withdraw from the Chamber!

The PRESIDENT: Order! I will make the ruling. With all the uproar that members seem to find is absolutely necessary when we have question time, how do they expect the President to hear interjections that are out of order? I did not hear it. I asked Hon Philip Lockyer to withdraw the words which he knows are unparliamentary.

Hon P.H. LOCKYER: I will withdraw because it is unparliamentary, but it is true.

The PRESIDENT: Order! The member must make an unqualified withdrawal.

Hon P.H. LOCKYER: I withdraw.

The PRESIDENT: I seem to have to say this every second question day: I am not going to allow this place to degenerate into a brawling session during question time. I have had occasion over recent times to visit another place. If this place ever gets close to resembling what happens down there, members will have somebody else sitting here, not me. That may please some of them, but in the meantime I am here and while I am here we will conform with the rules, which members may change if they want to carry on in an undignified manner.

Questions without Notice Resumed

Hon N.F. MOORE:

(1) Yes, the trust fund was not established.

(2)-(3)

Yes.

(4) The Exmouth development trust account was established on 11 October 1993.

WESTRAIL - FERTILISER CARTAGE, NARROW GAUGE LINES REVIEW

526. Hon JOHN HALDEN to the Minister for Transport:

(1) Will the Minister confirm that fertiliser cartage by Westrail on narrow gauge lines, except the Midland line, will cease for the 1993-94 delivery season?

(2) If that is the case, what will be the resultant road maintenance costs to local government authorities and the Main Roads Department of hauling fertiliser by road transport?

Hon E.J. CHARLTON replied:

(1)-(2)

Yes.

Hon John Halden: They will love you for that one.

Hon E.J. CHARLTON: The situation with the cartage of fertiliser on the narrow gauge lines is that following my becoming Minister for Transport I asked Westrail to carry out a review of this operation. In recent years Westrail had been reducing its cartage of fertiliser on these lines and had reached a figure of about 50 000 tonnes in total - that is the latest figure I have. That includes the standard gauge line and the narrow gauge lines to the north along the Geraldton railway. As a consequence of that minimal amount, I put it to Westrail that, unlike its predecessors who always had 10 reasons that it had to be reduced, it should assess the matter from a different perspective and plan for the long term situation of moving fertiliser by rail. Westrail looked at various technologies and the options available. The bottom line is that if fertiliser were carried on these narrow gauge lines it would require the dedication of a particular train to cart fertiliser

only. If it were put on the back of the grain trains that would affect the viability of that service, which the Government wants to ensure is maximised. The two lines to which I have referred are the only two on which freight is carried by Westrail, because the other lines have dedicated grain trains and to use them would impose a severe loss.

Hon John Halden: Your figure is a \$1.2m operating loss.

Hon E.J. CHARLTON: Yes, it would involve a significant loss to dedicate it to rail. I am pleased that the member is interested in this matter.

Hon John Halden: So are your constituents who saw me today!

Hon E.J. CHARLTON: I have travelled widely and discussed this matter.

Hon Mark Nevill: I am reading of your travel in this tabled paper.

Hon E.J. CHARLTON: Yes, and I will do more.

Hon George Cash: Read where Hon Tom Stephens went as a Minister - that is even better reading.

Hon E.J. CHARLTON: I have asked Westrail personnel to go to the country areas as a consequence of these decisions and discuss the matter with farmers. Contractors who have been obtaining fertiliser off rail cannot transport some by road and some by rail because that is also affecting their viability.

FERTILISER - ROAD TRANSPORT, ROAD MAINTENANCE COST

527. Hon JOHN HALDEN to the Minister for Transport:

If, as the Minister has confirmed, it is the case that fertiliser will not be carried by Westrail on these narrow gauge lines, has the Department of Transport assessed the resultant road maintenance cost to local government and the Main Roads Department of hauling fertiliser by road transport?

Hon E.J. CHARLTON replied:

Yes. Local government road maintenance costs will not be affected because fertiliser is already being carted by road.

Hon John Halden: You are wrong.

Hon E.J. CHARLTON: The railway lines do not go to the farms. Did the member not know that? They do not even use steam trains any more!

Hon Graham Edwards: You are really a humorous man.

Hon E.J. CHARLTON: Hon Graham Edwards has a smile on his face too. That is nice to see.

The PRESIDENT: Order! I would like the Minister to cease holding discussions with the members on the other side of the Chamber. When he is asked a question, he should answer it without entering into a conversation.

Hon E.J. CHARLTON: Local government will not be affected because delivery of fertiliser has always been by road from the rail heads. As far as the metropolitan area out of Kwinana is concerned, the increase in the amount of traffic will be minimal.

Hon John Halden: A total of 60 000 tonnes.

Hon E.J. CHARLTON: Does the member know what that equates to?

Hon John Halden: Yes, I do.

The PRESIDENT: Order! I have just finished asking the Minister to ignore the member.

Hon E.J. CHARLTON: I know that most people ignore him, but I try to give him

some respect! It will make no difference to local government road maintenance costs. As I have already indicated, the increase in the movement of fertiliser on main roads will be minimal.

Hon John Halden: A total of 1 000 trains.

MENTAL HEALTH SERVICES - BEDS, AVAILABILITY

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

This morning on ABC radio, Mr Brian Burdekin, who has conducted an inquiry into mental health services in Australia, said that although there are 80 000 severely disturbed juveniles in Australia, only a few beds were available for them to be treated. He said that at the time of the compilation of the report Western Australia had no beds available for these people. Can the Minister tell me whether that has changed, and what the present situation is with regard to beds available in Western Australia?

Hon PETER FOSS replied:

I will take the question on notice.

EXMOUTH - NAVY HOUSES, SALE *No Trust Fund*

529. Hon TOM STEPHENS to the Minister for Lands:

I draw the Minister's attention to a letter he wrote to the member for Northern Rivers, Mr Kevin Leahy, dated 22 June 1993. The information contained within that letter, having been made the subject of a press release by Hon Phil Lockyer two days before that date, indicated to the member that the Government had sent the proceeds from the sale of the US Navy houses in Exmouth - an amount of \$6 228 431 - to the Exmouth trust account. I ask the Minister -

- (1) Does the Minister recall that letter?
- (2) Is he aware of the claims reported in the *Exmouth Expression*, made by Hon Phil Lockyer, that \$6 228 431 had been paid into the Exmouth trust fund?
- (3) How can he reconcile those claims made in his letter and by that member with the answer given in this House by Hon Norman Moore during question time?
- (4) Is he aware that the previous Government issued a directive to Treasury to establish the Exmouth development trust fund, and that funds were distributed to the Exmouth community from that account prior to the change of Government earlier this year?

Hon GEORGE CASH replied:

(1)-(4)

Some days ago I heard on radio Hon Tom Stephens claim that certain moneys amounting to millions of dollars had been stolen by some unnamed group or individual.

Hon Tom Stephens: Out from under the noses of the Exmouth community.

Hon GEORGE CASH: Hon Tom Stephens made this wide ranging, outrageous statement about moneys being stolen. It is quite obvious that until such time as I see the letter to which Hon Tom Stephens refers, and am able to verify it is the same letter that may have been sent to the member for Northern Rivers, I would not want to commit myself for fear of finding the letter may have been altered in some way.

Hon Graham Edwards: His name is Tom Stephens and not Wayde Smith.

Withdrawal of Remarks

The PRESIDENT: Order! The Leader of the Opposition knows full well that he cannot make disparaging comments about a member in another place. I suggest that the tone of his interjection was very unfortunate, and I suggest that he withdraw that comment.

Hon GRAHAM EDWARDS: I fail to understand, Mr President. I would appreciate your advice as to how I could be any more disparaging by seeking to substitute a member's name in another place for the name that was offered by the Minister answering the question.

The PRESIDENT: I am telling the Leader of the Opposition that by interjecting on an answer to a question in that way he was suggesting that a member in another place was in some way or other doing something which was not right.

Hon GRAHAM EDWARDS: Mr President, in deference to your request, I withdraw. In doing so, I ask that the same assertion made by the Leader of the House against Hon Tom Stephens be withdrawn.

Several members interjected.

The PRESIDENT: Order! That is a different question. The words I am asking you to withdraw -

Hon Graham Edwards: I have already withdrawn.

The PRESIDENT: You must do that without any qualification whatsoever.

Hon Graham Edwards: I did.

The PRESIDENT: You did not. You said that now I must ask for another withdrawal. The other member is here and is quite capable of seeking a withdrawal of something that he thinks is disparaging to him, if he thinks it is. That is not my immediate concern. The other member is here and the other member is capable of looking after his own character, and if he takes offence he will receive the same treatment.

Hon GRAHAM EDWARDS: I withdraw.

Hon TOM STEPHENS: I call on the Leader of the House to withdraw the words which I find offensive.

The PRESIDENT: Which are the words?

Several members interjected.

The PRESIDENT: Order!

Hon TOM STEPHENS: That I had substituted a letter -

Hon George Cash: I didn't say that, you idiot!

Hon TOM STEPHENS: What did the Leader say?

Several members interjected.

The PRESIDENT: Order! I am fast becoming sick and tired of this. If the member has taken offence at the words used, the member is entitled to seek a withdrawal, but it is not a bad idea when one takes offence to know what one is taking offence at. If the member took the matter seriously I would be insisting that the Leader of the House withdraw his remark, but if we are going to treat this place as a circus, I am one of the players who will not be participating.

Hon TOM STEPHENS: Mr President, I ask that you request the Leader of the House to withdraw the assertion that I would have substituted his letter for a fraudulent letter purporting to be one of his.

The PRESIDENT: Leader of the House, if you made that suggestion - and it is on

that basis that I asked the Leader of the Opposition to clarify it - you should withdraw. If we cannot ask questions and have them answered without endeavouring to denigrate someone's character, we should do away with questions without notice, because there is no point to it.

An Opposition member interjected.

The PRESIDENT: The Leader of the House is not allowed to do that, and I ask him to withdraw the suggestion that Hon Tom Stephens may have substituted a letter.

Hon GEORGE CASH: Hon Tom Stephens is wrong in his assertion. However, rather than waste the time of the House and allow Hon Tom Stephens to go on and on about whether something was said or not, I am happy to withdraw anything he may have taken exception to, but if he cares to check *Hansard* he will find that I did not say what he thinks I said.

Hon Tom Stephens interjected.

The PRESIDENT: Order! Again, it is an offensive comment to suggest that someone would alter *Hansard*.

Hon TOM STEPHENS: I withdraw.

The PRESIDENT: I am not asking you to withdraw! I am trying to illustrate that when members embark on these ridiculous courses, before we know where we are we are making spectacles of ourselves. Hon Mark Nevill has been endeavouring to attract my attention, and I have been ignoring him while I have been settling a couple of other matters.

Hon MARK NEVILL: Mr President, I was confused when you were originally dressing down the first member. I thought you were dressing down the Leader of the House, not the Leader of the Opposition. After that debate, I am more confused, and I will not proceed with my point of order.

Questions without Notice Resumed

Hon Tom Stephens: I am happy to send the letter across.

Hon GEORGE CASH: I will have it checked later. I said that. When Hon Tom Stephens asked his question I did not list the various points raised. I suggest that if he wants the information he address me in writing on the matter.

The PRESIDENT: He can place the question on notice, I take it.

Hon GEORGE CASH: He can do that if he wants to.
