



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Wednesday, 12 August 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

BILLS - ASSENT

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

1. Western Australian Greyhound Racing Association Amendment Bill.
2. Acts Amendment (Gaming) Bill.
3. Revenue Laws Amendment (Taxation) Bill.
4. Advance Bank (Merger with St George Bank) Bill.
5. Advance Bank (Merger with St George Bank) (Taxing) Bill.
6. Revenue Laws Amendment (Assessment) Bill.
7. Western Australian Treasury Corporation Amendment Bill.
8. Lotteries Commission Amendment Bill.
9. WADC and WA Exim Corporation Repeal Bill.
10. Acts Amendment (Education Loan Scheme) Bill.
11. Bookmakers Betting Levy Amendment Bill.
12. Supreme Court Amendment Bill.
13. Appropriation (Consolidated Fund) Bill (No 1).
14. Appropriation (Consolidated Fund) Bill (No 2).
15. Rail Safety Bill.
16. Government Railways Amendment Bill.
17. Real Estate and Business Agents Amendment Bill.
18. Criminal Law Amendment Bill (No 2).
19. Mining Amendment Bill.

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Membership

THE PRESIDENT (Hon George Cash): I have received the following letter dated 29 July 1998 from Hon Murray Criddle -

Dear Mr President

As you are aware, yesterday I was appointed as Minister for Transport. Therefore, as from today I wish to tender my resignation as a member of the Public Administration Committee and the Ecologically Sustainable Development Committee.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.04 pm]: I move -

That consequent upon the resignation of Hon Murray Criddle as a member of the Standing Committees on Ecologically Sustainable Development and Public Administration, Hon Dexter Davies be appointed in his place.

Question put and passed.

MANJIMUP SHIRE TOWN PLANNING SCHEME AMENDMENT 74

Petition

Hon Bob Thomas presented a petition, by delivery to the Clerk, from one person requesting that the Parliament urge the Government to reject amendment 74 to the Manjimup Shire town planning scheme.

[See paper No 73.]

ROYAL FLYING DOCTOR SERVICE

Petition

Hon M.J. Criddle (Minister for Transport) presented the following petition bearing the signatures of 1 293 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, support the provision of a means of emergency access for the Royal Flying Doctor Service to the Nanutarra Roadhouse on the North-West Coastal Highway. Your petitioners therefore respectfully request that the Legislative Council will provide for a means of emergency access for the Royal Flying Doctor Service to Nanutarra Roadhouse and that an investigation be initiated to identify other areas of isolation in Western Australia, without adequate access to emergency medical aid.

And your petitioners as in duty bound will ever pray.

[See paper No 74.]

VOLUNTARY EUTHANASIA BILL

Petition

Hon Norm Kelly presented the following petition bearing the signatures of 31 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia respectfully request that the Legislative Council debate the Voluntary Euthanasia Bill 1997 as a matter of urgency.

Your petitioners pray the House will pass a Bill allowing for the strict and properly regulated practice of voluntary euthanasia for individuals with an irreversible illness or condition.

And your petitioners, as in duty bound, will ever pray.

[See paper No 75.]

METROPOLITAN REGION SCHEME NORTH WEST DISTRICT OMNIBUS AMENDMENT (No 3) 987/33

Petition

Hon Ken Travers presented the following petition bearing the signatures of 961 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia oppose proposal 12 in the Metropolitan Regional Scheme North West District Omnibus Amendment (No 3) 987/ 33 which seeks to rezone land at Trigg Beach.

We believe the expenditure of over \$3 million to purchase these properties at current market value cannot be justified. It is our concern that this level of expenditure and the vesting of this land in the City of Stirling as a "C" class reserve could result in commercial development of this land, as previously proposed by the City of Stirling.

The passing of this amendment will set a dangerous precedent and lead to an erosion of the rights of private home owners.

Your petitioners therefore respectfully request that the Legislative Council will give this matter earnest consideration, and oppose the Metropolitan Regional Scheme North West District Omnibus Amendment (No 3) 987/33.

And your petitioners as in duty bound, will ever pray.

[See paper No 76.]

REMOVAL OF SECTION 8 FROM THE POLICE ACT

Petition

Hon Norm Kelly presented the following petition bearing the signatures of 146 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia support the deletion of Section 8 from the Police Act 1892. We respectfully request that the Parliament pass a Bill to amend the Police Act 1892, with the effect of deleting Section 8 from the Act, so that all disciplinary measures can be conducted by the use of Section 23 of the Act.

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

[See paper No 77.]

TRUTH IN SENTENCING - FAILURE TO INTRODUCE LEGISLATION

Condemnation of Attorney General - Motion

HON N.D. GRIFFITHS (East Metropolitan) [4.22 pm]: I move -

That this House condemns the Attorney General for his failure to bring before the Parliament "truth-in-sentencing" legislation and in particular his failure to give due priority to the recommendations of the "Report of the Review of Remission and Parole" dated March 1998.

I move this motion more in sorrow than in anger, but with a great sense of disappointment, because this Attorney General more than any other Minister in the Court Government has had very strong bipartisan support for most of the legislation he has brought before the Parliament. Differences on some matters of detail have arisen from time to time, however he has enjoyed considerable support from the Australian Labor Party on the issue of public safety. He should be aware, as I am sure he is, that the Australian Labor Party is very concerned that truth-in-sentencing legislation is promptly passed by this Parliament. No more important issue is before the public of Western Australia now than the issue of public safety. The community has been consulted. We are sick to death hearing about the cop-out of consultation. Wide consultation has taken place. The community knows what it wants; it wants truth-in-sentencing. It is galling that everyone in politics, and anyone who has read anything in the newspapers or who has

given any attention whatsoever to any media comment in the past two years, is aware that the public wants something done about this issue. The time to make announcements has passed; the time to fob matters off with the excuse of consultation has passed; now is the time for action.

The purpose of this motion is to bring to the attention of the Attorney General that it is time he stopped fobbing the public off and got on with his job and produced some workable legislation. His failure to introduce truth-in-sentencing legislation to the Parliament is made worse by the fact that he has had a report before him for more than five months now which sets out fairly clearly what needs to be done.

Hon Barry House interjected.

Hon N.D. GRIFFITHS: If I heard him correctly, Hon Barry House asked whether the Australian Labor Party supports the matters raised in the report. I thought Hon Barry House, like all members opposite, would be aware that the Australian Labor Party has made it known to the public on many occasions that it supports the substance of the report. In fact, it does not have differences with the Government because -

Hon Peter Foss: You may.

Hon N.D. GRIFFITHS: We may but we do not have differences with the Government because the Attorney General has said he accepts what is in the report, however some matters of detail need to be addressed - I am paraphrasing, not quoting. Substantial agreement has been reached, so why do we not get on with it and introduce a Bill. Any matters of disagreement can be dealt with on the floor of the House or through our efficient committee system. It is time something was done, and I suggest the Attorney General has failed in his duty.

Hon Ljiljanna Ravlich: They have nowhere to house prisoners; that is the problem.

Hon N.D. GRIFFITHS: We have just had July and the Attorney General thinks every day is Christmas. He continually seeks to get away with his inaction by using fancy words; he papers over failure by saying something which he believes will placate the Press today and tomorrow. However, he and the Government, of which he is a member, have let the community down on this most crucial issue. It is crucial because the public needs to have confidence in our system and it will not have that confidence unless the right laws are in place. They are not in place because the Government has not introduced appropriate truth-in-sentencing legislation as suggested by, what I call in a shorthand way, the Hammond report.

The second session of this Parliament was opened yesterday. His Excellency read a speech which set out the Government's program. I listened very carefully to the words of His Excellency, as I always do, knowing of course that they were written for him by others.

Hon Derrick Tomlinson interjected.

Hon N.D. GRIFFITHS: I think Hon Derrick Tomlinson is suggesting something rather novel. The Government's legislative program for this session is contained in the Governor's speech. Not one word is in this document about truth-in-sentencing, notwithstanding the so-called war on crime. When the Attorney General and his Government wage war on crime, they wage it with a white flag because they fail to produce appropriate legislative backup for any dinkum war on crime.

Hon Peter Foss: Can you tell the House the effect that you perceive of the recommendations on crime?

Hon N.D. GRIFFITHS: The effect of putting into legislation the substance of the Hammond report will be, firstly, to let the community know that it has a system in which it can have confidence and under which, if people commit a crime, they will be convicted and given a prison sentence. The community and the people who commit those crimes will know that the sentence handed down will reflect some reality and bear some semblance to that which they will deserve. However, it seems that the Government is not interested in producing -

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: It is part of the process. If we do not have the right laws, policing and social and economic climate, we will not get on top of crime. We must have the appropriate laws, and one of the Attorney General's duties is to introduce those laws. He has failed to do so. It is particularly galling that this speech from the Governor, which was delivered yesterday, contains nothing about truth in sentencing. I read a newspaper on Monday.

Hon Derrick Tomlinson: Did you?

Hon N.D. GRIFFITHS: Yes, it was *The West Australian*. I cannot marry the speech given by His Excellency with the Attorney General's reported comments in Monday's *The West Australian*. I agree with the proposition in the article; I simply want him to get on with it. The headline is "State plans crackdown on early jail release", and the article states -

PRISONERS would serve at least half their gaol sentences before being considered for parole under new State Government legislation.

What new state government legislation? It is so new that members opposite cannot produce it. The gentleman in question is referred to, but not in terms I would use in this House.

Hon Peter Foss: What, as a gentleman?

Hon N.D. GRIFFITHS: I do refer to him as a gentleman. I moved this motion with a great sense of disappointment, because I really want him to do his job properly, and I regret very much that the community has no confidence in him. I want the people of this State to have that confidence, and if he takes heed of this motion then perhaps it will grow. The sooner that happens the better. The article further states -

Attorney General Peter Foss said yesterday the Government planned to adopt most of the recommendations of a review of WA sentencing laws headed by District Court Chief Judge Kevin Hammond and released in March.

"And the ones we are likely to change will merely be a matter of detail," he said.

There is bipartisan support for such legislation. The Attorney need not worry about deals with the Australian Democrats and the Greens (WA). Combined, the Labor Party and the coalition have sufficient numbers to pass whatever legislation the Attorney needs to pass reasonably quickly. The Government also has a good majority in the Legislative Assembly, so he has no excuses. Where is the legislation?

This is the bit I like. Members should remember the white flag approach to the war on crime. Hon Bob Thomas has seen this approach. What is in the Governor's speech about law and order? Here we have it. The article states -

Mr Foss said he hoped to introduce the legislation before the end of the year -

Hope springs external -

- and he had been assured by Colin Barnett, manager of Government business in the Lower House, that it would be given the highest priority.

I hope it is, but it was not even mentioned in the Governor's speech. Is that speech a work of fiction or is it supposed to outline the Government's legislative program? Most of it is a rehash, but I will deal with that in debating an order of the day in due course.

If we were dealing with an issue that had only recently arisen, we could discuss the need for consultation, knowing what is facing the community, that this is a novel idea and that we should take some time to work through the process. No doubt that will be the Attorney General's defence for his failure to act.

Hon Peter Foss: Have you read the report or just the executive summary?

Hon N.D. GRIFFITHS: I assure the Attorney that I have read the report from cover to cover. Before he carries on with this line of interjection, I will foreshadow what matters I will address in a very shorthand and general way. I will deal with how he announces these matters and seeks publicity. The Attorney is very good at seeking publicity, but very poor at taking action. Many members of the public are now engaging in outdoor activities on Sunday evenings rather than watching television because the Attorney seems to have a fetish about announcing initiatives then, but they never see the light of day.

Several members interjected.

Hon N.D. GRIFFITHS: The Attorney gave a very bad response to the Leader of the Opposition's comments. The leader was merely trying to get him to do something - to introduce some legislation that members of the Labor Party will support. We want him to get on with it and he has failed to do so.

This is not a new issue. How the Attorney has treated it is typical of how he deals with so many areas of his portfolio. I know that under the standing orders I can speak for a long time, but I would be here forever trying to enumerate the many examples of announcements, re-announcements and failure to act. He keeps doing it. He has had extensive publicity about whole-of-life sentencing, but the legislation is still to be passed. Unlike other parties, the Labor Party also wholeheartedly supported him on that issue. That is an example of strong bipartisan support, but he still does not give the issue the priority he should. This issue has been around for a long time. The Attorney's treatment of it is -

Hon Peter Foss: Public consultation is outrageous, is it?

Hon N.D. GRIFFITHS: The Attorney is into public announcements, not consultation. Clearly the Attorney is feeling a little guilty -

Several members interjected.

The PRESIDENT: Order! Members should not interject. I want to hear Hon Nick Griffiths.

Hon N.D. GRIFFITHS: The Attorney is feeling guilty because he has not delivered the goods. I will remind members of his performance on this issue. In doing so, I will illustrate how he keeps promising and not delivering. He makes these promises in reaction to the Opposition's urging him to do something.

Hon Peter Foss: That is nonsense.

Hon N.D. GRIFFITHS: *Hansard* of 21 August 1996 at page 4329 contains a question I asked of the Attorney -

- (1) Will the Attorney General introduce legislation to amend the Sentence Administration Act to change the calculation of parole eligibility?
- (2) If so, when?
- (3) If not, why not?
- (4) Will such legislation be introduced before the Sentence Administration Act is proclaimed?

Members may recall that the Sentencing Act, the Sentence Administration Act and the Sentencing (Consequential Provisions) Act were all passed by the Parliament towards the end of 1995 and were proclaimed on or about the day the 1996 election was announced. The connection is obvious. The Attorney's response to that reasonable question was -

- (1)-(3) I am certainly considering such an amendment at the moment.

That is great. To continue -

The matter of when is obviously dependent on the capacity to go through the ordinary government process of having it approved and drafted.

He then went on to make reference to the current sentencing legislation.

Following that process, the Attorney General announced on 5 October 1996 what has become known as the Hammond process, with the appointment of the Remission and Parole Review Committee. This is where the issue of consultation arises, because consultation is given as the excuse for the delay. As Hon Ljiljana Ravlich pointedly interjected, how much consultation does the Attorney want? We continue to hear more excuses. I now quote the media statement.

Hon Peter Foss: Are you aware that the committee had considerable difficulty, despite its experience?

Hon N.D. GRIFFITHS: I am aware that the Attorney General has considerable difficulty producing legislation to allay public concern. I refer to the Attorney General's comments on 5 October 1996. I will go through the record so the Attorney can understand.

Hon Peter Foss: I will go through the record, too.

Hon N.D. GRIFFITHS: Perhaps the Attorney might be persuaded to introduce the much-needed legislation. The media statement of 5 October 1996 read -

Attorney General Hon Peter Foss announced today that public views on the remission and parole of Western Australian offenders are being sought as part of a new review.

He sought public views on 5 October 1996, and it is now August 1998. He made reference to the committee's establishment and its reporting date of 20 December 1996, which I accept was unrealistic; it was probably as unrealistic as the reporting date of 30 November 1998 given to the Law Reform Commission. We will wait and see. The Attorney General said that the public would be consulted and that submissions would be received, which was good. He said that the committee would deal with the issues, and report by 20 December. What was so special about that date? This announcement was made just before an election. It was designed to give the impression in Western Australia that at last something was being done about the problem. The announcement of the committee's establishment and reporting date of 20 December 1996 was part of the process of getting people to vote for the Liberal Party, with no reasonable expectation of bringing down a report by 20 December 1996. In that media statement, the Attorney made a number of interesting observations.

Hon Derrick Tomlinson: It was after the election date.

Hon N.D. GRIFFITHS: Hon Derrick Tomlinson knows that I am spot on; I can tell from his body language that he agrees with everything I say. He is squirming with embarrassment.

Hon N.F. Moore: He is embarrassed about what he is hearing!

Hon N.D. GRIFFITHS: The Leader of the House is very good at squirming.

Hon Peter Foss: I was sharing a joke with Hon Derrick Tomlinson and missed your remark.

Hon N.D. GRIFFITHS: I find interesting this observation by the Attorney General -

... the review was launched in direct response to the concerns about the current remission and parole system, raised by the judiciary and members of the community.

He continued -

"This system, which has operated in recent years, has caused obvious anomalies which are of concern to the judiciary, the public and to the State Government.

Despite a longstanding concern, still no legislation. The following words were also part of the release -

"This review will examine the current remission and parole system and an important part of that examination will be the investigation of public views and concerns.

The Hammond process has dealt with this issue of consultation and the examination of public views and concerns. We need not delay any more for that supposed reason. I keep agreeing with the Attorney General's words in the media release, but I regret the lack of action. He said -

"It is imperative that the community have confidence in our justice system."

I agree, but regrettably the community does not have that confidence in the justice system because of the Attorney's failure to introduce the necessary legislation. Again, the media release makes reference to public involvement -

Inquiries on the review from member of public should be directed to ...

An address is provided. We had public consultation as part of the review. The Attorney has the report, so he should do something about it.

Hon Peter Foss: We do not have agreement from the public on what they think about it, though.

Hon N.D. Griffiths: The Attorney General was on about, apart from the interesting date in 1996, gaining a little attention.

Hon Ljiljana Ravlich: It was all bad.

Hon N.D. GRIFFITHS: The Premier has his headlines about wars, notwithstanding the white flag. Journalist Janet Wainwright gave the Attorney General the attention he sought in an article headed "Judge to run probe on parole". The Attorney wanted a headline in the *Sunday Times* - he got it; he did not want to deal with public concern. This article, which appeared on 6 October 1996, faithfully reproduces the media release and mentions that public submissions are invited so that the public can have their say. Now people are telling the Attorney General to get on with it.

Hon Peter Foss: Some do not agree with the recommendations.

Hon N.D. GRIFFITHS: It seems I will be reading the recommendations to the Attorney tomorrow.

It is only some matters of detail; the answers, I would have thought, are pretty obvious. With all the resources of government, the Attorney has sat on this matter for five months. This subject does not rate a mention in the Governor's speech. From the Attorney General's point of view, it is more about politics than dealing with the important issue of public safety.

Hon Peter Foss: Nonsense! You have not told us how it will affect public safety.

Hon N.D. GRIFFITHS: The Attorney's true colours were revealed during the course of the election campaign as no mention was made of the Hammond review in his release of the coalition's law and order policy. What would the Government do? It seemed so simple on 29 November 1996. It was simple for the Attorney General, on behalf of the Government, to tell the people of Western Australia what he would do. However, he still has not done it.

Let me refer to some parts of that media statement by the Attorney General of 29 November 1996. There is nothing complex about the words. They are -

Judges will be able to set periods of non-parole for criminals under the Coalition's law and order policy, Attorney General Peter Foss said today.

Then there are these words -

Mr Foss said the public had loudly voiced its opinion about truth in sentencing -

Well, we know what they want -

- and the Coalition Government was committed to ensuring that community faith in the justice system was restored.

What empty words.

Hon Bob Thomas: As usual.

Hon N.D. GRIFFITHS: The statement went on to mention several fancy things to make the public think that members opposite were concerned to deal with what the public wanted to have happen, but I will direct my comments to matters relevant to the motion.

Hon Bob Thomas: Opinion poll politics. That is what it is.

Hon N.D. GRIFFITHS: Opinionated politics, I think, on the part of the Attorney in this case. The statement read -

In a second term, the Coalition will move further to ensure that the views and concerns of people in the community are addressed.

Hon Peter Foss: Exactly.

Hon N.D. GRIFFITHS: The second term will end in about two and a half years. Will we wait that long? I suppose that the Attorney will proclaim a piece of legislation dealing with truth in sentencing on the day the Premier goes to see his Excellency to get the big tick for the election date. That is what he is all about. Let me point out to the Attorney how simple his words were in their meaning and how precise they were in conveying a message to the people.

Hon Peter Foss: Views and concerns -

The PRESIDENT: Order! Attorney General, let me listen to the mover of the motion.

Hon N.D. GRIFFITHS: It was a message to people who wanted to hear and were entitled to hear that something would happen before August 1998; but if it were not to happen before August 1998, when we commenced the second session of the Thirty-fifth Parliament, at the very least it should have rated some mention in his Excellency's speech. I do not know when this session of Parliament will end, but, at the very least, the public of Western Australia should have had a strong assurance, particularly in light of the comments on Monday, reported in *The West Australian* as being said by the Attorney on Sunday, that something would be done about this matter in this session and that the truth was contained in the Governor's speech. Many matters are said in Governors' speeches from time to time, but nothing happens; they are just promises. If there were not even a promise in the speech, the public can fairly ask why. The public knows the answer. Unless the Attorney changes his ways on the issue - this is part of the process of trying to get him to change his ways - we will not, I regret, expect to see the much-needed legislation.

I was talking about the simple words that were used to persuade the public on a particular path. The media statement goes on to state -

The Government would amend the Sentencing Administration Act to obtain truth in sentencing by abolishing automatic remission and ensuring remission was earned.

Other changes to the Act would allow judges to set non-parole periods greater than one-third as an element of punishment rather than the possibility of rehabilitation.

Under the changes, people would know exactly what period must be served or earned by way of remission.

That, by the way, was well before the report was handed down - 29 November 1996. Members will recall the reporting date of 20 December 1996. The election came and went, regrettably, and nothing really was heard about the report. It was not a matter of great priority as far as the Attorney was concerned, on the evidence, and certainly insofar as keeping the public informed. If the public is not informed, how can it engage in consultation? The Attorney was not giving reports to the Parliament. They had to be prised from him by the process of questioning. He gave nothing away. He was not concerned that the public be kept up to date. He had to be asked the direct questions, otherwise nobody would know what had happened to the report. The Australian Labor Party engaged in that process because it wants something done about truth in sentencing. The first occasion, just after the Parliament resumed, was 19 March 1997. I refer to page 566 of *Hansard*, question No 97. I asked the Attorney General whether he had received a report. I raise this matter now because it demonstrates that it was not the Attorney coming to the House to say, "This is a very important issue of truth in sentencing; it is a difficult issue which is before the Hammond committee; there are matters of complexity. These matters of law and order are bipartisan in substance and they should properly be so." No, it is his little secret; it had to be prised from him. I asked -

- (1) Has the Attorney received a report from District Court Chief Judge Hammond on parole and remission?
- (2) If so, when was the report received?
- (3) Will the Attorney table the report?
- (4) When will the Attorney table the report?
- (5) If not, why not?

I will read the response in full. There is a reason for that. It is a bit of a side issue, but I want to emphasise a

difficulty that some members have had with respect to dealing with the report - not I, because I have a copy, and I will come to how I received a copy in due course. The Attorney is well aware of how I received a copy, and I thank him for providing me with that copy on the day that he did. The response is in these terms -

I received a preliminary report from the chief judge. He suggested he would like some guidance from me so that the committee could complete its inquiry.

I do not argue with his words. He continued -

It is a discussion of the issues it has considered, the suggestion as to where it should go next, and a request for direction from me. I have replied to that request for direction and that committee will consult and finally give me a report. I will not table that because it was in the nature of a discussion and a request for me to give guidance about where it will go next.

That is fair enough. He went on -

When I finally get a report indicating what should be done, I will table that.

I will stand corrected if I am wrong, but I do not think that the report has been tabled as such. It should be tabled because we do not have the report in our Bills and Papers Office.

Hon Peter Foss: I cannot table that now.

Hon N.D. GRIFFITHS: That document should be formally tabled and be readily available to members. I raise that point as an aside. If I am wrong, so be it, but I could not obtain a copy from the Bills and Papers Office, so I had to obtain one through my electorate office. The reply went on to conclude -

I got the report just before Christmas. I considered it and replied in the way requested.

That is fair enough, but we should have been informed. At the very least, because the Attorney is very good at media releases, he could have sent a letter or issued another media release and then the *Sunday Times* or *The West Australian* would have published it and we all would have known; but no, we had to go through the process of obtaining this information from the Attorney.

Again, by virtue of the fact that questions have been raised regularly about this issue, the Attorney should be aware and should have been aware a long time ago that we support the initiatives that he announced. I raised the issue again on 9 May 1997 at page 2801 of *Hansard*. For the purpose of the record, it is question No 366. It reads -

- (1) Has the Attorney General now received a report from the committee reviewing parole and remissions?
- (2) If not, why the continued delay?
- (3) If so, when did the Attorney General receive that report and will he table it?

I gave notice of that question. The answer was in these terms -

- (1) No, I have not received the report.
- (2) I am not sure that it is a continuing delay. I assume that the committee is continuing to carry out its task.

I then interjected, inaccurately, about the date of the announcement and said that it was announced in September. The Attorney General responded -

I understand, but it is not for me to comment on the degree of complexity or difficulty involved. However, knowing the chairman of that committee it is most unlikely that it is due to delay. The chairman is rightly recognised as being one of the best organisers and doers of things within the legal profession.

The Attorney concluded, at page 2802 of *Hansard*, with the words -

I am confident the chairman and members of the committee are determined this time that whatever they put

before the Parliament will achieve the result that is intended. I will not say there has been a delay; perhaps the task is more complex than originally envisaged.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

LAPSED BILLS

Restoration to Notice Paper - Assembly's Message

Message from the Assembly received and read requesting that consideration of the following Bills be resumed -

1. Commercial Tenancy (Retail Shops) Agreements Amendment Bill
2. Energy Coordination Amendment Bill
3. School Education Bill
4. Workers' Compensation and Rehabilitation Amendment Bill

COMMITTEES FOR THE SESSION

Assembly Personnel

Message from the Assembly received and read notifying the personnel of sessional committees appointed by that House.

WORKPLACE AGREEMENTS (PROVISION OF CHOICE) AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Tom Stephens (Leader of the Opposition), and read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.34 pm]: I move -

That the Bill be now read a second time.

This is not the first time that a piece of legislation such as this has been introduced into the Western Australian Parliament. I can only hope that it has a successful passage through this place.

This Bill seeks to provide choice for Western Australian employees in respect of employment under the terms and conditions of a Western Australian workplace agreement. The Court Government established workplace agreements under the 1993 Workplace Agreements Act with much rhetoric about it providing greater choice in the forms under which people would be contracted for employment. This rhetoric has now been shown to be false. The offer of choice was always a false promise to camouflage the undermining and removal of the standards of protection afforded workers under the award system. The Labor Opposition remains committed to the repeal of the Workplace Agreements Act and other Court Government industrial relations changes that have attacked the conditions and protections that had previously been available to Western Australian workers. The changes proposed by this Bill seek to give effect to the promise of choice clearly given by the Court Government and not currently provided for in the Act. Our attempts to improve the functioning of the Workplace Agreements Act should not in any way be interpreted as support for the Act.

Some workers were initially enticed into workplace agreements and opted out of award conditions because they were offered higher salaries. The trading off of conditions under workplace agreements was attractive for some employees as it was the only way of gaining wage increases. However, once locked into workplace agreements, many employees find that they are not able to force employers to uphold the terms of the agreements. They also find that they are significantly disadvantaged when the agreements expire and they seek to renegotiate their terms of employment.

In 1997, after four years of operation, only 10 per cent of the public sector work force employed in Western Australia were on Western Australian workplace agreements, according to answers given to questions on notice. This is despite concerted efforts by the Court Government to entice, cajole and pressure workers into accepting workplace agreements. For example, the Court Government advertises public sector job vacancies which state two different salary levels for the same position. A higher salary is advertised and payable if the prospective employee accepts a workplace agreement.

The Court Government also offered employees financial advantages by way of salary packaging only on the basis that they accepted workplace agreements. Employees seeking to avail themselves of salary packaging were denied the choice of whether to continue under award conditions of employment. It was only because the Community and Public Sector Union-Civil Service Association took the matter to the Western Australian Industrial Relations Commission that the Court Government was forced to allow salary packaging to award employees.

The Department of Productivity and Labour Relations has established a section to promote workplace agreements to the private sector. Under the Court Government, the department now gives emphasis to establishing a form of employment contract that disadvantages employees and is much less committed to upholding and protecting the rights and employment conditions of working people. Many more examples can be found of various forms of coercion that are being used by the Court Government in its effort to force people into workplace agreements. Yet in four years, it has been able to get only 10 per cent of the public sector work force employed on workplace agreements. It is now the policy of the Court Government to offer public sector employment only to those willing to accept the terms and conditions of a workplace agreement. Where is the choice promised by the Court Government? There is no choice if the alternatives are to accept the workplace agreement or be denied a job. The Court Government misled this Parliament and the people of this State when it told us that people would have a real choice whether to accept a workplace agreement.

Let us look at exactly what was said by the former Minister for Labour Relations in his explanation of the Court Government's workplace agreements. Page 1451 of *Hansard* of Thursday, 8 July 1993 in the other place states -

The effect of the legislation will be to provide, for the first time, a real choice for employers and employees as to the industrial relations system governing their relationship by establishing a new stream, based on workplace agreements which will sit alongside the existing award system . . .

The focus of the new system will be on the workplace and the development of a workplace culture in which employees can take an active and responsible role in directly setting their own work conditions.

At page 1760 of *Hansard* of Tuesday, 3 August 1993 the following is reported -

. . . workers will have the power of veto over any workplace agreement and they will not be able to be forced into a workplace agreement against their will.

It states also -

For the first time, workers will have some genuine choice.

It states also -

For the first time, we are legislating to give everyone in this State a set of minimum conditions, and freedom of choice.

Page 3062 of *Hansard* of Thursday, 19 August 1993 states -

. . . if he and the people he represents do not want workplace agreements they do not have to have them. They are merely offered as a choice and if people do not want them they should ignore them.

Page 3517 of *Hansard* of Thursday, 9 September 1993 states -

In order to maximise the choice available, the WA Government supports the retention of the award system. Employees who wish to remain under awards should be allowed to do so.

Page 9596 of *Hansard* of Thursday, 9 December 1993 states -

If employers find ways of getting around the three Acts and workers are being forced into workplace agreements against their will I will shut down any of those provisions.

The Court Government is seeking to force workers into workplace agreements against their will. The Court Government's propaganda also espouses that workers should have a choice, despite the Government's refusing to give them a choice. A pamphlet distributed by the Department of Productivity and Labour Relations entitled "You Make the Choice!" states that the choice is with the employee; they should stay with the existing arrangements or enter a workplace agreement and threats or intimidation cannot be used to force someone to enter an agreement; genuine consent is needed or an agreement will not be registered.

The experience of many Western Australians is that they are not offered a genuine choice when they are forced into a Western Australian workplace agreement. When a person is told he must accept a workplace agreement if he wants the job, a new position or a promotion, or alternatively go without the job, he is given no choice with regard to his contract of employment. Choice of employment and of conditions of employment should be a basic right of citizens of a State with the wealth and level of economic development of Western Australia; yet a Premier who trumpets how Western Australia is leading the nation is denying Western Australian workers the right to choose the form of contract under which they wish to be employed.

The two main provisions of this Bill are designed to give new employees a choice, and to allow an employee under a workplace agreement to opt out of that agreement. It will be a requirement if this Bill becomes part of the Act that a workplace agreement cannot be registered unless it has with it a form indicating that the new employee has been offered a choice. This additional form will be in plain English and will be determined by regulations to be set by the Minister. A new employee who is offered a workplace agreement will need to sign a form indicating that he has also been offered the same job under an alternative form of employment such as an award. He will sign indicating that he has been offered a choice, and he will also sign indicating that he has made the free choice to take up a workplace agreement as the form of contract of employment.

The second provision of the Bill will allow employees who are already in workplace agreements to opt out of such agreements. Any reasonable contract provides the choice of opting out of the contract, given the required period of notice. Without such a provision, the contract has the potential at common law to be judged as harsh and unconscionable. First-time employees aged 16 or 17 with no experience of work and employment conditions have a real potential to be caught in a Western Australian workplace agreement that is a form of contract of employment that may be judged as harsh and unconscionable.

Workers who find themselves in workplace agreements about which they have been misled or which they cannot enforce because the procedures available for enforcement are not available to them can opt out of the workplace agreements. Such a worker will again need to submit to the Commissioner of Workplace Agreements the standard form set by regulation indicating his wish to opt out of the workplace agreement. The Commissioner of Workplace Agreements will have the responsibility of informing the employer that the employee wishes to end the workplace agreement. A period of 28 days must elapse from the lodgment of that form to the time it will take effect, and the contract of employment will continue, not under a workplace agreement, but in a form which is available in default of the workplace agreement.

The option of taking an unfair dismissal case will be available in situations where a worker is victimised by an employer. The question of enforcement is very difficult, because employees under workplace agreements must resort to the civil jurisdiction in order to uphold their rights under those contracts of employment. That is simply impossible for most employees. A case has gone through the courts recently, which I do not think has been finally determined, in which an employee had to go to considerable lengths and incur huge costs and great financial risk in order to uphold his rights under a workplace agreement. In such cases, most employees are simply cowered and unable to uphold their rights. A provision such as this in the Workplace Agreements Act will give an employee a simple and effective means of upholding his right to opt out of a workplace agreement and continue his job under an award or some other contract.

There is a need for balance between the interests of employees and employers, between wage costs to business and improving the real take-home pay of workers, between the profit share to the owners of capital and the labour that sustains the business enterprise, and between creating jobs and improving the working conditions of employees. The Australian Labor Party is about attaining that balance while protecting the interests of the working men and women of this State. In recent years the Court Government has made major changes to the labour laws of Western Australia. These changes have radically shifted the balance of power to the detriment of employees. Many commentators now regard Western Australia as having the worst industrial relations laws in Australia; laws which provide the least

protection for workers from exploitation by a minority of bad employers. The Court Government is seen as kicking for one side, against the interests of ordinary Western Australians.

This Bill provides for real choice and, as such, will provide an element of protection for Western Australian workers. I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

ADDRESS-IN-REPLY

Motion

Resumed from 11 August.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.47 pm]: I endorse the formal congratulations of the President on behalf of all of us to Hon Murray Criddle on his elevation to Minister of Transport. On behalf of all members of the Opposition I wish him well and congratulate him on his appointment to Cabinet. I know that with that appointment comes his appointment to deputy Leader of the Government and Leader of the National Party in the Legislative Council. He will appreciate that I hope he and his Cabinet colleagues have only a short period in office!

Hon N.F. Moore: Nobody will ever have as short a period as you did.

Hon TOM STEPHENS: However, I genuinely hope Hon Murray Criddle will achieve great satisfaction in his new role as a Minister. I hope that he is able to serve the interests of all Western Australians, as I am sure he will set out to do as he embarks on this important role. I will not take many opportunities of singing the Minister's praises, but I know he will bring to that role many skills and talents, not least of which is his capacity to be open and frank with his colleagues as he has demonstrated in the roles in which I have seen him involved.

Hon Murray Criddle has a personal style and a disposition that suits him to do his job well as Minister for Transport. I hope that that personal style continues to be part of his style as Minister for Transport, that he is able to bring with it the continued good humour that he has always displayed in my experience of him in this place and that the sense of balance and fairness that he has displayed in the past will be a characteristic of his period as Minister for Transport. I wish Hon Murray Criddle well and I hope that in his period as Minister for Transport he will serve well the interests of Western Australians. I trust that he will not mind my hoping at the same time that he takes the opportunity to reverse many of his predecessor's policies and change the direction of the Transport portfolio. There will be plenty of opportunities for us to speak about those issues.

I also mark the fact that we have not had the opportunity of farewelling Hon Murray Criddle's predecessor in the Transport portfolio, Hon Eric Charlton. It would be remiss of me if I did not join with the President in saying that we will miss the former Minister for Transport. He was a source of great pleasure to us in a range of ways - for one, we liked him.

Hon Bob Thomas: What about the people of Bunbury?

Hon TOM STEPHENS: Many people across the State have expressed disagreement with his delivery of policy direction in respect of transport. We have regularly been on record expressing our opposition to those policy directions and we will continue to express that opposition.

I suspect that all of us in this place - certainly speaking on my own behalf - had a genuine, warm appreciation of the personality - the person - of the former Minister for Transport. We will miss him around this place, of course, in the political sense; also, when there was a bit of fun, it was often at his expense and often with his joining in the fun with us as we tackled him. We will miss him. I was around for the whole period with Hon Eric Charlton. There were some highs and lows in his personal life, and we shared in them. I am thinking of the death of his son, which was a tragic event in his life; but we who were here at the time had the opportunity to be with him for the burial of his son. It was a terribly sad time for him and we all shared in that sadness in some little way.

As well, we had the opportunity to be with him through other parts of his political life, ranging from the highlights and his elevation to the Ministry to the experience of the pleasure of the company of his wife, Yvette. I wish them both well in their life beyond politics. I hope that they have a rewarding life beyond politics. With life in politics

come the knocks, kicks and hardships as well as the period of satisfaction. One cannot be in a working environment such as this without developing a rapport and an appreciation of a person. I had that sense of who Hon Eric Charlton was. I understand his values - I shared many of them, but I disagreed violently with many others and will continue to express that opposition to some of his politics.

Again, I join with the President in welcoming Hon Dexter Davies to the Chamber. I genuinely express to him a warm welcome on behalf of Labor colleagues and hope that in the period in which he serves in this place he experiences the satisfaction of working on behalf of all the community of Western Australia, as no doubt he will feel that burden and privilege upon his shoulders in these early days of his term in this place.

When a new member arrives in this place it reminds me of my arrival in this place and the sense that I had at the time, which was the extraordinary privilege that we have to represent the Western Australian community - our electorate - in serving that community in pursuit of the common good for the people of Western Australia. In the arrival of a new member I find the occasion to be reminded of the fresh experience that it was then for me and no doubt is for Hon Dexter Davies as he lands on the start of his career in the pursuit of the common good. There will be many times in this place when, no doubt, we will share opportunities to join with unanimity in the pursuit of common goals and a common cause and with a common means to achieve the goals that we have identified. There will be many other times when, no doubt, we will take diametrically opposite viewpoints on the same question. I hope that at those various times he will see that we come to this place - all of us, even though we come from diametrically opposed political parties - in pursuit of the common good for the people of Western Australia. I wish Hon Dexter Davies well in that common pursuit. I hope that he has a personally satisfying career and that the people of Western Australia benefit from his presence in this place. Nonetheless, that will not stop me, as no doubt it will not stop him, joining in the political fray which will highlight the differences that come between us.

Hon Bob Thomas: There is also the matter of One Nation.

Hon TOM STEPHENS: My colleague Hon Bob Thomas referred to the One Nation issue. In fact, it was the next issue on my agenda about which I wanted to speak. The issue seemed to me to flow from the welcoming of a new National Party member into this place. It occurred to me, as it occurred to Hon Bob Thomas, that we, and perhaps Hon Dexter Davies' party in particular, face the new reality in the electorate; that is, a large section of the community toying with support for that fledgling One Nation party. The opinion polls show that it has gained levels of support that have surprised many, shocked others and concerned the majority of the community as we watch people turn to simplistic slogans as the way forward in respect of the complex questions that the Australian community faces.

Within the seeds of discontent that exist within the community there are very serious signs for our society. I came into this place totally committed to social and racial harmony within the regions, the States and nation that make up Australia. I find myself now confronted with so many contributions to the attack on that social and racial harmony with which this country has been blessed in most of its history, and to find people turning to the process of confrontation that articulates attacks on minority groups, racial minority groups and other sections of our society. This is a very alarming development in this nation indeed. I hope that we will see emerge in this Parliament in double-quick time bipartisan, tripartisan and multipartisan strategies aimed at showing leadership to our community in this State and showing that there must be an alternative effective strategy of responding to the economic conditions and the changing circumstances which people face, other than grabbing on to simplistic slogans such as those that are embraced by the party that calls itself One Nation. It clearly touches a chord within the Western Australian community, particularly those who face economic insecurity and change. People have articulated that in some way it is some sections of society in particular calling out against and railing against the rate of change. As some have said, it is a reaction to the reality of future shock. That has been well and truly articulated and it is a thought that resonates for all of us - that is, that people are afraid of change and sometimes fear the future, particularly if they are economically vulnerable.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM STEPHENS: Before dinner I was commenting that, within our community, both as a State and as a nation, we are faced with forces which have been unleashed that are buffeting our community and producing responses within that community which display, in part, the fears that flow from uncertainty. We know that, as a State and as a nation, we are inevitably buffeted by economic gales such as those that blow now from the storm clouds of uncertainty that gathered first in the South-East Asian economies, and have in recent times placed perhaps a quarter of the world in recession. The recession is no longer affecting only South-East Asia, but also those economies of Eastern Europe and South America, and now we see even the strongest economies, including the economy of the United States, coping substantial drops in the economic indicators that would otherwise have testified to a healthy economic

structure for what was previously a strong economic community. One cannot help feeling afraid of the indicators that are looming on the international stage.

We have seen the sixth fall in six consecutive days; the all ordinaries index lost 10 points and the Dow Jones index lost 225 points last night. These are indicators that send off alarm bells for all of us in the Australian community. We know that that process of economic shakedown has caused substantial problems not just to our neighbours, but also to ourselves. We know that investors are pessimistic about the situation facing Japan and we know that in the Australian economy, and especially the economy of Western Australia, there is growing economic uncertainty. We know just from looking at what has been happening to us as a State, and with a wider view of what has occurred in the nation, that economic uncertainty and other economic factors cause real problems for real people within our communities. That has an impact upon that community which can too easily turn to simplistic solutions.

This is the argument I want to build upon: That here in Western Australia especially, we as a Parliament, and especially those opposite as a Government, need to ensure that we are doing nothing that will increase the sense of economic uncertainty within our community. We have already seen steps taken by the Government since it has been in office that have increased the rate of change within our community and caused a sense of future shock. Within our communities we have seen a rate of change that has created a call that they have had enough. They are fed up with the loss of community services and infrastructure. They are angry at the loss of services: Banking services; postal services; in regional Australia, air services; in agricultural Australia and other parts of Western Australia, the loss of rail services; in metropolitan Perth and beyond, the loss of bus services. The community is sick of the loss of that sense of infrastructure that was available, until very recently, and, indeed, guaranteed to them by government.

In part, people are responding to the withdrawal of those services by saying that they have had enough. The changes to hospital services and the loss of the guaranteed delivery of public hospitals by government is causing concern in the community. People fear not having their basic health needs covered adequately, either by government for those who are not privately insured or by a private health insurance system that is failing them. With the withdrawal of government educational facilities, there is a sense that schools are being ripped out from under the communities that are entitled confidently to expect that Governments will deliver educational opportunities through government schools in their neighbourhoods.

A disease has caught hold of Governments of all persuasions. Managerialism has been given a range of fancy names along the way, but has included fads and fancies, such as commercialisation of government facilities. Too frequently that has flowed into, almost as an inevitable consequence of commercialisation, the privatisation of the profitable arms of government, at least. It has allowed for the privatising of the profitable arms of government and left that socialised government infrastructure, which is run at a loss. That withdrawal of community support by government has created uncertainty.

The Federal Government has exacerbated it further by withdrawing services that the communities, especially rural communities, had relied upon. I have already mentioned postal services. Rural and regional centres have already lost commonwealth government agencies and departments. They have lost the Commonwealth Employment Service and had it replaced by something that is virtually invisible and certainly inaccessible to most sections of the community - Centrelink. People in rural and remote areas cannot access that facility because it has been centralised in regional centres. They cannot access it by telephone because the lines are always busy and they cannot get through to someone who will help them find a job. These policies, which have been implemented by federal and state coalition Governments, have resulted in these people being thrown into unemployment. In their efforts to pursue training and employment opportunities, people are faced with telephones that are not answered and offices that are unattended or closed. Is it any wonder there is a sense of disease, of discomfort, in the community?

We in this institution have a duty to respond to the buffeting our communities are receiving through this rapid change of government policy caused by the pursuit of ideology by Governments. The community is so shaken that it is grasping at simple solutions, including a desire to turn back the clock to the way things were in a bygone era. I do not advocate that. I would prefer that we start slowing the rate of change we are experiencing in this period of federal and state coalition Governments. I fear that the rate of change is impacting dramatically on our communities, as displayed in the recent Queensland election and by the polls throughout the nation, including Western Australia.

People are now turning to a phenomenon that has very simplistic responses to these challenges with which we are faced. Is it any wonder that finally the business community has recognised the challenges with which it will be faced if members of the public turn to policies that will destroy the capacity of that community to be the engine for ongoing economic activity that will provide employment prospects for those who are in so much need of economic benefit?

I am pleased to see leadership by such people as the chief executive officer of Wesfarmers Limited, Mr Michael Chaney, and others from the business lobby, including most recently Lyndon Rowe with whose comments in the past I have not always agreed. However, this time Mr Rowe has said that there is emerging in the Australian community unhealthy signs of people turning to simplistic solutions that include turning back to protectionism, specifically, and economic nationalism in an attempt to hold at bay all the economic forces with which we are faced as a State.

I am concerned about those developments also because under attack is the fabric of a society that until recently was tolerant and harmonious, which worked by and large for a common good, and which did not victimise people and did not blame other sections of the community for the ills with which it is faced. Minority groups are being identified and vilified in the public debate or through suburban warfare with the graffiti merchants in metropolitan Perth publicly naming groups which they single out for attack. The Asian and Aboriginal communities and other sections of our community are being racially vilified and are being blamed for the economic problems that have created uncertainty and discomfort in the community.

Under attack is something that I, as an Australian, have held dear for my entire life - a sense of tolerance and social harmony. I want to see these features bolstered and built upon. When a tolerant, caring, loving, altruistic community is attacked by a political party and the discordant elements that seem to be attaching themselves to it, it is incumbent on people like me to come in here and plead for a unity of purpose and the pursuit of the common goals yet again.

I propose to advocate a step to the Chamber. I recognise that in the Chamber's consideration of the Governor's speech the standard process that is unleashed is exactly what happened yesterday; that is, at the conclusion of the Governor's speech which outlines the Government's agenda the custom is that a government member moves the Address-in-Reply that becomes the basis of this debate. The motion includes words with which we are familiar -

We, the members of the Legislative Council of the Parliament of Western Australia, in the Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech you have been pleased to deliver to Parliament.

Typically, that is the motion that is considered by the House and is eventually brought to resolution by the House. That sentiment is relayed and transmitted to His Excellency the Governor in a small ceremony attended by the Presiding Officer, who is accompanied by some members from this place.

In recent memory - certainly since we have been in opposition there has been one example, and when we were in government there was another example - this House felt it was necessary to consider amending that Address-in-Reply to flag an area of specific concern that was to be highlighted to the House and then in turn highlighted through this House to the community, to Government and to the Governor that the House had a different view about passing the Address-in-Reply unamended. In the other place amendments are regularly and consistently moved to the Address-in-Reply. I cannot recall an instance in which they have been carried. It is understandable in view of the nature of the place - by virtue of a party's majority it is the Government - and in our experience of modern Governments in Western Australia having the majority on the floor of that House, that amendments to the Address-in-Reply are not carried. I do not know of any that have been carried in the other place since we were in government or the coalition was in government.

In this place when the coalition parties were in opposition, and when the Australian Labor Party was in government, the coalition parties thought that an issue was sufficiently important on one occasion to move an amendment to the Address-in-Reply to highlight their concerns about a specific issue which was then tacked onto the Address-in-Reply which was finally delivered to the Governor.

Hon Simon O'Brien: Can you remember what that was?

Hon TOM STEPHENS: It was in reference to a United Nations convention and, perhaps, was even moved by the current President. If it was, it was certainly not in his capacity as President but while he was Leader of the Opposition. If I am mistaken in that regard it was his predecessor. However, it was in reference to concerns about a UN convention to which the Australian Government was becoming a signatory, and it expressed concerns about that convention. That was the basis upon which the Address-in-Reply was amended. I forget the year. However, I am sure that if I speak loudly into this microphone somebody in my office might produce for me a memo that would remind me of the precise date. I think the year was 1989, and the UN convention related to the Rights of the Child.

Hon Simon O'Brien: Do you remember if you vigorously opposed that?

Hon TOM STEPHENS: There is a good prospect that Hon Simon O'Brien might find within the *Hansard* comments from government members, perhaps even from me, that criticised the process. However, a new convention was established.

Hon N.F. Moore: Do you support it now?

Hon TOM STEPHENS: This is an organic Chamber and precedents are set.

Hon Simon O'Brien: There is a certain amount of organic matter that is starting to flow around.

Hon TOM STEPHENS: Precedents are set, and they become the basis upon which matters proceed.

Hon N.F. Moore: Maybe next time you might tell us when you vigorously oppose something that you have changed your mind.

Hon TOM STEPHENS: In response to that precedent a subsequent decision was made by the House in 1993 or 1994 to amend the Address-in-Reply, with the support of the Government on that occasion, to refer to the retirement of the former member for South Perth, Bill Grayden.

Hon Simon O'Brien: I bet the idea is that a tiny amendment will be moved shortly.

Hon TOM STEPHENS: I want to say to all members of the House, including government members -

Hon N.F. Moore: That you do not really mean what you are doing.

Hon TOM STEPHENS: I do mean it. It is important to build upon the precedents that have been established.

Hon N.F. Moore: Just as long as you sing the same song when it happens to you when you are on this side.

Hon TOM STEPHENS: The strange thing about the Labor Party is that sometimes it is the classic conservative.

Hon N.F. Moore: You are totally conservative. You do not believe in change. You are an arch conservative.

Hon TOM STEPHENS: In reference to the conventions we are extraordinarily conventional. We uphold the processes and precedents of this place

Hon N.F. Moore: Absolute and total rubbish.

Hon TOM STEPHENS: Suddenly we find the conservatives being the vandals by changing things and we are a bit slow to catch up. Members opposite established the process while they were in opposition. They have created the precedent for a majority on the floor of the House to amend the Address-in-Reply. There is nothing horrific about this process. It has happened a couple of times, so let us disregard any sense of theatrics or dramatics about this being a naughty no-no that we should not do. People like Hon Norman Moore did it; others in this place did it. The President may not have been here. It could have been Hon Gordon Masters. I do not know. I hope someone will be able to tell me.

Hon Ken Travers: All will be revealed soon.

Hon Simon O'Brien: At least if there is an amendment I will get to speak again.

Hon Kim Chance: That is a good enough reason in itself.

Hon B.K. Donaldson: Are you informing the House what the likely effect will be? It is important that all members understand this.

Hon Bob Thomas: He will draw pictures.

Hon TOM STEPHENS: An amendment to the Address-in-Reply is not unprecedented. It has occurred. It is a way of highlighting a particular concern. I want to take this opportunity to indicate that at the conclusion of my remarks I will introduce an amendment that will deal with the Transport portfolio. It aims at having this House say on the

public record that it is concerned about the policies that are being pursued in the Transport portfolio by this Government.

Hon N.F. Moore: You are about the only people in the country who are concerned.

Hon TOM STEPHENS: We want to place that concern on record in this debate. We want to ensure that the House has an opportunity to register concern about the policy directions of this Government in the Transport portfolio specifically.

Hon Simon O'Brien: Why not pass a motion if you are confident that the House will support it?

Hon TOM STEPHENS: Because the procedure before us at the moment is the Address-in-Reply. I will embrace that procedure and build on the precedents of previous occasions and utilise that as the immediate mechanism for this House to vote on the issue of whether this House shares the concern of the community about the administration of the Transport portfolio by this Government.

Hon N.F. Moore: If this House goes along with the rubbish you are trotting out you will stop people making speeches in the Address-in-Reply. If they respond to your amendment they cannot speak on the Address-in-Reply, and you know that.

Hon Bob Thomas: They can seek leave to speak on the Address-in-Reply.

Hon N.F. Moore: Rubbish.

Hon Bob Thomas: You are an arch conservative.

The PRESIDENT: Order, Hon Bob Thomas!

Hon TOM STEPHENS: Through you, Mr President, I want to disabuse the Leader of the House of the notion that there is any intention to achieve that result.

Hon N.F. Moore: That is what the effect will be. Why not speak to the substantive motion?

The PRESIDENT: Order! The Leader of the House will allow the Leader of the Opposition to conclude his remarks.

Hon TOM STEPHENS: The editorial and acres of newsprint in today's *The West Australian* should be enough to convince members of the Government that there is concern about the administration of the Transport portfolio.

Several members interjected.

The PRESIDENT: Order! Members will not interject.

Hon TOM STEPHENS: We want to put on record that it is a concern of the Australian Labor Party. Our concern is that the Government is continuing to pursue policies which will cause ongoing disquiet within the community at a time when it can ill afford it. The pursuit of the ongoing strategy of privatisation is seeing the dislocation of people from public sector employment and is causing real problems within our community.

Hon N.F. Moore: Who started the privatisation of transport?

Hon TOM STEPHENS: Regardless of who started it -

Hon N.F. Moore: Tell us about Qantas.

The PRESIDENT: Order! The Leader of the House will cease interjecting.

Hon TOM STEPHENS: It is now time to stop this process of rapid change and to give this community the chance of consolidating and digesting the level of change to this point. Western Australians cannot afford the ongoing privatisation of government infrastructure. Western Australians cannot afford to see Westrail's track and freight operations rapidly privatised and perhaps gobbled up by a foreign company, with the export of profits away from the Western Australian community to foreign capitals. It is time to recognise that these unleashed forces are causing disquiet, certainly in regional Western Australia.

Hon Bob Thomas: It is out of control.

Hon TOM STEPHENS: Indeed, and it is also causing problems in metropolitan Perth. The effect of the combination on the Western Australian community is that it faces two choices: The first is more rapid change through the privatisation of the ports and Westrail in the Transport portfolio; the second is the loss of jobs in regional Western Australia in the Main Roads Department.

Hon Bob Thomas: The loss of service.

Hon TOM STEPHENS: Absolutely.

Several members interjected.

The PRESIDENT: Order! Hon Bob Thomas will let the Leader of the Opposition make his speech, and the Leader of the House will cease interjecting.

Hon TOM STEPHENS: Members opposite must recognise the warning signs. Perhaps it is only the Liberal Party's junior coalition party that is primarily in the firing line. The National Party may be in the firing line in rural Western Australia as a result of the pursuit of those policies which might lead to the destruction of the Liberal Party's junior partner.

Hon N.F. Moore: They do not much like you either.

The PRESIDENT: Order!

Hon TOM STEPHENS: I put it to the Liberal Party that Hon Dexter Davies and Hon Murray Criddle are in the firing line; but the Liberal Party is also seeing the collapse of the Liberal Party vote in much of regional Australia, certainly in regional Western Australia. If Liberal members have seen some of the results that we have seen, they would know that they are horrifying.

Hon N.F. Moore: Three people turned up at your branch meeting in Kalgoorlie.

Hon TOM STEPHENS: The once proud Liberal Party is right at the bottom and is likely to come out last in the ballot boxes if the opinion polls are reflected in the voting trends in the coming federal election.

Hon Barry House: You know the feeling well. That is where you have been for the past few years.

Hon TOM STEPHENS: We have been in that position; but the Liberal Party must recognise the warning signs.

Hon N.F. Moore: You are not the answer; you are the problem.

Hon TOM STEPHENS: Does any member in this Chamber think that One Nation is the answer?

Hon N.F. Moore: No, but you are not either.

Hon TOM STEPHENS: The Leader of the House might not think that we are the answer; I certainly do not think that he is the answer. However, one thing that he and I should agree on is that One Nation certainly is not the answer. At the moment the ongoing pursuit of the Government's policies is continuing to deliver a result for the One Nation party which will see it wipe out the Liberal Party's junior coalition partner and probably destroy the Liberal Party's numbers in this and the other place, and in that process create a political monster with simplistic answers which are no solution at all for the Western Australian community. There is time to pull back, not merely in reference to the Liberal Party's preference arrangements, which are important issues which must be brought to a crunch at some early opportunity. The party must make the decision to put those people in One Nation last because it does not have a community of interest with them.

Hon N.F. Moore: Thank you for looking after our interests so much.

Hon Kim Chance: We toss and turn all night worrying about you.

Hon N.F. Moore interjected.

The PRESIDENT: Order! The Leader of the House raised earlier the problem of people losing their right to speak. In a moment someone will rule that he has made his speech in this debate. He will cease interjecting.

Hon TOM STEPHENS: I am not specifically worried for the political prospects of the National Party or the Liberal Party, although it is important in the context of this debate. I want them to be the opposition parties after the next election. I certainly do not want to see them reduced to minor party status in return for the arrival in their place of One Nation, as in Queensland. The Leader of the House might laugh, but he faces that prospect.

Hon Simon O'Brien: Do you know that you have spoken on this motion for longer than any other member in the House?

Hon Ken Travers: It is a quality contribution.

The PRESIDENT: Order! Let us hear the Leader of the Opposition.

Hon TOM STEPHENS: In 1986 the Address-in-Reply was amended by Hon Gordon Masters and I withdraw therefore any suggestion that people elevated to high office in this place were responsible for the precedent. There is nothing magic about this. Hon Gordon Masters was an esteemed and valued member of this House. He stood in this place and successfully moved and supported an amendment of this sort. Members must not try to defeat the amendment to the motion on the basis that there is no precedent for it or that it is unusual. It has been done; it is a process of this place. I am advocating that it be done again.

I will not speak a lot longer on this amendment, having highlighted the argument that there is a need to turn back from this process. The Transport portfolio is a classic case of getting out of this direction of privatisation, dislocating local people from employment and creating the prospect of foreign companies and other people without a specific commitment to the Western Australian community and to providing the work force and delivering road, rail and other services that were previously provided by the Western Australian community. We must turn back from that process. It is as self-evident as it could ever possibly be that there is a need to turn back from those strategies. I say to members on this side of the House and other non-government parties that we do not often get the chance in this place to put on record a substantive motion. For example, an urgency motion is a substantive motion that is never brought to resolution.

We rarely get the chance to bring to resolution any of the motions of which we give notice. They are either filibustered by the Government or whipped off the Notice Paper. However, with the Address-in-Reply, as non-government parties - I hope the Government parties as well - we have the chance of having the House bring to resolution an issue before us; that is, concern about the handling of the Transport portfolio and specifically the ongoing pursuit of privatisation policies, particularly in relation to Westrail, and the detriment of that to the Western Australian community, and the Government's failure to rule out the prospect of privatisation of Western Australian ports.

I will not specify other areas of the Transport portfolio in my motion because I want to move a short amendment to highlight the Labor Party's concerns and to give my colleague Hon Kim Chance the opportunity of seconding my amendment and speaking to those various issues.

I am cognisant of the fact that some non-government members might be ambivalent about supporting such a motion, particularly in view of this amendment and because they might not get a chance to articulate their concerns about the precise words to be included in the motion. If any members were to speak on this amendment and sought leave to speak again, as Leader of the Labor Opposition I would give them leave.

Hon Norm Kelly: Can you guarantee that?

Hon TOM STEPHENS: I cannot give that guarantee on behalf of the Government, of course. I hope members of the minor non-government parties appreciate that we do not often get this chance; therefore they should place on record their concerns at this time. Perhaps in the coming debate and in the Address-in-Reply debate some non-government members will wish to add concerns about other issues. Each issue should be determined on its merit. If members have concerns about the Transport portfolio and want the House to express a view on them, now is their chance. If they do not have concerns -

Hon Ken Travers: They should open their eyes.

Hon TOM STEPHENS: Yes, because there is every reason that this House should carry an amendment. For all those reasons, I move the following amendment. I note Hon Simon O'Brien concludes the Address-in-Reply motion with the words "to deliver to the Parliament".

Amendment to Motion

Hon TOM STEPHENS: I move -

That the following words be added to the motion -

However, the Legislative Council regrets to inform His Excellency that the State Government continues to demonstrate ongoing ineptitude and maladministration in the handling of the Transport portfolio, and that this House expresses its great concern that the Government is still pursuing inappropriate policies of privatisation, to the detriment of the Western Australian community, particularly in the Transport portfolio, where plans to privatise Westrail have been advanced, and there has been a failure on the part of the Government to rule out proposals for the privatisation of WA's regional ports.

HON KIM CHANCE (Agricultural) [8.15 pm]: I second the amendment. Mr President, I hope you will allow me a small amount of latitude in this matter, although I appreciate the need to constrain my comments to the precise terms of the amendment.

The PRESIDENT: Order! In response to comments raised earlier, we must all understand who will speak about what in dealing with this amendment. Hon Kim Chance has not spoken to the original motion moved by Hon Simon O'Brien, and is now speaking to the amendment. Having not spoken to the motion, he is granted some latitude in speaking to the amendment in as much as he can traverse matters somewhat wider than the amendment before the Chair. However, if, for instance, Hon Simon O'Brien sought to speak on the amendment he would be confined strictly and narrowly to the exact words of the amendment. Once Hon Kim Chance has completed his speech to the amendment he will not be able to speak to the main motion again.

Hon KIM CHANCE: Thank you for that advice, Mr President; I was not aware of it and I was pleased to hear it.

Hon N.F. Moore: It sounds as though it is time to take this issue back to the Standing Orders Committee.

Hon KIM CHANCE: I will not trouble you on the matter of discretion, Mr President, because the bulk of what I have to say is strictly within the meaning of the amendment. The matter I wish to raise that is separate from a precise definition of the amendment is a matter of courtesy. I take this opportunity of welcoming my new colleague from the Agricultural Region, Hon Dexter Davies, to this place. I said to him the other day that we have been a long time awaiting his entry. He made the point to me that it has been a long pre-season training period for him and that he is fit, fired up and ready to go.

I also congratulate my former committee colleague and friend Hon Murray Criddle for his ascension to Cabinet. I am sure his will be a first-class career. I am delighted that a person of his acknowledged integrity has moved so far, so quickly, and I wish him all the very best in his career.

I support the amendment because I sincerely believe His Excellency should be made aware of the disquiet members and the public feel about not only the extent of privatisation of public assets and services but also the outcome of the degree of privatisation we have already experienced in this State. By Australian standards we are living in fairly turbulent times. There have been periods in which Australians have had to cope with tougher and more challenging times. However, those earlier periods were fairly few and far between. In fact, if we rule out the Depression and wartime, it is difficult to find too many periods in which Australians were confronted with so much change, and change which has had such a profound effect on their lives.

People are naturally uncomfortable with change, as was reflected in the recent exchange between the Leader of the Opposition and the Leader of the House. People do not trust change. They do not like change when it is forced upon them, by either internal policy decisions or external influences. In such circumstances, people are inclined to reject change as an option, at least initially and sometimes totally and finally.

If we are to sell change, or even to try to explain change, we need to clearly understand the effects of that change. We must honestly and thoughtfully outline the full ramifications of any decision. If we fail in that regard, both the

change and the people who are seen to be responsible for the change will be rejected. One outcome of that rejection has been very much in evidence politically; namely, it has led to the emergence of a new and extreme political movement in Australia which holds out the promise of a return to a more comfortable past, or at least one more comfortable for some people. I do not intend to join the breast beating which has accompanied some commentary on those uncertain political events. However, I mention that factor to outline the reality that, in the matrix of changes with which people are struggling, privatisation and its consequences for the continuity and quality of service, and for matters like job security and regional viability, looms large as a cause of the uncertainty which hangs like a cloud over our community.

That is not an irrational reaction at all. It is a perfectly normal response to the electorate's experience with privatisation so far. From privatisation, outsourcing, downsizing, contracting out, rationalisation and deregulation we have seen services which are no better, and, indeed, frequently far worse, than the publicly owned service they replaced.

Hon M.J. Criddle: Can you give one example of that?

Hon KIM CHANCE: Undoubtedly MetroBus.

Hon M.J. Criddle: Absolute rubbish!

Hon KIM CHANCE: The Minister should hear what his clients are saying.

Hon N.F. Moore: Do you get your facts from *The West Australian*?

Hon M.J. Criddle: Exactly. Hon Kim Chance should talk to the clients. The information I received back as late as today is that people who use the service are happy with it. People who do not use it tell us it is no good.

Hon KIM CHANCE: That is an interesting thought.

Hon N.F. Moore: They listen to people like Hon Kim Chance.

Hon KIM CHANCE: It would be interesting if the figures to which the Minister refers were released more publicly. We may then have a better chance of understanding the public response to that change.

We see services which no longer provide apprenticeships for young people or jobs for breadwinners which the formerly public-owned services provided.

Hon N.F. Moore: Look at the unemployment rate; it has been coming down in Western Australia since you left office.

Hon KIM CHANCE: It is true across Australia, across the United States and, apart from West Germany, across Europe - certainly in Britain. It is a worldwide trend. If the Minister claims personal responsibility for that, fine; however, he should remember that when the trend is a downturn. If the Leader of the House wants evidence, he should look in Westrail's annual reports. I do not have the figures with me, but in 1992 Westrail employed in the order of 4 200 people; it now employs 1 790-odd people.

Hon N.F. Moore: What was it when Julian Grill started?

Hon KIM CHANCE: It was around 10 000 people.

Hon N.F. Moore: Just being consistent.

Hon KIM CHANCE: I remember that.

Hon N.F. Moore: So do I.

Hon M.J. Criddle: Freight rates have dropped on grain and bulk freight.

Hon KIM CHANCE: I acknowledge that.

Hon Bob Thomas: They dropped considerably when we were in government, too.

Hon KIM CHANCE: I will give the reasons for that drop shortly.

The PRESIDENT: Order! Will members cease their interjections so the member can continue in the direction he wishes.

Hon KIM CHANCE: Thank you, Mr President.

I am the first to concede that the Government was elected with a substantial mandate to strive for better-managed and more-efficient services, and those less dependent on taxpayers for their existence. However, I question whether the Government's chosen route for this end has been successful. It seems in many, if not most, cases it has not been successful.

Apart from the issues I have touched on in relation to the public anxiety about privatisation in its many forms, other issues in this amendment relating to public administration should be considered carefully. Will the very act of privatisation with Westrail be detrimental to the future reform and modernisation of the national rail system? The question we must ask ourselves, and for which we should strive to find an answer, is: Will a future private owner have the capacity or the will to meet the future capital and operational demands to be made of rail infrastructure owners throughout Australia? Rail transport will be entering a challenging and exciting era in the next century. Will the private ownership of the permanent way in this State provide an impediment to Western Australia being part of the modernisation required to achieve that development? I am not sure that that will be the case.

Once we lose ownership of the asset, will we still be able to guide the direction of rail transport through the next century? The answer will be that, in the event of private ownership, we could be left in the dark regarding future expansion and modernisation decisions. Those decisions might be made in a Wisconsin boardroom, not the Western Australian Parliament.

Hon N.F. Moore: Are you opposed to foreign investment?

Hon KIM CHANCE: It is a broad question. Sometimes, I am.

Hon N.F. Moore: You might join the One Nation party.

Hon KIM CHANCE: I am opposed to predominant foreign ownership of a fundamental public service. I am opposed to that part of foreign investment. The Western Australian Government has been warned by the Commonwealth Government that it will need to guarantee unhindered access to our section of the interstate line from Kalgoorlie to Kewdale, and that that access should be under the same terms as the current arrangement under Westrail ownership. Will a private owner be able to give those guarantees? More particularly, will a Western Australian Government be able to give the guarantee on a private owner's behalf? It is a matter which the Minister for Transport in Western Australia will be addressing. I know it is a matter which has been raised with his office by the Commonwealth.

However, those questions sit only at the tip of the iceberg as far more needs to be determined on that issue. Rail transport in this country will increasingly become a national proposition. The extent to which our State will be part of that process will be determined by the degree of flexibility we allow ourselves. The privatisation of at least the permanent way track asset will limit rather than enhance that flexibility.

Another issue relating to the sale of the permanent way is the price we are likely to receive. The information I have accessed is that Wisconsin Central Transportation Corporation paid only \$US15.4m, around \$A22m, for its acquisition of its stock of Tasrail from the Australian Government. That seems to be a pathetically low figure if correct. My source was Wisconsin Central itself in an item on the Internet. In a remarkable deal conducted by the federal coalition Government recently, I understand with the assistance of the Democrats, the federal Minister for Finance and Administration and Minister for Transport and Regional Development were given legislative carte blanche regarding the sale of Australian National Railways. The reputed sale value is said to be as little as \$A75m. That amount is for the stock assets of AN, which had recently been valued in terms of hundreds of millions of dollars. What is going on? I am not at all sure. It seems we are seeing a rail equivalent of the sell-out of the South Australian Water Corporation which, similarly, was under-sold to the extent of hundreds of millions of dollars. The essential difference between the sale of Tasrail and AN and the proposed sale of Westrail is that in both cases the Commonwealth sold only the stock and not the permanent rail to the private operator. The potential for a gross

under-valuation of the massive asset represented by 5 400 kilometres of track in the Western Australian rail system frightens me. It leads me to another concern.

I am sorry the Leader of the House had to leave on urgent business. He has objected to my saying this in the past, and I am sure he will object again. The present Government should not commit the people of Western Australia to contracts which exceed its term of office. The reason is simple enough. When the new Government is elected in two years' time, it should not be encumbered with the old Government's policies. Those policies are represented by outstanding contracts which must be terminated if they are not satisfactory or do not accord with the new Government's mandate. If that is the case with contracts overrunning one Government's term, it is even more relevant to a fire sale of the State's principal assets. This Government does not have the right to compromise the State's future ability to control its destiny in a matter as crucial as this, without winning the support of the whole Parliament or, at the very least, a substantial portion of it. We do not know what price the Western Australian Government will ask for Westrail's assets or what price it will get, but that price should be sufficient to allow the State to reacquire the asset if, in the future, there is a need to restore the ownership of the system to public ownership. There has been speculation of a \$1b purchase price, which would net the taxpayer \$400m after retiring Westrail's debt. I do not know whether either of those figures is correct.

Hon M.J. Criddle: That is the freight debt.

Hon KIM CHANCE: Yes. While \$1b is a substantial sum of money, it is impossible to imagine that Westrail's 5 400 km network could be duplicated or reacquired for a sum equal to two years' revenue from payroll tax. Apart from the public administration issues which arise, the most important people to consider in the decision to sell this public asset are the users of the service. I speak with some experience, as a former grain grower and Westrail customer. Despite the strong growth of other commodities as Westrail customers, grain remains the largest customer in tonne-kilometre terms. Without grain freight, the Westrail network would not exist as we know it, but would exist only in the form of dedicated lines serving individual resource projects, plus the present standard gauge lines from Kalgoorlie to Perth and Leonora to Esperance.

My interest in rail transport economics began in 1980 when grain growers finally called a halt to the longstanding practice of being price takers in the transport component of the cost structure. Along with other growers, including Romolo Patroni from Southern Cross, Jim Flockart from Korbel and Peter Wahlsten from Walgoolan, I worked with an organisation under the umbrella of the then Farmers Union, known as the Interzone Freight Rates Committee. That organisation began the long process of gaining some fairness and equity in our dealings with Westrail. It was an election year and the committee had decided that since it could no longer reasonably negotiate a position with the Government - because it had ultimate control over the industry - it would take matters into its own hands. The Government had ultimate control over the industry because grain was then a completely regulated commodity, and it was illegal to haul anyone else's wheat; people could cart their own wheat but they could not cart their neighbour's. Once the decision was made by those mostly Liberal or National Country Party voters to conduct a campaign attacking the then Court Government, they turned to the Labor Party for resources and support. That was a bit of a culture shock for some of them. I am happy to say that the Labor Party did not let us down.

It was a fairly brutal campaign by the standards of those days, which were rather gentle, but in the end we won a start to a commitment for a contractual basis for freight rate determination. This was based on a transparent disclosure of costs before a negotiating group, known as the Grain Freight Steering Committee, which was made up of growers, Cooperative Bulk Handling, the Australian Wheat Board, the Grain Pool and Westrail. Ultimately, this committee, which I served on for some time, delivered a responsive and very competitive pricing structure within the industry which prepared the industry for the eventual deregulation of grain transport modes and the entry of competition from road. The successor to the Grain Freight Steering Committee is the Grain Logistics Committee, which is chaired by the forenamed Jim Flockart, one of the original members of the interzone committee. Apart from my high regard for Jim Flockart as a person, I was pleased by his appointment as chairman by the former Minister for Transport, Hon Eric Charlton, because of the sense of completing a circle we began together some 18 years previously.

The point of going through that history is to demonstrate that grain growers, particularly those from long haul areas, have a sense of ownership about the way their transport arrangements are structured. Anyone who was growing wheat in those more distant rail-served areas prior to 1980 does not need be reminded that the industry was once at the point of collapse, for no other reason than the cost of rail freight. At that time Southern Cross growers were staring in the face a rail freight component equal to almost one-third of the price they received for wheat, and it was an unsustainable situation.

As a result, those grain growers will need a lot of convincing that, having achieved a workable and competitive

system, for which they worked so long and so hard, they will not be seriously disadvantaged by the sale of the whole Westrail system to a private and foreign company whose responsibility rests in a board room in the United States. This is particularly the case because the United States represents our biggest and most predatory competitors in the international grain market. Grain growers have learnt from bitter experience not to expect any favours from an American. The Western Australian Farmers Federation has made its views clear on this matter and in its media statement of 30 July its transport spokesman, Mr Colin Nicholl, said that any privatised Westrail will be profit driven rather than service driven, with many grain producers suffering higher freight prices in the long term.

Hon M.J. Criddle: I wonder how prophetic that is. There is competition anyway.

Hon KIM CHANCE: Precisely. I do not think I can add any more to the eloquence of that statement by Colin Nicholl, because it sums up my reaction and that of most rail-dependent wheat growers to Cabinet's decision, which I submit is an ill-considered decision. I urge the Minister to proceed with the utmost caution in the research I know he will do in the process of implementing this sale, and to consider very carefully the long term effects that could flow from it.

The amendment also deals with privatisation in regional ports. This is an issue, particularly in the Port of Geraldton, in which I have taken a close interest from the very beginning. Geraldton is one of five Australian ports which has an integrated port labour force system. As the title suggests, it means that the whole work force is multi-skilled, ultimately flexible, covered by a single union and a single industrial agreement, and can turn its hand to just about anything that happens at the port. It means that, if required, the receptionist can be working at her desk on Monday and operating a bobcat in the hold of a ship on Tuesday; that when the gardener has done what needs to be done within his core duties, he can clean an office and then form part of a mooring gang for a ship that is coming in during the evening. With an IPLF the port authority acts as a labour hire company, which allows stevedores and other employers to hire labour from a common pool, as required. If they do not need labour, they do not hire labour.

There are no underemployment costs, no demarcation disputes and no skill shortages. The IPLF is not a thing; it is a group of people. It is also a rather special group of people. These people love their jobs. I know a large number of the people who make up the labour force within the Port of Geraldton. They have put the future of the port before their own interests time and time again. They have delivered productivity increases that are out of all proportion to national, state or industry standards. I will give an example: The annual report of the Geraldton Port Authority shows that, prior to the introduction of the IPLF in 1992, the port employed 69 people to shift 2.8 million tonnes of cargo. Now, six years later, it employs a total of 34 office, maintenance and waterfront workers to shift 3.7 million tonnes per annum; that is, per capita productivity has increased by a factor of 2.67 over six years. The port has very rarely, if ever, stopped work due to industrial unrest, and employees have indicated that they are prepared to negotiate for the inclusion of a continuity of service agreement and the annualisation of salaries in their enterprise bargaining arrangement to deliver still more productivity and reliability with an absence of penalty rates.

Surely that is the waterfront labour force Australian industry dreams of having. Surely that is an outcome and a work force performance that people could hold up as a target for all Australian waterfronts to reach. I thought people believed that. However, the Geraldton Port Authority thinks otherwise. It intends to dismantle the integrated port labour force which has delivered so much in terms of productivity and reliability. It is intended to appoint licensed stevedores and service providers as of the beginning of 1999. Come Christmas and the IPLF will be dismantled. The loyal and productive labour force at that port simply will not be employed by the authority from that date. Why did the Geraldton Port Authority make that decision? Not one skerrick of financial data has been produced to show that the change will result in improved efficiency. Indeed, the general manager of the port has said on radio - I heard him say it - that this is not about efficiency. The fact is that the new arrangements will quite possibly be less efficient since the licensed operators will now have to pick up their own labour and pay for it, whether or not they have work on. These people will be the stevedores' employees. If no ships are in port and the labour is not needed, it must still be paid for because these people will be employees. They cannot be sent back to the labour pool.

Some employers need a large number of workers on one day, possibly as many as 20, and then none at all for several days, depending on the flow of work. They will lose the ability they had to hire skilled labour on the basis of as and only when needed. That has gone for all time. Did the port users demand that change? If they did, they were very quiet about it. I have met with the port users' association and it has never indicated to me or to anyone else I know that it was anything but satisfied with the IPLF system. In fact, the employees have been complimented on a number of occasions on their contribution to the commercial success of the port. Since the announcement of the decision I have spoken with two port users, both of whom are large users of IPLF workers. They strongly disagree with the new arrangements and their likely impact which in one case could result in the port user's business being impossible to operate. It could put it out of business.

In neither case were those port users consulted about the changes. Nobody bothered to ask them whether they thought this was a good idea. By way of justification, all the port authority has said is that it does not believe it should continue to provide labour for stevedoring purposes. That is all it has said. It has not even attempted to justify its position. It is hard to imagine a more high-handed, arrogant and dismissive attitude than that which has been displayed by the Geraldton Port Authority. Surely in this day and age, after the Royal Commission into Commercial Activities of Government and Other Matters, the WA Inc royal commission, the Burt Commission on Accountability, and report after report about the need for transparency and accountability of government agencies, the very least we can expect from an employer which is established by Statute is some degree of accountability for its actions.

Why has the Geraldton Port Authority not been able to produce informative documentation on the forecast outcomes of these changes? Why did it not consult with the port users, some of whom may not be able to operate under the new regime? Why did it not consult with its employees and why did they have to learn about this profound change to their future from the media? They had to wait until the members of the media rang and asked them for comments about the end of their jobs. That was the first time they learnt about it. They received nothing by way of early advice or consultation from their employer to whom they had been so loyal.

Why has the Geraldton Port Authority been employing consultants at up to \$250 an hour when it is still unable to give an adequate explanation of its reasons for pursuing this course? Surely if a consultant is being paid \$250 an hour, there will be an outcome. Not only have I, as a local member, the rest of us as members of Parliament and members of the public been denied any knowledge whatever about the factors which are purported to justify this change; but also the port users themselves have not been told the financial matrix that will make up the way the port operates. They do not have a clue what their charges will be, short of an airy-fairy, glossy document which came out, in which some ridiculous claims were made; for example, claims that there would be cuts in the port charges for bulk rates that exceeded the amount that some commodities are charged at. If my memory serves me correctly, it would result in Co-operative Bulk Handling Ltd being paid 15¢ a tonne by the port authority to run the wheat out on its conveyors.

Hon Derrick Tomlinson: Did it complain?

Hon KIM CHANCE: I am sure it was pleased with that. It was amateurish. I am not allowed to use the word that Hon Simon O'Brien tried to use; it is bulls' wool. It is pure amateurish rubbish. Anybody who paid \$250 an hour for that advice and outcome should be ashamed of themselves.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! Hon Derrick Tomlinson should continue to be obscure.

Hon KIM CHANCE: The answer to this question, in the absence of any sensible comment from either the Geraldton Port Authority or the Government, was clearly identified by Vic Slater of the Maritime Union of Australia when he said that the Geraldton Port Authority's actions were part of "a sorry conspiracy to oust the Maritime Union of Australia from the waterfront". I speak now with a great deal of regret, because last weekend Vic Slater was struck down by a stroke and is seriously ill.

Hon M.J. Criddle: We are thinking of him.

Hon KIM CHANCE: Indeed we are. The point that Vic Slater made is basically what I believe this issue is about. I would like to believe otherwise, but nobody will give me a reason to believe otherwise. I would like to believe this is about productivity and efficiency, but nobody will tell me that. The general manager of the port has specifically denied that it is about efficiency. What are we left to believe? When one reads the documentation which accompanies the two proposed changes that the Geraldton Port Authority sent out to the prospective tenderers for the privatisation of No 4 berth in the first instance, and later in the information supplied to applicants for licences to provide stevedoring services, one starts to see the confirmation of what Vic Slater was saying.

Both of those documents that I referred to are confidential documents and I have no intention of quoting from them at this stage. It is enough to say that in order to be a conforming tender for the operations of No 4 berth the applicants were required to show that the nature of employment for their work force was on a direct employer-employee basis. In other words, it could only be a workplace agreement or an Australian workplace agreement. The former Minister for Transport has already confirmed this in question time, so there is no doubt about that. It required the tenderer to show that his employment relationship with his employees would be on a workplace agreement basis or an AWA basis. It is illegal to construct a tender in that way. It breaches not only the commonwealth Workplace Relations Act, but also the Trade Practices Act. This is a matter which will be subject to legal challenge, but what kind of legal advice allowed anyone to put out an industry tender document in that form?

The documentation for supply of stevedoring services, which is the second document in relation to the rest of the port, was less specific in that it required the applicants to show that they could deliver continuity of service. That can be delivered through other industrial arrangements - an enterprise bargain agreement, for example. Later in the document it advised applicants that the authority believes this could be achieved only by way of a direct employer-employee based contract. That is more subtle perhaps than the No 4 berth arrangement but has exactly the same result. It is saying to the applicants for preferred-tenderer status that unless they can show that they will have a non-unionised workplace agreement based work force they will not get a sniff; nobody will let them in; they will not get past first base; they will not work on the wharf!

Can the Minister for Transport tell me how the Government can claim, after all of that, that this is not a union-bashing exercise? Of course it is a union-bashing exercise; there is no other reason for it. After the recent costly waterfront debacle involving the coalition Government and the huge losses that its actions caused to business, waterside workers and other innocent parties, I am stunned that the Government would initiate this kind of action or, at the very least, stand by and allow this madness to happen. I do not know whether the Geraldton Port Authority has provided some substantive justification for its actions to the Minister for Transport. I hope that it has. However, I do not know that it has provided justification that would cause the Minister to say, as he did in question time yesterday, that he will support the Geraldton Port Authority's decision. I sincerely hope that it has provided that justification. However, if such information does exist that would convince him, why can we not see it? Why can the port users not see it? Until such time as we can see some believable evidence and that evidence is presented on a broader front, no-one will ever believe that this is about anything other than petty and destructive union bashing in the mid west waterfront, and that is an indulgence that the mid west, the wheat industry, cannot afford. So why is the Government doing it?

As in the matter of the privatisation of Westrail I urge the new Minister for Transport, as a friend and sometime colleague, to be absolutely certain in his own mind that the arguments that are put to him in support of this initiative are fully tested and that they will withstand the most severe scrutiny, because I can assure him that they will be subject to that scrutiny by others.

HON M.J. CRIDDLE (South West - Minister for Transport) [8.57 pm]: I appreciate the comments made earlier by members opposite on my appointment to the Transport portfolio, and also those of my colleague Hon Dexter Davies. It is great to see him in the House, and I hope he will enjoy his time here.

I have some regret about this amendment, because unfortunately it is aimed mainly at my former colleague who has left the political arena and is not here to defend himself. However, I will go through some of the points that have been raised and point out the real advantages from the work done by Hon Eric Charlton. Perhaps members can take it from what I say that Western Australia has been greatly advantaged by a lot of work that he did. People who say there is a downside to that work do not appreciate the value of the outcomes that have been achieved. In the future Hon Eric Charlton will be recognised as one of the great Transport Ministers. I can say without fear of contradiction that he is recognised throughout Australia as that. Everybody I speak to in the industry recognises his great contribution. I attended a Fix Australia, Fix the Roads function this morning.

Hon Kim Chance: I would not use that as a good example. It is blatant politics.

Hon M.J. CRIDDLE: The point I am trying to make is that those present represented the industry Australia-wide and all hold him in high regard.

Hon Kim Chance: Surely not as a result of the Fix Australia, Fix the Roads campaign.

Hon M.J. CRIDDLE: As a Minister for Transport, which I have already covered.

Hon Kim Chance: That cost us about \$23m.

Hon M.J. CRIDDLE: We started with Hon Tom Stephens talking about privatisation being the big bugbear around the place. I am well and truly reminded by one of my colleagues that a lot of this was started by Prime Minister Keating.

Hon John Halden interjected.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order!

Hon M.J. CRIDDLE: The National Party is already starting to come back in Queensland for a start; the member knows that and so do I. The drift has already started. As I said earlier on -

Hon John Halden interjected.

The DEPUTY SPEAKER: Order! Hon John Halden is getting overexcited.

Hon M.J. CRIDDLE: People have been talking about that for a very long time.

Hon John Halden: Mostly from your side.

Hon M.J. CRIDDLE: As I said, the Leader of the Opposition was talking about privatisation being the big bugbear of this nation. Of course, one can go back to the time when Prime Minister Keating started on Qantas and turned that around. That was one of the very first decisions that we took on board with regard to privatisation.

Hon N.F. Moore interjected.

Hon Kim Chance: It got bigger as a result of the sale because we bought the State Bank of Victoria - fair go!

Hon M.J. CRIDDLE: They are exactly the words that I hear coming from Westrail. It wants to privatise so that it can grow. That is exactly the formula that one can -

Hon John Halden: You will not carry more than six commodities, surely. There are no more left.

Hon M.J. CRIDDLE: As long as one has enough of that product, then a profit will be made and that is fine.

Hon N.F. Moore: You will be carrying the bread and the milk the way you are going.

Hon M.J. CRIDDLE: I will point out some of the things that have happened in the area of road funding. The funding totalled \$370m when we came into Government and it now totals \$681m a year.

Hon Kim Chance: That is all based on the 4¢ a litre tax. The previous Minister for Transport made a hero of himself because he taxed the petrol users in Western Australia.

Hon M.J. CRIDDLE: That is directly reflected in the safety on the roads, in the savings to the transport system, and in the fact that the producers can get their grain to the bin at a cheaper rate. All those things add to the wealth of the nation. It should be recognised that that is an immediate gain for the nation.

Hon Kim Chance: If I recognise that, will you recognise that the vast bulk of that increase in road funding came out of the 4¢ a litre super tax that the Minister for Transport put on?

Hon M.J. CRIDDLE: Which was reduced by 1.5¢ by the court decision, as the member well knows. However, we have the -

Hon Kim Chance: I had forgotten that.

Hon M.J. CRIDDLE: That is the fact of the matter.

Hon Bruce Donaldson interjected.

Hon M.J. CRIDDLE: I was going to get to that but I am happy for the member to point these things out. Everybody has talked about the reorganisation of Main Roads which led to the robbing of people in the country. We may well see a lot more people in the country because that returns \$40m to the road network and is reflected in better roads. These roads must be built, and with the \$300m extra funding, there will be more work in country areas. We shall ensure that Main Roads maintains a significant presence in rural Western Australia from the point of view of delivery of service. It must manage the contracts and ensure a quality of assurance and it also must work with the private enterprise field. Twenty-five per cent of the funding of all fuel franchise and vehicle licence fees goes into local government and that comes out on the regional road groups and the like. Two-thirds of the road funding goes back into the country anyway.

Hon Kim Chance: Fuel tax is always a good deal for the people in the country. I remember Brian Burke making that point to me once.

Hon M.J. CRIDDLE: As Hon Bruce Donaldson has already said, that fuel levy of \$40m which previously went to Transperth is going into roads as well. Road trains have met another one of the decisions of the Minister who has just left the Parliament and has created a lot of savings for the people. The triple road train has automatically saved 30 per cent in road freights; this is something that people need to recognise. They are just some of the things in the road funding. In addition, the \$1.3b, 10-year program, the Transform WA package, has been put in place, which is reflected in all roads. Magnificent road networks will be put in, and not just in Perth. We have heard the recent debate about the Narrows Bridge, but the Kwinana Freeway will be extended and quite a lot of other works around Perth will occur. The Roe Highway into Kwinana will be a link-up and benefit country people because they will be able to get into that industrial area without having to go through the traffic congestion of the city. The member touched on Westrail. That is something I would like to take up with Hon Kim Chance and invite him to obtain a briefing. We offer that briefing to the Opposition and to anybody else in the Parliament who wants to have it. Some things need to be explained to people. As Hon John Halden said, six commodities, in fact seven commodities, contribute 75 per cent of the income of Westrail. One of the real dangers is that if it loses one or two of those commodities, it will be in danger of losing the profitability that it brought into existence, and the member knows the process it has gone through. I admit it is a very good organisation. However, it has a very heavy debt load and there is a real risk that it -

Hon John Halden: It is running at a profit.

Hon M.J. CRIDDLE: It is running at a profit but with the expansion of its -

Hon John Halden: You are laughing as much as I am because you know the reality of that profit; it is nonsense.

Hon Kim Chance: You know how the profit is constructed.

Hon John Halden: It is artificial.

Hon N.F. Moore: It is not artificial at all.

Hon M.J. CRIDDLE: There is a tax implication there as well as other things, but the organisation will not be able to run out its deficit and governments will not carry that debt in the long term. Some real pressure will be exerted on it. It is about \$960m-odd now, with the whole of the Westrail debt; it is about \$604m of the freight section at this time and it is blowing out.

Hon John Halden interjected.

Hon M.J. CRIDDLE: It is blowing out and governments will not carry it.

Hon John Halden: If you privatise it, what happens to the system if the private sector loses one or two of those seven commodities because the mine closes or they go to road?

Hon M.J. CRIDDLE: They have the opportunity to go to the eastern States and compete, so they can grow their business and that will to some extent quarantine them from some of the problems the member has pointed out. If they have the opportunity to grow their businesses and they are looking at the eastern States -

Hon John Halden: When you say "they", who are they?

Hon M.J. CRIDDLE: The private enterprise that may well take over Westrail. The entity that takes over Westrail will have the opportunity to spread into the eastern States and grow. That is the very point that has been made. If the organisation does not grow, then it could be in real trouble. I think that is a reasonable explanation. The possibility also exists that if we do not have access into Western Australia and if we do not allow access, we shall be in danger of not getting a portion of that \$250m federal grant for the upgrade of rail across Australia, and if we lose out on that, we will not be able to upgrade the Koolyanobbing to Kalgoorlie section of the rail that needs upgrading. The real benefit in the east-west is to have a good railway line and a quick access across Australia. The point that I am getting to about the rail industry and Australian rail is that a lot of work has been done by the Minister in Western Australia and was initiated in Western Australia, and that one stop shop, the Australian Rail and Track Corporation that has been put in place, was one of the real initiatives that came out of the Minister for Transport in Western Australia.

Members should remember these things when they start criticising some of the work that has been done.

I hope the member takes up the offer of the briefing I have made because real tasks must be carried out. Section 61 of the Act provides access and already four groups from the eastern States are operating on the east-west line.

Several members interjected.

Hon M.J. CRIDDLE: The competition is already there. Members know the deregulation argument about road and rail. Those issues are already covered. Much of the work has been done in putting those road trains into the area. The previous Minister put that initiative in place and it has brought down rail freight rates already. While we were at Hyden the other day we were told that freight rates in that area have dropped by about \$5 per tonne and by about 25 per cent across the network, and bulk rates are down by about 36 per cent. Some real initiatives have been implemented.

I do not want to say very much about the ports because confidential negotiations are under way. I met with the representatives of the labour force at Geraldton this morning and we spoke for some time. I would rather they had some communication with the port authority to resolve the issue. The member knows there is a court ruling on the issue at present. I would like to see that brought to some resolution through dealings with the board and I am leaving it with the board at this time. I have said that I will support it and we will see how things pan out. I want an explanation about what is going on before I start making public statements. I am sure the member understands that.

Hon Kim Chance: I do understand that. I simply asked for information, in time and as soon as possible, about how it came to this decision and how it will work. That is a reasonable question. I simply cannot see anything in it but ideology. I would be delighted to be proved wrong.

Hon M.J. CRIDDLE: I had fruitful discussions with members of the labour force this morning. I put my side and they put theirs, and that is how we left it. We need a relationship with them and, at the end of the day, I hope we will have one that will benefit port users and the workers.

I wanted to put a positive spin on this because much good has come out of the port work. In fact, the ports have experienced a 20 per cent drop in freight rates as a result of the IPLF and other initiatives, and that should be recognised by everyone.

Many good initiatives have been implemented; it is not all negative. We are continuing with the program that has been put in place. Road funding will develop all the advantages we can imagine across the State. This State has produced about 18 per cent more in export returns this year than last year. People do not recognise that when considering the Asian crisis. Western Australia is still producing very well and doing a positive job. People should recognise that many positives have come from this program, and much of it is due to the work of Eric Charlton.

I will not be given another opportunity to speak on this, so I will take some latitude. I wish to acknowledge the work the former Minister has done and wish him and his wife, Evette, a very good retirement.

Hon Kim Chance: We all do.

Hon M.J. CRIDDLE: They have been very good friends of mine and we have had a good relationship over a long period. Times were very tough for Eric a few years ago when he lost Michael. He adores his family and I wish him and Evette well, and hope they have many happy years together.

Hon Kim Chance: Hear, hear!

HON J.A. SCOTT (South Metropolitan) [9.16 pm]: Having heard the speeches by Hon Kim Chance and Hon Tom Stephens and having read the amendment they have proposed to the Address-in-Reply, I cannot support it in its present form. It unfairly reflects upon the new Minister by blaming him for actions of the past. The tense of the message is wrong.

Hon Kim Chance: Do you intend to improve it?

Hon J.A. SCOTT: That is my intention.

Hon Kim Chance: I look forward to that.

Hon J.A. SCOTT: It is unfair in that respect.

I congratulate Hon Dexter Davies for managing finally to get into this House. I come from the same region and it is good to see more of the old DBY gang appearing in this place. Things are as they should be. I also congratulate Hon Murray Criddle for his move into the Transport portfolio. I have a great deal of respect for the new Minister and I expect that he will do a very good job. He listens very well and for that reason I do not think the motion is fair - after all, he is responsible for that portfolio.

I am well and truly on record as being very concerned about the way in which transport in this State has progressed. Some areas have been dealt with well. I understand that the cost of long-haul rail freight of wheat has gone down from 20 per cent of the cost of the crop to only 10 per cent. In addition, a wonderful program is being trialled in South Perth involving encouraging people to find alternatives to driving their cars into the city. As a result the frequency of cycle use, walking and people sharing cars has increased and there has been a corresponding reduction in the use of cars. A number of other benefits have accrued to the local community and local business people. In fact, local businesses in those areas have increased their turnover by about 5 per cent. The program demonstrates that if more people adopt this approach they will improve not only the quality of life in this city but also local business turnover.

However, we have witnessed some major failings. On the larger scale we have seen the Government's failure to haul in Main Roads WA - its highway building goes on and on. The previous Minister's last announcement was the decision to build a new bridge alongside the Narrows Bridge. That is doomed to failure. The plan fails to appreciate the proper metropolitan passenger transport needs south of the river; namely, greater east-west traffic movement. That need is easily demonstrated by considering from where people come, their destination and how many people join the freeway along its route into the city. All but 20 000 of the 160 000 people who each day travel from the south to the Narrows Bridge come from immediately south of the river. They do not come from Kwinana or Rockingham, but pour onto the freeway from Canning Highway, South Street and other areas of southern Perth. It is no good widening the Narrows Bridge to try to fix things as people for the most part head to the same destination; namely, the central city car parks.

Hon N.F. Moore: There are those heading north to the Mitchell Freeway.

Hon J.A. SCOTT: Yes, but in the peak hour the majority head into the city, not only from the south but also from Stirling Highway. These vehicles then compete for the same spots. Planners must wake up that this is not the way to solve the problem. They should throw away the flawed traffic models they inherited from the United Kingdom, which were thrown out by a recent UK royal commission which showed them to be extremely flawed. No matter how much is spent on widening and adding major roads, the problems will not be solved. In fact, the likelihood is that such infrastructure will make the problem worse. That is exactly the problem Perth faces.

Perth was developed as a car city. Until much of the money that has been poured into massive projects like the Northbridge tunnel and the extra bridge beside the Narrows Bridge is redirected into a good public transport system, this car dependency will not change. The best system available for the built up areas of the city - we have a number of suitable roads for this facility - would be a very good hybrid rail system, which would remove any need to widen the bridge.

Interestingly, a United Kingdom study indicated that where major traffic thoroughfares were closed - namely, highways and bridges - 21 per cent of the traffic which formerly used those major roads and bridges disappeared. People then used alternative transport or communication technology to carry out the bulk of their work away from the office. In other words, they found other means of carrying on their day-to-day lives. There has been a complete change of mind about providing major highways and ring-roads. In fact, ring-road projects in the United Kingdom have been abandoned.

Unfortunately, we are still increasingly using the flawed traffic model formerly used in the United Kingdom. We must throw it away. There is no excuse for continuing its use. Also, little effort is being made to look at integrated land use planning as a means of reducing traffic travel needs. That is the crux of the issue. The best thing that could happen to the Transport and Main Roads organisations is a change of hierarchy. I understand that this may cause problems to the new Transport Minister. However, until we see the day that Main Roads is a subsection of the Department of Transport, which is in turn a subsection of the Department of Planning, we will not achieve sensible transport decisions in WA.

Hon Bob Thomas: You are talking about creating a super ministry.

Hon J.A. SCOTT: It may be seen to be a super ministry, but it would be small ministries on top of a very large

ministry. It would be the proper approach. Why should one transport mode sit outside the proper planning processes? That is currently the case. Main Roads has great powers and a huge budget to direct towards roads rather than alternatives. A problem with major road building in city areas is that it takes resources away from necessary road building in rural Australia. We must focus on where roads are needed.

I repeat what I have said many times in this House: We must be aware that, although we may have low oil prices today, in a very short time we will reach peak oil production world-wide and oil supplies will decline. The United States has already reached that point; the Middle East has approximately 24 years before it does so; and Australia's production will decline in 2005. If we plan to have a system in our cities which is largely dependent on liquid hydrocarbons, we are total fools. It will see us in disarray in Perth, Western Australia. We will not be able to compete with cities in the world which can live more cheaply by planning properly with proper public transport systems in place.

I am most alarmed at the lack of consultation which has occurred in the Department of Transport and particularly in Main Roads with the stakeholders and the owners of much of the infrastructure being sold off. I referred recently to the lack of consultation over the announcement of the extra bridge beside the Narrows Bridge. Also, I refer to the lack of consultation regarding the Westrail sell-off. I know that many rural people are worried about the sell-off of Westrail, particularly about the thought of the rail infrastructure, as opposed to the locomotives and trucks, being owned by an overseas monopoly. This would then restrict competition and make no change to the current situation. Even though people are quite happy with the current situation, which has reduced freight rates considerably -

Hon M.J. Criddle: Would you come in for a briefing?

Hon J.A. SCOTT: I have not had a briefing; I would certainly like one.

Hon M.J. Criddle: I extend an invitation to you and your colleagues.

Hon J.A. SCOTT: I had exactly the same worry. We will bring in competition. However, if we sell off to any single purchaser, will it then be able to control access prices to that rail? I have already heard about Westrail using that situation to the detriment of other rail users in this State.

Hon M.J. Criddle: You need a briefing because that will all be explained in that briefing.

Hon J.A. SCOTT: I am complaining that this is a very major change that will take property from the people of Western Australia for sale to a private owner. That is the picture we are getting. There has not been any debate about the pros and cons. The stakeholders and the owners should be fully in the picture and should have some say about whether it is done and how it is done. If it is a better proposition for the people of Western Australia I will not oppose it, but there has been a lack of consultation. I hope Hon Murray Criddle will ensure that consultation takes place in his portfolio area to a far greater degree than it has in the past. I refer to consultation not just with members of Parliament but with the true stakeholders, such as the wheat farmers and the people living in rural communities.

Hon M.J. Criddle: As part of the process of the sale those people will all be contacted and the briefing will be available. That will be put in place by the facilitators.

Hon J.A. SCOTT: I am worried about this. It can be compared with the state agreement Bills which come before this House after the contract has been signed, and whether or not members agree with them there is little they can do about them. In this case, once the Bill is enacted the Parliament will have no say in the sale of Westrail. I understand the Minister is able to do that without reference to the Parliament. It is an executive decision and it is a major one. People must be well informed.

Hon M.J. Criddle: I offered you the chance.

Hon J.A. SCOTT: And I will take it up.

Hon Simon O'Brien: In the meantime are you confident about voting on this amendment?

Hon J.A. SCOTT: As I have indicated, I intend to move an amendment.

Hon N.F. Moore: You know what that means.

Hon J.A. SCOTT: I will make the amendment nicer than it is. I hope, and I am confident, that the new Minister will

be far more consultative than the previous Minister and will listen to the needs of the community. Increasingly people in the metropolitan area are saying that they do not want more major roads; they want a better public transport system. People living south of the river want a rail or light rail system running into the south west corridor. Much more is needed. A network of light rail is needed to take off that traffic about which I have already spoken which is generated immediately south of the river, and to take pressure off the motorised transport routes to the city. I can give the Minister some suggestions about how he can immediately make massive changes if he privatises public transport. It is a very simple process. He should get rid of all the car parking in the city and use the land for medium to high density city living areas. If that were done, the use of public transport would be boosted considerably because people living in the city would travel out of, as well as into, the city.

I do not agree with the amendment moved by Hon Tom Stephens and seconded by Hon Kim Chance. I propose the following amendment to the amendment moved by the Leader of the Opposition -

However, the Legislative Council regrets to inform His Excellency that the State Government has demonstrated a lack of understanding of modern transport planning principles, and that this House expresses its concern that the Government might continue to pursue inappropriate policies, particularly in the Transport portfolio, where plans to privatise Westrail have been advanced without consultation with the stakeholders and the owners, the people of Western Australia. There has also been a failure to adequately debate the merits of the privatisation of WA's regional ports.

Deputy President's Ruling

The DEPUTY PRESIDENT (Hon J.A. Cowdell): It is apparent that the proposed amendment is not an amendment to the amendment but is a substitute for the amendment. Therefore, it will not be accepted as an amendment at this stage. Hon Jim Scott must first defeat Hon Tom Stephens' amendment and then proceed with his amendment.

Amendment put and a division taken with the following result -

Ayes (10)

Hon Kim Chance	Hon E.R.J. Dermer	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon J.A. Cowdell	Hon John Halden	Hon Tom Stephens	Hon Bob Thomas (<i>Teller</i>)
Hon Cheryl Davenport	Hon Tom Helm		

Noes (19)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon C. Sharp
Hon Dexter Davies	Hon Helen Hodgson	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Barry House	Hon B.M. Scott	Hon Giz Watson
Hon Max Evans	Hon Norm Kelly	Hon J.A. Scott	Hon Muriel Patterson
Hon Peter Foss	Hon N.F. Moore	Hon Greg Smith	(<i>Teller</i>)

Pairs

Hon N.D. Griffiths	Hon W.N. Stretch
Hon Mark Nevill	Hon Murray Montgomery

Amendment thus negatived.

Debate (on motion) Resumed

Hon J.A. SCOTT: Mr President, I have an amendment that was ruled to be not an amendment on the amendment but a substitute amendment.

The PRESIDENT: Fortunately, I am aware of what has happened in the Chamber. The member has spoken and therefore cannot move that substitute amendment. However, one of his colleagues may wish to move it.

Debate adjourned, on motion by Hon Dexter Davies.

House adjourned at 9.44 pm

QUESTIONS WITHOUT NOTICE**NARROWS BRIDGE***Additional Bridge***13. Hon TOM STEPHENS to the Minister for Transport:**

(1) When did Main Roads Western Australia first advise -

- (a) the current Minister for Transport; and
- (b) the former Minister for Transport

that it would be desirable to put a separate, additional bridge across the Narrows Bridge rather than widen the existing bridge?

(2) When was -

- (a) the Premier; and
- (b) the Cabinet

advised of the need for this separate, additional bridge?

(3) Was the new bridge proposal approved by -

- (a) the Cabinet; and
- (b) the former Minister for Transport;

and if so, on what date?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) The decision was made on engineering grounds and was made by Main Roads after exhaustive investigations between March and July this year. The design is not a major departure from the original concept of abutting the new bridge with the existing Narrows Bridge. I understand that my predecessor was made aware of the new concept in July. Initially, the option of constructing a new bridge structure adjacent to the existing bridge was investigated. This would have included driving a separate pile system into the riverbed and physically attaching the decking of the new structure to the existing bridge. The estimated cost of this work was \$70m. Further investigation indicated that the use of this method would be both technically difficult and more costly. There are concerns about the composition of the riverbed and the likelihood that the two separate structures will settle at different rates, resulting in slippage and stress. In order to avoid such problems, a bridge of identical design adjacent to the existing one, with a distance of about six metres between them, is the best option. This method of construction is significantly less expensive and will require no closing of lanes on the existing bridge while construction is being undertaken, thereby avoiding compounding the current congestion problems. A dedicated transit way is incorporated in the new design.

NARROWS BRIDGE*Information Kit***14. Hon TOM STEPHENS to the Minister for Transport:**

- (1) On what date did Main Roads Western Australia complete the preparation of the \$100 information kit produced for contractors who want to tender for the Narrows Bridge project?

- (2) On what date did that information kit become available to prospective tenderers?
- (3) Does the information kit specify the construction of a new bridge?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) On 27 July 1998.
- (3) Yes.

NARROWS BRIDGE

Announcement of Second Bridge

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

When and how did the Government intend to announce to the public that it had dropped its original plan to widen the Narrows Bridge in favour of a new plan for a second bridge?

Hon M.J. CRIDDLE replied:

As I said earlier, the decision was made in April this year. Obviously the announcement has been made by Main Roads, and I am sure all members of the public are keen to see the proposed structure go ahead.

REGIONAL FOREST AGREEMENT

Environmental Impact Statement

16. Hon NORM KELLY to the Minister representing the Minister for the Environment:

According to point 5 of the "Scoping Agreement for a Western Australian Regional Forest Agreement", an environmental impact assessment will be made of the draft regional forest agreement.

- (1) When is this assessment due to commence?
- (2) How long is the assessment expected to take?
- (3) Will the assessment be conducted by the Environmental Protection Authority or by a combination of state and federal agencies?
- (4) Which level of assessment will be conducted?
- (5) When is the RFA expected to be signed?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The "Scoping Agreement for a Western Australian Regional Forest Agreement" outlines the process for a cooperative environmental impact assessment of the RFA by the Commonwealth and Western Australia which meets the statutory requirements of both Governments. The Minister for the Environment has indicated to the Environmental Protection Authority that the State's environmental assessment is made on the forest management plan. In that regard, the RFA is not formally assessed by the EPA. The EPA is, however, being fully briefed on the RFA process and is working cooperatively with the commonwealth Environmental Protection Authority. The Commonwealth Government is conducting an assessment in line with the requirements of the commonwealth Environment Protection (Impact of Proposals) Act. The Commonwealth's assessment has commenced and is ongoing.

- (2) It is understood that the Commonwealth's assessment will continue until the RFA is signed.
- (3) See (1).
- (4) This question pertains to the State's Environmental Protection Act. The RFA is not being assessed under this Act.
- (5) Unknown. Both the State Government and the Commonwealth Government are working towards an expeditious completion of the RFA.

WIND-GENERATED POWER PLANTS

17. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for Energy:

With regard to Western Power Corporation's announcement in May that it will look at building a new wind farm, can the Minister explain -

- (a) why Albany and Geraldton must vie for the opportunity to build wind-generated power plants;
- (b) how much the State Government has budgeted for non-renewable energy systems this year versus renewable energy systems; and
- (c) whether the State Government intends to allocate finances to assist in lowering the capital cost of manufacturing renewable energy so that it can become more cost competitive with fossil fuels; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (a) Albany and Geraldton are not necessarily vying for the opportunity to build wind farms. Wind power is critically dependent on average wind speed. Therefore, Western Power Corporation is acting responsibly by conducting extensive monitoring at both sites before making an assessment on the viability of wind farms at these locations.
- (b) Western Power Corporation has a responsibility to act in a commercial manner when providing electricity at competitive prices. Its budget for new generation equipment is commercially confidential.
- (c) The State Government allocates funds through the remote area power systems subsidy scheme.

KWINANA FREEWAY

Southern Extension

18. Hon JOHN HALDEN to the Minister for Transport:

With regard to the calling for expressions of interest in the design and construction of the extension of Kwinana Freeway south -

- (1) Have the criteria for who will eventually be awarded the contract changed since expressions of interest were called for?
- (2) If so, in which areas?
- (3) Have the six consortia that are preparing preliminary costing and design work been advised of these changed circumstances?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

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

ALCOHOL

Consumption by Youths

19. Hon MURIEL PATTERSON to the Minister representing the Minister for Family and Children's Services:

A recent national survey has indicated that the intake of alcohol by girls aged between 12 and 15 now matches that of boys of the same age. What does the Government intend to do to combat this alarming trend?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

"Together Against Drugs", the Western Australian strategy against drug abuse action plan 1997-99, emphasised that a continuing focus is required to reduce the abuse of alcohol. The integrated range of strategies includes public education campaigns such as "Respect Yourself" involving media and community promotion for 18 to 25-year-olds and "100% Control" with media and community promotion for 13 to 18-year-olds. Both of these campaigns have a major focus on the behaviour of young women.

Parent education courses provided by the Health Department and non-government agencies address parents' concerns about young people's abuse of alcohol. These courses are available throughout the State.

Alcohol is a major focus of school drug education provided in primary and secondary schools around the State. The school drug education project is currently providing substantial training for schools and teachers and support for the development of school drug policies, is developing a new school curriculum with concurrent materials for parents and is being piloted in 1998.

Additionally, responsible behaviour by social and licensed hosts, and by drinkers themselves, is being promoted through a program of strategies under the banner of "Host Responsibility", a joint initiative of the Police Service, the Health Department, the Office of Racing, Gaming and Liquor, the Office of Road Safety, Healthway, the Liquor Industry Council and the WA Drug Abuse Strategy Office.

BHP MINING AREA C, PILBARA

Archaeological Stone Arrangement

20. Hon GIZ WATSON to the Minister representing the Minister for Aboriginal Affairs:

With respect to the unique archaeological stone arrangements contained within BHP's mining area C east in the Pilbara -

- (1) What action will the Minister be taking to ensure that this unique archaeological stone arrangement will not be damaged?
- (2) What action will the Minister be taking to ensure that this unique archaeological stone arrangement will not be moved?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) A section 18 application has not been received by the Aboriginal Affairs Department for BHP area C.

NARROWS BRIDGE

*Value Engineering Study***21. Hon LJILJANNA RAVLICH to the Minister for Transport:**

I refer to a report in this morning's *The West Australian* in which the Commissioner of Main Roads stated that architects and consultants did a value engineering study aimed at finding the most cost-effective solution to an extended or widened bridge across the Narrows and that the decision to build a new bridge means massive savings in real dollars. He praised Main Roads for being able to detect savings of up to \$15m in building a new bridge. I ask -

- (1) Does the Minister support his Government's claim that it is an open and accountable Government?
- (2) If so, will the Minister table the value engineering study which shows the cost-benefit analysis for the building of the new bridge?
- (3) Will the Minister provide the figures to support the commissioner's claim that Main Roads staff have detected savings of up to \$15m in building a new bridge?
- (4) If so, when will the Minister table this information?
- (5) If not, why not?

The PRESIDENT: Before I call the Minister for Transport, the member said that was a question without notice.

Hon Ljiljanna Ravlich: Yes.

The PRESIDENT: It contains argumentative material and speculates on some areas. However, I am sure the Minister will be able to determine which was argumentative and which was speculative and answer the balance.

Hon M.J. CRIDDLE replied:

Mr President, to allow me to sort all that out, I ask that the question be put on notice.

Hon Ljiljanna Ravlich: What a cop-out!

Hon N.F. Moore: She obviously lives in the eastern suburbs.

The PRESIDENT: Order! Hon Ljiljanna Ravlich has asked her question and she has got her answer.

NARROWS BRIDGE

*Traffic Congestion***22. Hon CHERYL DAVENPORT to the Minister for Transport:**

- (1) How will the southbound traffic on the Kwinana Freeway caused by the southbound traffic from the six to seven lanes on the Narrows Bridge funnelling into the four lanes of the Kwinana Freeway be dealt with?
- (2) How will the northbound traffic congestion caused by traffic from the six to seven lanes on the proposed new Narrows Bridge funnelling into the four lanes of the Mitchell Freeway be dealt with and reduced?
- (3) Will this resulting congestion reduce the effectiveness of building a new bridge?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Southbound traffic congestion is currently experienced between the approaches to the existing Narrows Bridge and the Judd Street exit.

The five southbound traffic lanes to be provided on the Narrows Bridge will reduce to four lanes at the Judd Street exit and then to the existing three lanes in the vicinity of the Judd Street overpass. This will address the congestion problem.

- (2) Northbound traffic congestion is currently experienced on the approaches to the existing Narrows Bridge and clears when it reaches the Narrows interchange. This situation will remain unchanged with the new bridge.

The five northbound traffic lanes on the Narrows Bridge will reduce by one lane at the Mounts Bay Road off ramp. North of this location, the existing lane configuration is unchanged.

- (3) No. As explained above, congestion will be reduced.

WESTRAIL

Privatisation of Freight Operations

23. Hon KIM CHANCE to the Minister for Transport:

What consultation did he or his predecessor have with -

- (a) Co-operative Bulk Handling Ltd;
- (b) the WA Farmers Federation;
- (c) other rail freight operations; and
- (d) relevant unions

in relation to the proposed sale of the Westrail freight business and track infrastructure?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

I am not privy to the discussions my predecessor had, but the future of Westrail has been in the public forum since November last year. I have made arrangements for CBH and the WA Farmers Federation to be briefed. In making the decision to sell Westrail's freight business, I am cognisant of and support the grain logistics committee's work in developing a blueprint for the future grain receival system and the rail network required to support it. This work has directly involved industry groups and public meetings in the wheatbelt. The grain logistics committee's strategic plan resulting from this work will be incorporated in the sale process.

The Acting Commissioner of Railways has kept Westrail employees fully informed of the developments throughout the process. I have also spoken to some country Westrail employees. Additionally I have offered a briefing to the Leader of the Opposition.

ABORIGINAL HEALTH SERVICES IN PERTH

24. Hon RAY HALLIGAN to the Minister representing the Minister for Health:

- (1) What community health services exist specifically to cater for the needs of Aborigines living in the Perth metropolitan area?
- (2) Where are these services located and how many staff work in each centre?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) Community health services existing specifically to cater for the needs of Aborigines living in the Perth metropolitan area are located at and staffed by -

Cullacabardee Village	1
Fremantle Hospital and Health Service Aboriginal Health Service	6
Graylands Hospital	4
Hospital Liaison Service, Claremont	3
Kwinana Community Health and Development Centre	2
Lockridge Community Health Centre	2
Midvale Community Health Centre	2
Mirraboopa Community Health Centre	3
Southwell Child Health Development Centre	1
Swan Valley Nungar Community, Lord Street, Lockridge	3

PAINTERS' REGISTRATION ACT, REVIEW

25. Hon HELEN HODGSON to the Minister representing the Minister for Fair Trading:

- (1) Is the Government intending to introduce legislation amending the registration requirements for painters?
- (2) If so, when is this legislation to be introduced?
- (3) What organisations have been consulted in the development of policy in this area?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) The Ministry of Fair Trading is in the process of finalising the national competition policy review of the Painters' Registration Act 1961.

It is intended to conduct a broad review of the Act later in the year which will take into account the recommendations of the national competition policy review.

Any decision to introduce legislation to amend the Act will not be made until after the completion of the broader review.

- (3) The consultation for the national competition policy review of the Painters' Registration Act 1961 involved the following -

- (i) A reference group with representatives from -

Master Builders Association
Master Painters Decorators and Signwriters Association
Consumers Association
Painters' Registration Board
Housing Industry Association
Builders Labourers, Painters and Plasterers Union
WA Academy of Performing Arts
Ministry of Fair Trading

- (ii) Three public advertisements calling for submissions to this review were also published in *The West Australian*.

BUS CONTRACTS

Compressed Natural Gas and Diesel Engine Emissions

26. Hon TOM HELM to the Minister for Transport:

- (1) Was the information given by Mercedes Benz Australia to the Department of Transport - and by the

department to the Estimates Committee - on the relative emissions of compressed natural gas and diesel engines, provided before or after the awarding of the bus contracts to Mercedes Benz?

- (2) Does he concede that there is a conflict of interest in the successful tenderer providing this information? If not, why not?
- (3) Has the department requested similar information from other sources, including the government environmental agencies, to verify the information supplied by Mercedes Benz?
- (4) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question..

- (1)-(4) There is no conflict of interest. All tenderers were asked to provide written assurance that the vehicle exhaust emission levels should comply with all the requirements of EEC 1996, otherwise referred to as Euro II. All tenderers complied with the request and provided written assurance that their tendered products met the requirements.

NARROWS BRIDGE

Consultation

27. Hon BOB THOMAS to the Minister for Transport:

In light of the Minister's statement reported in the media that he supports the new bridge over the Narrows -

- (1) Is it too late for him to reverse this decision if he was persuaded that it is an inappropriate one?
- (2) If not, will he carry out any consultation or provide the opportunity for anyone with dissenting views to place these views before him and will he then take them into consideration prior to the commencement of the project?
- (3) How does the process by which this proposal has been approved comply with the Government's commitment to openness and accountability?

Hon M.J. CRIDDLE replied:

- (1)-(3) At this point in time, the process will go ahead and the bridge will be built. I have made it very clear to Main Roads WA that from now on people will be consulted. Information will be gathered and dealt with through consultation.

Hon Ken Travers: But not this time, Minister.

Hon N.F. Moore: Hon Ken Travers lives in the northern suburbs; what is he complaining about?

Hon M.J. CRIDDLE: I intend that consultation to take place. But the bridge will go ahead.

NARROWS BRIDGE

Decision made by Former Minister for Transport

28. Hon E.R.J. DERMER to the Minister for Transport:

In light of recent reports that the Minister's predecessor signed off on a new Narrows Bridge instead of an expansion of the existing bridge -

Hon N.F. Moore: Where are the southern suburbs members? Hon John Cowdell is hiding over there.

The PRESIDENT: Order! Will Hon Ed Dermer start again. Members should allow me to listen to the questions to see whether they are in order or nearly in order.

Hon E.R.J. DERMER: In light of recent reports that his predecessor signed off on a new Narrows Bridge instead of an expansion of the existing one the day before he left office, and the Minister's statement that he did not know of this until he learnt about it through the media -

- (1) Has the Minister asked either Main Roads WA or the Department of Transport whether there are any other decisions that his predecessor signed off on in his last few weeks about which they have not informed him yet?
- (2) If not, why not? Will he now do so?
- (3) Will he guarantee that both departments have fully disclosed to him all the decisions that his predecessor made in his final weeks in office and that he has fully informed the public and the Parliament of these decisions?

Hon M.J. CRIDDLE replied:

The Transport portfolio covers a range of things. It is a very exciting portfolio.

Opposition members interjected.

Hon M.J. CRIDDLE: One of the great things about it is that it will bring great benefits to the State of Western Australia. We should all remember that.

Government members: Hear, hear!

OAKAJEE HEAVY INDUSTRY DEVELOPMENT PARK

Minister's Opposition

29. Hon MARK NEVILL to the Minister for Transport:

- (1) Given the Minister's opposition to the Oakajee heavy industry development park, will he assure the House that he will not jeopardise the development of this park through his portfolio influence?
- (2) What direct involvement in the Oakajee park have the departments and agencies for which he is Minister had?

The PRESIDENT: I am unsure whether Hon Mark Nevill is referring to statements made by the Minister as a member or as the Minister in respect of Oakajee. It seems that we are mixing up the Minister's role as a Minister with statements he may formerly have made as a member.

Hon MARK NEVILL: I am hoping he can clear up that confusion.

The PRESIDENT: That is fine, but when people are addressed in the House, they are sometimes addressed in specific capacities.

Hon M.J. CRIDDLE replied:

I have not made any statements about Oakajee since I have been a Minister.

Hon John Halden: I bet the Government is pleased about that.

The PRESIDENT: Order!

Hon M.J. CRIDDLE: Main Roads WA and Westrail have been involved in planning for the provision of land transport infrastructure for the park. The Department of Transport has been involved in the investigation, planning and expression of interest process for the Oakajee park.

LEGAL AID

Attorney General's Approach to Federal Government

30. Hon KEN TRAVERS to the Attorney General:

Some notice of this question has been given. I refer to the Attorney General's answer to question without notice 8 asked yesterday.

- (1) To whom was the request for extra funding made?
- (2) Was the request for any specific purposes? If so, what are they?
- (3) Was the request made in writing? If yes, will the Minister table a copy of the document?
- (4) If he has been advised, what has been the outcome of the request?
- (5) If not, when does he expect to be advised of a response?

Hon PETER FOSS replied:

- (1)-(5) On 24 July 1998, I attended at Hon Daryl Williams' ministerial office and discussed a number of matters with him. They included legal aid. I raised with him the needs analysis taking place and put forward the position of Western Australia. I suggested that special measures were called for. On 29 July 1998, I wrote to the Commonwealth Attorney General, Hon Daryl Williams, about the draft Commonwealth Priorities and Eligibility Guidelines for expensive criminal cases in respect of commonwealth law matters. Expensive cases are those in which the costs for an applicant exceed \$40 000. Under the draft commonwealth guidelines, the Commonwealth proposes that legal assistance must be provided under guideline 9.4, where an applicant meets the means test and costs would be managed in accordance with the cost management guidelines set out in guideline 9.

I seek leave to table the document "Guideline 9 - Costs Management, Criminal Law Superior Courts".

Leave granted. [See paper No 78.]

Hon PETER FOSS: I pointed out to Hon Daryl Williams that the 1995-96 payments on expensive commonwealth cases in Western Australia amounted to only \$20 965.36. That was the basis on which funding by the Commonwealth Government was calculated for the 1997-98 financial year. I informed him that the advice I had from the acting director of the Legal Aid Commission was that the estimated costs of commonwealth expensive law cases would amount to \$300 000 to \$400 000 in the 1997-98 financial year. Therefore, I informed Hon Daryl Williams that clause 9 of the draft guidelines was inappropriate and I asked him to have it and, in particular, clause 9.4 revised. I am waiting for him to respond.

FORMER MINISTER FOR TRANSPORT

Capital Projects and Expenditure Decisions

31. Hon NORM KELLY to the Minister for Transport:

Will the Minister inform the House of any decisions made by his predecessor in relation to matters of capital projects and expenditure which have not yet been disclosed to public scrutiny?

Hon M.J. CRIDDLE replied:

I do not know how I can draw a conclusion on that question. I do not have knowledge of all the decisions the former Minister made. I could not be expected to answer that.

HEALTH DEPARTMENT

*Vehicle Leasing Costs***32. Hon JOHN HALDEN to the Minister representing the Minister for Health:**

Some notice of this question has been given.

- (1) What was the cost of the provision of vehicle leasing and how many vehicles were leased by the Health Department of Western Australia for the financial years -

- (a) 1993-94;
- (b) 1994-95;
- (c) 1995-96;
- (d) 1996-97;
- (e) 1997-98?

- (2) What is the estimated cost for the financial year 1998-99?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) For 1993-94, 1994-95, 1995-96 the data are not available but are currently being collated by the Department of Contract and Management Services.

	No of Vehicles	Total Lease Cost
(4) 1996-97	1 177	\$1 950 700
(5) 1997-98	1 388	\$2 424 700
(6) 1998-99	1 437 - estimated	\$2 650 000 - estimated - rates to change soon

WESTRAIL

*Privatisation Approval***33. Hon J.A. COWDELL to the Minister for Transport:**

- (1) Will the Government be seeking legislative approval from Parliament for any further plans to privatise Westrail or any more of Westrail's operations?

- (2) If not, why not?

Hon M.J. CRIDDLE replied:

The answer to that question will come out when the task force that has been put in place puts in place all of the recommendations. There is a chance that it could come back to Parliament. There is also an avenue whereby it does not have to come back. The question will be answered when the process is complete.

GOVERNMENT RAILWAYS (ACCESS) BILL

*Long-term Security for Third Parties***34. Hon TOM STEPHENS to the Minister for Transport:**

Given that the Government Railways (Access) Bill is predicated on Westrail owning and managing the state rail tracks and will be inoperative in the event of such a sale, will the Government take the Bill back for redrafting to provide long-term security for third parties who operate on Western Australia's rail network?

Hon M.J. CRIDDLE replied:

I understand the Bill is with the Standing Committee on Constitutional Affairs. Obviously recommendations will come out of that committee and the process will continue from there. I am very anxious to see it back in the Parliament so that we can get on with the debate, but the Parliament must rely on the recommendations of that committee for the process to continue.
