



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 15 September 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

CORPORAL PUNISHMENT

Petition

Mr Johnson presented the following petition bearing the signatures of 110 persons -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned petitioners are concerned at the increase in violent crime in Western Australia, particularly against the elderly, and ask that the Government introduce as a matter of urgency corporal punishment as a deterrent and sentence.

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

[See petition No 41.]

PARKWAY BUSHLAND, BIBRA LAKE

Petition

Mr Thomas presented the following petition bearing the signatures of 162 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned petitioners call for the retention of the Parkway Bushland at Bibra Lake, for conservation and recreation.

This land is a people's asset. It should be retained in a natural state and as a barrier between our suburb and the Western Power switchyard.

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

[See petition No 42.]

POLICE PRESENCE IN KARDINYA

Petition

Mr Carpenter presented the following petition bearing the signatures of 37 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned do respectfully request the Police Minister ensures an increased and improved police presence in the suburb of Kardinya to help combat the unacceptably high level of crime in this area.

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

[See petition No 43.]

DAIRYING, POTATO AND EGG INDUSTRIES

Petition

Mr Masters presented the following petition bearing the signatures of 117 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned request that the WA Government and the Minister for Primary Industry publicly state their support for the continued orderly marketing of the dairying, potato and egg industries, on the grounds that there are important public benefits such as:

stable prices to consumers
viable incomes for producers
guaranteed supplies for processors and
maximum opportunities to exporters through price stability.

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

[See petition No 44.]

BUNBURY SENIOR HIGH SCHOOL

Petition

Mr Osborne presented the following petition bearing the signatures of 1 680 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, call on the Government and the Minister for Education to publicly reject plans to close Bunbury Senior High School and to reaffirm public commitments already given by the Minister for Education that no changes will be made without community support.

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

[See petition No 45.]

POLICE PRESENCE IN HILTON

Petition

Mr Carpenter presented the following petition bearing the signatures of 214 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned do respectfully request the Police Minister ensures an increased and improved police presence in the suburb of Hilton to help combat the unacceptably high level of crime in this area.

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

[See petition No 46.]

POLICE PRESENCE IN COOLBELLUP

Petition

Mr Carpenter presented the following petition bearing the signatures of 18 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned do respectfully request the Police Minister ensures an increased and improved police presence in the suburb of Coolbellup to help combat the unacceptably high level of crime in this area.

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

[See petition No 47.]

POLICE PRESENCE IN WILLAGEE

Petition

Mr Carpenter presented the following petition bearing the signatures of 267 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned do respectfully request the Police Minister ensures an increased and improved police presence in the suburb of Willagee to help combat the unacceptably high level of crime in this area.

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

[See petition No 48.]

ADDITIONAL NATURAL GAS PIPELINE CAPACITY TO THE SOUTH WEST

Statement by Minister for Energy

MR BARNETT (Cottesloe - Minister for Energy) [2.11 pm]: I wish to advise the House that the Government has commenced a process of seeking registrations of interest for the provision of additional natural gas pipeline capacity to the south-west of Western Australia. It is timely to seek such registrations of indicative interest as an initial step in a broader medium-term strategy to expand gas pipeline capacity.

With the successful sale of the Dampier to Bunbury natural gas pipeline completed in March this year, the Government is now proceeding to deliver on its commitment to ensure there is full opportunity for the private sector to invest in essential energy infrastructure growth in the State.

As part of the DBNGP sale process, the Government indicated that it would support timely increases in pipeline capacity and the potential for competition in pipeline services by retaining ownership of the corridor in which the DBNGP is situated, and by expanding the corridor from its current width of 30 metres to 100 metres, where practicable. The Parliament enacted the Dampier to Bunbury Pipeline Act making provision for this arrangement. It should be made clear that such an increase in pipeline capacity is additional to that proposed by Epic Energy Australia earlier this year through an expansion of the DBNGP utilising the existing corridor. The company has already announced a program of ongoing enhancements during the next 10 years, which will see an effective doubling in capacity of the existing pipeline.

The process to expand the DBNGP corridor will run in parallel with the registration of interest process and extend beyond it, as necessary, to ensure future needs can be met. The immediate task is to initiate the ROI process to assess private sector interest in building additional pipeline capacity. Both the ROI process and the corridor expansion will be undertaken by the gas pipeline sale steering committee which managed the sale of the DBNGP for the State.

I expect expressions of interest, in the form of more detailed proposals, will follow in due course, depending upon the responses from those companies that register an indicative interest. If there is a requirement from those that register an interest that the process proceed immediately, an assessment of firm proposals would be possible as early as the first half of 1999.

The Government has undertaken a number of major reforms as part of its commitment to low cost, reliable energy supply and its active promotion of both resource development and investment in secondary processing. Some of these reforms include disaggregation of the North West Shelf domestic gas contract, DOMGAS; separation and corporatisation of the State-owned gas and electricity businesses into AlintaGas and Western Power; establishment of a schedule and timetable for implementation of open access to both the gas and electricity transmission and distribution systems; privatisation of AlintaGas' gas transmission business; and commitment to implementing the national access code for natural gas pipeline systems, including establishment of an independent Office of Gas Access Regulation, under a Bill presently before this House.

These reforms have led to a reduction in gas prices of about 50 per cent in the Pilbara and about 30 per cent in the south west. As well, the sale of the DBNGP has set in train a reduction in full haul gas transport tariffs of about 20 per cent by 2000. This current ROI process is another step in the reform process and furthers the Government's desire to encourage private sector involvement in the Western Australian energy market.

[Questions without notice taken.]

WORKSAFE WESTERN AUSTRALIA

Matter of Public Interest

THE SPEAKER (Mr Strickland): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms -

That this House calls on the Premier, as the Minister for Public Sector Management, to finally show some leadership over the performance of WorkSafe Commissioner Neil Bartholomaeus and take the necessary steps under the Public Sector Management Act to establish and uphold for WorkSafe the standards expected of all public sector employees.

And further this House finds that in the 14 months since Mr Bartholomaeus established his WorkSafe policy of excluding unions the Premier has been responsible for lengthy delays and still fails to act decisively despite -

- (1) a finding by the Commissioner for Public Sector Standards on 31 August 1998, "that WorkSafe WA has not complied with s.9 of the Public Sector Management Act 1994, the Western Australian Public Sector Code of Ethics and WorkSafe's own code of conduct";
- (2) the finding that the responsible minister of his government approved of this policy; and
- (3) evidence that Mr Bartholomaeus refused to accept the counsel of either the WorkSafe Commission or the Commissioner for Public Sector Standards when they sought to find a way out of his unlawful policy.

The matter appears to me to be in order. If at least five members stand in support of this matter being discussed, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes in total to the Independent members, should they seek the call.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.52 pm]: I move the motion.

This motion relates to the leadership, or lack thereof, by the Premier and his Government in relation to the issues raised by the WorkSafe Western Australia Commission decision to ban all unions from contact with WorkSafe.

This particular issue goes to the heart of two questions about the Government in Western Australia today: Firstly, what sort of standards will the Government accept in the conduct of its public sector managers? Secondly, what type of leadership will the Government give in respect of those standards?

It is our contention that right from the word go the way the Government has treated this issue has sent exactly the wrong message to our public sector managers. The message that the Government continually sends out is, "If you break the rules and get away with it, we will support you" rather than, "These are the standards we insist upon and if you do not follow those standards, we will take action in relation to your performance."

To go right back to the starting point of this controversy, it is clear that we placed before the Parliament the facts in relation to this issue. A decision was taken by the WorkSafe WA Commissioner, Neil Bartholomaeus, on 26 June 1997 to have nothing to do with union representatives. That decision was announced by the WorkSafe Commissioner in a press release that he issued and confirmed in correspondence he had with the member for Nollamara. That policy provided the background to the report by the Commissioner for Public Sector Standards. That policy was the subject of an inquiry by the Commissioner for Public Sector Standards, who concluded that WorkSafe Western Australia had not complied with section 9 of the Public Sector Management Act, the Western Australian Public Service code of ethics and WorkSafe's code of conduct.

The lack of accountability of the WorkSafe Commissioner and of the Government of Western Australia in respect of the Public Sector Management Act and codes of conduct is the most obvious and revealing feature of this issue. In response to the report of the independent Commissioner for Public Sector Standards, there has been sophistry in the face of the facts, and a delay in the face of the necessary and the inevitable. The Government has failed to show leadership on this issue. It has failed to show leadership on the standards it is obliged to uphold under its own Public Sector Management Act, and it has failed to show leadership on the findings of the independent Commissioner for Public Sector Standards. It is interesting to note that the approach taken by the Government in response to the report of the independent Commissioner for Public Sector Standards is exactly the same as the approach it took in response to the inquiry itself.

The first part of our motion today relates to the delay, which goes to the heart of the lack of respect that is given to the Public Sector Management Act. When this Act came into force, this Parliament expected the Government of the day and its public sector managers to support high standards of performance in the conduct of their duties. Let us consider the respect that this Government has shown to the independent Commissioner for Public Sector Standards. When his inquiry was established in July 1997, the Commissioner for Public Sector Standards sought a response from the Government.

That response was not received until June 1998; just less than 12 months after the inquiry was initiated. That sort of delay cannot give anyone confidence that this Government takes seriously the work of Don Saunders and the Commissioner for Public Sector Standards. The trouble is that the Government, through the former Minister for Labour Relations, supported the policy of banning trade unions by the WorkSafe Western Australia Commissioner. Not only was WorkSafe on trial; the minister and the Government were also on trial.

This takes me to the second part of our argument today. Last week when I spoke on this topic, I noted that Don Saunders attempted to mediate an end to the unlawful and unethical policy of excluding unions, a policy which was put in place in August 1997. This is confirmed at page 7 of the report of the Commissioner for Public Sector Standards. The Commissioner for Public Sector Standards told the WorkSafe WA Commissioner that the policy was unlawful and unethical. Despite that, the WorkSafe WA Commissioner continued to use that policy as the basis for his relationship with trade unions.

Don Saunders tried to mediate a resolution of the problem and to bring the WorkSafe WA Commissioner back into the framework of the law and the ethics that were laid down for the conduct of his duties. However, his attempts to do that failed.

Today, the Opposition has new information on this issue that it wishes to bring to the Parliament. Information it received through the freedom of information process indicates that not only the Commissioner for Public Sector Standards was trying to change this policy; the WorkSafe WA Commission was also trying to change it. It must have been galling for the WorkSafe WA Commission to have to listen to the sophistry by the Government last week in trying to lay the blame for the implementation of this policy on the WorkSafe WA Commission, and not on the commissioner, Mr Bartholomaeus. The documents that the Opposition received indicate that a meeting of the WorkSafe WA Commission was held on 2 July 1997, and agenda item number 14 of that meeting was "Other business - statutory obligations of the WorkSafe Western Australia Commission". They discussed this matter at that meeting. This information has now been made available to the Opposition through the freedom of information process, and members on this side believe it adds further weight to our argument; that is, that the Government's handling of this matter has been highly inappropriate and that not only has the WorkSafe WA Commissioner failed in his duty but that failure is compounded by the fact that an attempt was made to resolve the matter in the interests of the law and ethics.

At that meeting Mr Tony Cooke from the Trades and Labor Council requested that the commission's statutory obligations be discussed because the cessation of operational dealings between the department and union representatives as reported in the media was inconsistent with the commission's statutory obligations. Is it not interesting that the very issue raised at that meeting led Don Saunders to conclude that the Public Sector Management Act was not properly followed by the commissioner?

This report states -

The Chair recommended the Commission note with concern the events and consequences of Thursday, 26 June and strongly recommend to WorkSafe Western Australia and the Trades and Labor Council that they re-establish their relationship for the benefit of occupational safety and health standards in workplaces.

The report notes the commissioner's response -

The Commissioner said he would not support the recommendation while the action of 26 June remains under investigation and any decision to be taken in respect of the outcome of the investigation is outstanding.

The Commission RESOLVED to NOTE with concern the events and consequences of Thursday, 26 June and strongly recommends to WorkSafe Western Australia and the Trades and Labor Council that they re-establish their relationship for the benefit of occupational safety and health standards in workplaces.

The Commissioner reaffirmed that he did not support the resolution.

Here we have it: The Commissioner for Public Sector Standards was trying to mediate a resolution of the issue, as was the WorkSafe WA Commission. They were counselling Mr Bartholomaeus to change the policy because it was unlawful and unethical and did not allow WorkSafe WA to conduct itself properly in the community as it was required to do. However, he refused to cooperate when the Commissioner for Public Sector Standards and the WorkSafe WA Commission tried to mediate a solution.

What did the Government of Western Australia do in the face of these attempts by independent bodies to bring about a resolution in the interests of law and ethics and to ensure that law and ethics were brought back into WorkSafe WA's practices? The Government ignored those efforts and continued to support the policy of exclusion. It is that policy of exclusion that led the independent Commissioner for Public Sector Standards to reach the conclusions he did. It is that lack of leadership then that is being compounded by a lack of leadership now.

The Government has set a very bad example in this affair. It delayed its response to the important inquiry by the Commissioner for Public Sector Standards. It took 12 months for the Government to respond to this very important inquiry into the actions of one of its agencies and that agency's chief executive officer. Members should reflect upon that. It has also attempted to skate around the Commissioner for Public Sector Standards' findings by the use of sophistry and by an attempt to obscure the central issue. Most importantly, we now note that the Government has not insisted upon the application of the Public Sector Management Act and its codes of conduct in the dealings of its public sector managers. Instead, it has allowed WorkSafe WA to take the law into its own hands. They are exactly the words used by Don Saunders, the independent Commissioner for Public Sector Standards.

Those attempts to mediate a solution would have led to a satisfactory resolution of this issue. WorkSafe WA's policies would have been applied consistently along with the codes of conduct and its obligations. Efforts by both the Commissioner for Public Sector Standards and the WorkSafe WA Commission were totally ignored by the Government. Rather than insist that those standards be applied properly, the Government allowed the breach to continue. Since Don Saunders' report was

released the Government has continued to resist the inevitable and has refused to do what is necessary according to legislation passed by this Parliament.

We have an opportunity as a Parliament to send a message to the Government that we will not accept the standards applied by WorkSafe WA in respect of this ban on trade unions. We can send a clear message to the Executive that enough is enough and that standards must be upheld rather than undermined. The Premier has a clear choice: He must either ask for a resignation or initiate proceedings under section 81 of the Public Sector Management Act. The fact that he has done neither places more pressure on this Parliament to tell him that that is what he should be doing. Anything less by him will be a dereliction of his duty as the Minister for Public Sector Management.

MR KOBELKE (Nollamara) [3.08 pm]: The Premier cannot call for the defeat of this motion. To do so and to fail to act would be an abrogation of his duty as the Minister for Public Sector Management. I remind the Premier of a sentence in a letter he received from Don Saunders, the Commissioner for Public Sector Standards, dated 31 August -

After carefully considering the matter, I have formed the opinion that WorkSafe WA has not complied with s.9 of the Public Sector Management Act 1994, the Western Australian Public Sector Code of Ethics and WorkSafe's own code of conduct.

That is a damning statement about a department for which the Premier must accept responsibility. He was responsible for the then minister - the member for Riverton - and, as his chief employing officer, he must accept responsibility for Mr Bartholomaeus.

Mr Saunders' words are not colourful but they are damning. However, this Premier, as the responsible officer, is hoping this issue will go away. He has sat on this issue for 12 months. When he received the report, he held on to it for two weeks. In fact, the preliminary report was available well over one month ago. The Premier wants to see whether he can hide this issue in the bureaucracy by asking for more information and getting another report.

As I understand the Public Sector Management Act, Mr Saunders could not make a specific finding against Mr Bartholomaeus. Therefore, it is up to the Premier as the responsible minister to take action in accordance with the Act. The matter waits yet again for the Premier to make a decision, but we have an indecisive Premier who cannot lead on matters relating to standards. He appears to be without standards and therefore cannot uphold them in those for whom he is responsible. Instead we have been subjected to a range of smoke screens and red herrings in an attempt to delay the issue.

The argument of the Premier last week was that the finding was not against Mr Bartholomaeus; it was against WorkSafe. How could the Premier imagine that such a damning finding against WorkSafe could be pushed aside on some flimsy technicality that did not finger Mr Bartholomaeus in a particular way? That is absolute nonsense. The Premier, as Minister for Public Sector Management, must accept responsibility for this finding against WorkSafe, and yet he has sought to hide the issue, get another report and waste another year. This debate is about standards in the public sector for which the Premier is responsible. The Premier cannot continue to try to hide from the issue, as he has time and time again. At the end of the day, the Premier must act.

The second excuse previously used by the Premier was that WorkSafe has a great safety record, and the minister now responsible for the area also tried to put that line. People know the Government does not have an answer when it goes off into a totally different paddock and tries to bring in the record of WorkSafe. The House can argue that at another time. That is not an issue. It is peripheral to the main issues in the report by Mr Saunders, which are that the law has been broken and the codes of conduct have not been adhered to.

The third defence used last week was that history can be rewritten, and that the Government has the power simply to say what happened, regardless of the facts. That was pretty weak ground, when the Premier stood here and waved around a letter from Mr Bartholomaeus which suggested that what everyone knew had happened suddenly somehow had not happened. That sort of defence is no defence at all.

I will quickly go through the facts of the matter. Mr Bartholomaeus' press release of 26 June last year stated -

"We will have nothing to do with union representatives for the next six months and review our policy after that," he said.

The Leader of the Opposition has already clearly pointed out that a few days later, on 2 July, the WorkSafe Western Australia Commission met. The commission made it clear to Mr Bartholomaeus that his policy was not sustainable, was not proper and could not be maintained. They passed a formal resolution requiring the abolition of that policy and recommending re-establishment of communications between the Trades and Labor Council and WorkSafe. In the minutes, the commissioner re-affirmed that he did not support the resolution. Therefore, on 2 July, Mr Bartholomaeus said he would have nothing to do with unions. That is in addition to his press statement and the various statements that appeared in the printed and electronic media for several days after that. However, there is more evidence that Mr Bartholomaeus continued in this fashion. A letter dated 22 August, nearly a month later, written by Mr Don Saunders to the Premier states -

In part it raises concerns about directives from Commissioner Neil Bartholomaeus for staff of WorkSafe not to deal with union officials.

That was clearly Mr Saunders' understanding on 22 August. On 19 September, Mr Saunders wrote to Mr Bartholomaeus, and stated -

During our meeting on 11 August you mentioned your current policy of recognising only employers and employees in accordance with the Occupational Health Safety and Welfare Act, thus excluding unions as a point of contact for safety matters.

However, last week in this House the Premier waved around a letter from Mr Bartholomaeus that stated -

WorkSafe Western Australia continued to receive and attend to complaints from union representatives after 26 June 1997;

The letter further stated -

There was never a policy or operational procedure applied by WorkSafe Western Australia that WorkSafe Western Australia would not take information or complaints from union representatives.

Can the Premier believe this man who issues a press statement saying he will not deal with unions, who tells everyone he will not deal with unions, including the people in WorkSafe and the Commissioner for Public Sector Standards, and then writes to the Premier a letter saying he did not do it? As the minister responsible, will the Premier accept that without taking disciplinary action? A bit of leadership is sometimes required. The Premier cannot continue to skate over the difficult issues. To do so is to let the standards in our public sector go down into the gutter. As the minister responsible, the Premier must make a stand and establish the standards. The Premier is the only one who can do it. As the responsible minister, the Premier knows the procedures set out in section 81 of the Act, and he must take action to set in train the procedures, unless, of course, the Premier is successful in persuading Mr Bartholomaeus to resign beforehand, which he has been trying to do. That would save the Premier the trouble of going through the proper procedures. However, without that, the Premier has no alternative but to initiate the actions set out in section 81 of the Act.

A red herring that the Premier might want to drag up today is that the unions were not precluded from making complaints and that they were taken account of. That is simply not true. There were not a lot of complaints, because after the statement by Mr Bartholomaeus, the statement by members of WorkSafe staff and the wide press coverage, the TLC set up its own organisation for health and safety. Most unions stopped making reports to WorkSafe. However, a few did, and the public record reveals that WorkSafe refused to deal with them. Any suggestion by Mr Bartholomaeus or others that that was not the case is wrong. They are using half-truths and factually incorrect statements to try to hide the truth. There are clear examples of unions making reports which were not taken account of. For example, the Western Australian branch of the Australian Liquor Hospitality and Miscellaneous Workers Union made a report about health and safety practice at Cook Industrial Minerals, following which the union received a letter from Peter Shaw, executive director, WorkSafe, in which Mr Shaw stated -

I refer to your facsimile of 4 August 1997 addressed to WorkSafe Western Australia Commissioner regarding concerns of your union at Cook Industrial Minerals. The Commissioner has asked me to respond on his behalf.

Please arrange for an employee of the company to contact WorkSafe Western Australia about employee concerns at the workplace.

That is not taking a complaint; that is fobbing it off, saying, "We will only do something and take it as a real complaint if an employee comes forward".

In another case in which the employee came forward under the promise of confidentiality, the employer was given the employee's name by WorkSafe. Many employees will not go to WorkSafe as they want the union to take the case forward, so they can maintain their anonymity and not suffer the wrath of the employer when WorkSafe takes action because of an unsafe workplace. Therefore, the House has clear examples of union complaints not being taken into account because of this WorkSafe policy.

How can the WorkSafe Western Australia Commissioner have any credibility with the Premier when clearly the facts are on the record indicating that the commissioner put a policy in place, that policy was pursued to at least some extent, and now the commissioner has said there was no such policy? The Premier has a simple duty. The Premier is responsible for the Public Sector Management Act, and the Premier alone must initiate the procedures required under section 81 of the Act. The proper procedures must be followed so that Mr Bartholomaeus is given natural justice. Through that process, the end result will be that the Premier must either sack Mr Bartholomaeus or severely discipline him. However, the Premier has been running away from the issue for more than a year. It is now time the Premier faced up to it and made a decision to initiate the proper procedures required under the Public Sector Management Act.

MR COURT (Nedlands - Premier) [3.20 pm]: The two previous speakers, like another infamous person, will do anything to get their man. We have heard a repeat of arguments that were put forward last week.

Mr McGinty: You were not listening, Premier.

Dr Gallop: It was a new argument about the WorkSafe Commission. The Premier did not bother to tell us that, did he?

Mr COURT: The member for Nollamara said that he has knowledge that I have been trying to get Mr Bartholomaeus to resign.

Mr Kobelke: Yes.

Mr COURT: Could the member for Nollamara tell me what that is?

Mr Kobelke: Are you denying that?

Mr COURT: I am.

Mr Kobelke: When Mr Bartholomaeus went to your office last week, was it for a nice cup of tea? Did he leave in a happy mood? Is that why he was tripping over his bottom lip as he walked out the door?

Mr COURT: Where is he supposed to have met with me?

Mr Kobelke: In your office.

Mr COURT: Whereabouts?

Mr Kobelke: I was not in the room, Premier. Is the Premier saying that Mr Bartholomaeus did not meet with him last week?

Mr COURT: The member for Nollamara seems to know everything. I asked Mr Kobelke whether I met with him at Parliament House.

Mr Kobelke: Did Mr Bartholomaeus meet with you in your office last week, or weren't you in there while he was there?

Mr COURT: Not to my knowledge.

Mr Kobelke: I stand corrected, Premier. Did he meet with someone else in your office? Did you use your hatchet man?

Mr COURT: The member for Nollamara has said in this Parliament that I tried to get Mr Bartholomaeus to resign. That is a total fabrication. Let us deal with the facts.

Dr Gallop: Just like Mr Byron is it? We have another Byron affair, have we?

Mr Kobelke: Who told him he was not wanted, besides Mr Moore?

Dr Gallop: Was it Ian Fletcher by some chance, Premier? Is this a rerun of the Byron affair?

Mr COURT: I will contact Mr Bartholomaeus after this debate. I will ask him if anyone has tried to get him to resign.

Mr Kobelke: Will the truth have the same value?

Mr COURT: The member for Nollamara has accused me of trying to get Mr Bartholomaeus to resign. The member has come into this Parliament with nothing new, so he is making things up. The Leader of the Opposition and the member for Nollamara said that I had no option except to sack him, get him to resign or to commence proceedings under section 81 of the Public Sector Management Act.

Mr Kobelke: That is a priority.

Mr COURT: Members opposite are right about section 81, because we told them last week that we were going through the process. Why has another motion been moved on the same exercise?

Dr Gallop: So you are going to sack him?

Mr COURT: No.

Dr Gallop: What is this process that you are going through?

Mr COURT: The member for Nollamara says that we must go through a proper process and at the end of the proper process, the only decision will be to sack him.

Mr Kobelke: From what is on the public record, that is my point of view.

Mr COURT: Members opposite would sack Mr Bartholomaeus before we start the proper process. How crazy is that? The

member for Nollamara has stated that I asked Mr Bartholomaeus to resign. That is a total fabrication. The member says we must go through the process, and sack him anyway!

Dr Gallop: Has the Premier initiated disciplinary proceeding against Mr Bartholomaeus?

Mr COURT: If the Leader of the Opposition listens, I will tell him what I have done. Last week I said in this Parliament that we had sought additional information from the Commissioner for Public Sector Standards. That was provided to us. I said that I would ask the Crown Solicitor to provide advice about whether I should commence proceedings under section 81. Yesterday, the Trades and Labor Council provided further information to the Commissioner for Public Sector Standards and that information was given to my office late yesterday afternoon. Late yesterday afternoon we sent that information to the Crown Solicitor, again seeking advice on whether action should be taken. I have not received that advice. However, as I said last week, as soon as I receive that advice and a decision is made, I will contact Mr Bartholomaeus, and I will advise members in this place on what action is being taken.

Several members interjected.

Mr COURT: Members opposite can interject as much as they like. It is interesting that the Opposition moves a motion in this Parliament which states that the Government has delayed proceedings and is not moving quickly enough, and then the TLC provides information after the inquiry has been finalised!

Mr Kobelke: Because last week in this place you waved around a letter that was factually incorrect.

Mr COURT: No. Why would members opposite criticise the Government for delays when, after the inquiry was finalised, they provided more information on which we must obtain further advice on whether it is relevant?

Mr Ripper: Might it be that you said the WorkSafe Commission was at fault and not the commissioner? Might it be that the commission thought it needed to defend itself because of the construction that the Premier put on the report of the Commissioner for Public Sector Standards?

Ms MacTiernan: Can you answer that?

Mr COURT: Yes, I will. We have sought legal advice for good reason - that is, it is the proper course of action. However, as members opposite know, as Minister for Public Sector Management, I cannot take action against Mr Bartholomaeus unless he was acting in his capacity as the chief executive officer of the department, which is known as WorkSafe Western Australia. The wording of the MPI is that Mr Bartholomaeus was acting as WorkSafe Western Australia commissioner. If that were the case, his actions would come under the Occupational Safety and Health Act and the disciplinary provisions would be applied under that Act and not under the Public Sector Management Act.

Dr Gallop: It does not say that at all.

Mr COURT: It does, I am afraid.

Dr Gallop: You are being absolutely ridiculous.

Mr COURT: No. One of the questions on which we have sought advice relates to the role in which Mr Bartholomaeus was acting - as the commissioner or the CEO of the department - because the report does not draw a distinction between the WorkSafe Commission or the department. The Occupational Safety and Welfare Act 1984 makes it clear that there is a difference between the commission, which is in section 6, and the department, which is in section 18. Section 6 of the Act states that the commission may use the name WorkSafe WA and the department can use the name WorkSafe Western Australia. The Commissioner for Public Sector Standards used the name WorkSafe WA and then WorkSafe, which would generally refer to the commission. If that is the case, the Public Sector Management Act does not apply. However, it is likely from the advice we have received that some of Mr Bartholomaeus' actions were as the CEO of the department. One of the key tasks of crown counsel is to clarify that point. The member for Nollamara asked why we have sought that advice, and that is the reason.

It is fundamental that these matters be properly in place before any action is taken under the disciplinary procedures of the Public Sector Management Act. If the procedures are not followed at the beginning of the process, the entire process can be challenged and set aside at a later date.

The main point I want to make in this debate is that last week, the Government said that it would go through a proper process. The TLC, not the Government, has provided additional information. The Government does not know whether it is relevant, but when it was given to us late yesterday afternoon, we took immediate action. As I said, I found it interesting that fresh information was provided after the Public Sector Standards Commissioner had completed his inquiry. The TLC knows exactly what is occurring in WorkSafe because it is a member of the commission.

I am concerned that members opposite have alleged that I have sought Mr Bartholomaeus' resignation. That is totally untrue. They have made allegations about a meeting with Mr Bartholomaeus.

Dr Gallop: We could have another Byron affair, I suspect.

Mr COURT: The Leader of the Opposition has made the allegation.

Mr Kobelke: Will you tell us whom he met in your office?

Mr COURT: I will make inquiries to see when I last met with Mr Bartholomaeus.

Mr Kobelke: I accept the Premier's statement that he did not meet him. I apologise. Whom did Mr Bartholomaeus meet with in your office?

Mr COURT: I am not aware of any meeting.

Mrs Edwardes: He met with me.

Mr KOBELKE: Does the minister regularly use your office?

Mr COURT: My office is used by many members of Parliament because of the lack of accommodation here. If I am paired and leave I have given a strict instruction that my office can be used by anyone who wants to use it.

The SPEAKER: You have my undivided attention, Premier.

Mr COURT: Even during lunch, unbeknown to him, I used the Deputy Premier's office because other people were meeting in my office. It is just one of the quirks of Parliament House that I think is good.

Mrs Roberts: You think it is good that everyone meets in everyone else's office?

Mr COURT: I think having people much closer together is a good thing. The Leader of the Opposition will agree that when we go to the old Parliament House in Canberra, we find it has a good feeling about it. People can talk to each other easily. The new Parliament House is totally sterile and not an environment I like.

Mr Kobelke: Is it your intention to provide the legal advice that conforms to it to initiate action under section 81?

Mr COURT: Last week I said that if advice is given that warrants commencing those proceedings, that is exactly what we will do.

Dr Gallop: You have not commenced proceedings then?

Mr COURT: Those opposite gave us new information last night.

MRS EDWARDES (Kingsley - Minister for Labour Relations) [3.36 pm]: I will clear up some of the statements and allegations made by members opposite against the Minister for Public Sector Management, the Premier, that one member of his staff met with Mr Neil Bartholomaeus last week. I do not know whether any member of the Premier's staff or office met with Mr Bartholomaeus; however, if members opposite are referring to a meeting at Parliament House after the Premier's ministerial statement was given, Mr Bartholomaeus met with me. It was not in the Premier's office, it was in my office in the dungeons.

Mr Court: Did you ask him to resign?

Mrs EDWARDES: I did not ask him to resign. I do not always explain the content of meetings between me and my chief executive officers; but in an endeavour to clarify the situation for members opposite, I advise that I handed to him a copy of the ministerial statement and outlined the steps the Minister was taking; that is, as the Minister has been explaining to all members in this House. I thought it appropriate that I explain that to Mr Bartholomaeus, rather than his hearing it through other people or the media. That is exactly the content of our conversation. He was with me, after the minister's ministerial statement was given, last Wednesday morning, in my office in Parliament House.

To return to the subject of the matter of public importance: Whatever members opposite think about the policy put in place by the Commissioner of WorkSafe Western Australia, a proper process must be undertaken by the Minister for Public Sector Management. The member for Nollamara acknowledged that in his speech in this debate when he indicated that a proper process must be undertaken on the information. In his view, there is sufficient information to proceed not only down the path of section 81, but also to dismiss Mr Neil Bartholomaeus.

Dr Gallop: You have not started that process.

Mrs EDWARDES: The Minister for Public Sector Management sent the report from Mr Saunders to crown counsel, together with the evidence that Mr Saunders has provided and also the further information and examples that have been provided by the Trades and Labor Council and the couple of examples to which the member for Nollamara alluded, to identify the circumstances and to assess whether those matters fit the criteria on which to commence the section 81 disciplinary proceedings. Importantly, the Minister has also sent that further information to crown counsel. Further advice

and information has been sought through my offices, and that information and advice has gone to crown counsel by way of further explanation and background. I return to the point I made at the commencement of my remarks: Whatever those opposite think about the policy, a proper process is being undertaken by the Minister for Public Sector Management. Those opposite would like summarily or arbitrarily to have someone dismissed.

The report from Mr Saunders, as we pointed out last week, did not contain the evidence to justify dismissal. The Minister for Public Sector Management sought from Mr Saunders the evidence by which he made that finding. That evidence, together with further information and advice from the Trades and Labor Council, has now gone to crown counsel. We would like to see advice come back to us as quickly as is possible, but it cannot while further information is being received by crown counsel. That is absolutely critical. It is important that the advice be received from crown counsel and the proper process be undertaken. Section 8 of the Act lays down the process and the steps to be taken. The evidence is sent to the WorkSafe commissioner and he is given an opportunity to respond to it. It is not for us summarily to -

Dr Gallop: It is for you; it is in the Act.

Mrs EDWARDES: Section 81 lays down the proper process, and it will be undertaken. I will go back over another issue to which the Premier started to allude and which is confusing for many people. It is not easy when looking at the role of the commissioner under the Act to know when the commissioner is acting as the chief executive officer and where the WorkSafe commissioner fits in. I will take members through the process. The reason for raising it is that the Commissioner for Public Sector Standards in his report finds WorkSafe has not complied with section 9 of the Public Sector Management Act. With the commissioner's being appointed, confusion exists whether he was acting as a member of the commission or in his own right as the WorkSafe commissioner.

Section 6 of the Occupational Safety and Health Act provides that there shall be a WorkSafe Western Australia Commission. The commission is made up of people from several groups. They become members of the commission. One of the members of the commission is the commissioner. In his own right, the WorkSafe commissioner is a member of the commission.

Ms MacTiernan: Is he subject to their direction in that role?

Mrs EDWARDES: They have an advisory role. I can go through their role if the member wishes. Under section 14 of the Act the functions of the commission primarily are to inquire into and report to the Minister upon any matters referred to it by the Minister; to make recommendations; to examine and review; to provide advice; to formulate and recommend standards, specifications etc; to promote education and training in occupational safety and health in cooperation with educational authorities; and to design, devise and approve courses. Many more functions are outlined in section 14.

Before Mr David Palandri was appointed under paragraph (a) as the chairperson of the commission, separate from the WorkSafe commissioner - who, as I said, is a member of the commission in his own right - the commissioner was previously the chairperson, and that added to the confusion about the roles and the hats being worn.

Section 6(5) reads -

In addition to the name mentioned in subsection (1) -

That is, the WorkSafe Western Australia Commission -

- the commission may use, and operate, under the name "WorkSafe WA".

Subsection (7) reads -

Nothing in subsection (6) -

That deals with the offence of unlawfully using the name -

- prevents the department of the Public Service principally assisting the Minister in the administration of this Act from using or operating under the name "WorkSafe Western Australia" or a similar name if that designation is given to it under section 35 of the *Public Sector Management Act* . . .

Primarily the WorkSafe Western Australia Commission can operate under and use the name of WorkSafe WA. The commissioner in his own right is a member of the commission. All of the members, except for the chairperson, are members of the commission not commissioners. Nothing in the Act prevents the department from using the name WorkSafe Western Australia or any other name.

Ms MacTiernan: Are you saying that if Mr Bartholomaeus is acting as the WorkSafe Western Australia Commissioner, you will not pursue him; you will only pursue him if he is acting as the chief executive officer?

Mrs EDWARDES: No, that is not the case. The evidence is being looked at by crown counsel. That is exactly the point the Premier made and on which we are seeking advice.

Ms MacTiernan: What is the conclusion: Can the commissioner get off if he is one but not if he is the other?

Mrs EDWARDES: No. To go back through the findings of the Public Sector Standards Commission, the Premier also indicated that some of the actions were taken by Mr Bartholomaeus in his role as the CEO. It is important that we know before any proceedings are commenced. The member pointed out technicalities. We want to ensure that the proper process is followed. We want to have a very clear understanding of the capacity of the commissioner under which those actions were taken.

Dr Gallop: So you think there is a prima facie case against him?

Mrs EDWARDES: It is important to follow through the proper procedures. WorkSafe Western Australia was created on 9 September 1995. It uses and operates under the name of WorkSafe Western Australia and not WorkSafe WA. That point should be made. The WorkSafe Western Australia Commissioner is appointed under section 9 of the Act. Subsection (1) reads -

The Governor shall appoint a person to be WorkSafe Western Australia Commissioner.

Subsection (8), however, reads -

In addition to the name mentioned in subsection (1), the Commissioner may use, and operate under, the name "WorkSafe WA Commissioner".

The names of the department and people may be potentially confusing. I have been able to confirm that the department was created as WorkSafe Western Australia.

Mr Carpenter: This sounds like something out of *Monty Python's Flying Circus*.

Mrs EDWARDES: Let me tell the member -

Several members interjected.

The DEPUTY SPEAKER: Order!

Several members interjected.

Mrs EDWARDES: Let me finish this because it is very important. We have been asked whether the WorkSafe Western Australia Commissioner can be the same person as the CEO. Section 18(3) reads -

The offices of Commissioner and chief executive officer of the department may be held by the same person.

The chief executive officer of the department need not be the same person as the commissioner, although in this instance he is one and the same person. The WorkSafe Western Australia Commissioner is also the chief executive officer of the department. It is important that I went through that because in October 1996, Mr Neil Bartholomaeus was appointed commissioner under the Occupational Safety and Health Act and as the chief executive officer of WorkSafe Western Australia under the Public Sector Management Act.

Ms MacTiernan: What are the disciplinary procedures open to you if you determine that he acted as the commissioner and not as the CEO?

Mrs EDWARDES: Although the Commissioner for Public Sector Standards refers to WorkSafe WA, during our discussions with him he has said that essentially one is talking about the individual and that some actions were taken as CEO. We have to be very clear that any disciplinary proceedings are proceeded with under the right Act.

Ms MacTiernan: Are there procedures under this legislation?

Mrs EDWARDES: As I understand it there are. Again, that is the legal advice being sought from Robert Cock. We hope we will get the full advice fairly quickly.

Mr Kobelke: If Mr Bartholomaeus stole \$1m - I do not mean to impugn him - would it take this many weeks and months to get legal advice before any action was taken? Is the system really that hidebound that you cannot take action?

Mr Court: It was a matter of days.

Mrs EDWARDES: The report was tabled in the Parliament last week. The Premier took immediate action last week.

Dr Gallop: He decided to do nothing.

Mrs EDWARDES: That is not the case.

Dr Gallop: Proceedings have not taken place.

Mrs EDWARDES: The process required under the present proceedings means that we should seek legal advice. One would have thought that the Leader of the Opposition would understand that if disciplinary proceedings are to take place under section 81 of the Public Sector Management Act, a proper process has to be followed.

Dr Gallop: You could have asked him to resign. It is pretty easy.

Mrs EDWARDES: That is the difference between the Opposition and us. The Opposition wants to see his head on a plate, irrespective of the process.

Dr Gallop: Despite a report by an independent commissioner, the Commissioner for Public Sector Standards?

Mrs EDWARDES: We had to ask what evidence is outlined in his report to support the finding. The Premier met with the Commissioner for Public Sector Standards and got from him the evidence which he indicated supported his finding. That evidence has gone to crown counsel for legal advice, as well as all other material that the commissioner has brought to our attention. If members of the Opposition have any more information which indicates that workplace safety was put at risk as a result of that policy being in place, I want to have it. The two examples the member for Nollamara alluded to are already part of the material that came from the Trades and Labor Council, which has gone to Robert Cock.

Mr Kobelke: That is not new. It was discovered under the freedom of information provisions. It has been around for a year. Mr Saunders had it.

Mrs EDWARDES: Mr Neil Bartholomaeus responded to that. Mr Saunders gave that information to the Premier after the Premier requested what evidence he had to support his findings. Mr Saunders responded to the Premier with all that information and material. The Premier immediately sent it to crown counsel for legal advice. It is quite proper to get that legal advice. Some complex issues and technicalities are involved, as I thought I pointed out, with the complex terminology that is used under the Occupational Safety and Health Act, which can create some confusion. It might have caused confusion, may I suggest with respect, to the Commissioner for Public Sector Standards. He referred to WorkSafe WA which, as I have indicated, is the name under which WorkSafe Western Australia can operate by virtue of section 6. I am not sure whether that is what he was intending to refer to. We have sought the advice of crown counsel because we hold dearly the standards of our chief executive officers. We will approach this properly, and when we do, the proper process will be followed.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [3.49 pm]: I suppose it is too much to expect a Liberal Government to show any enthusiasm for acting against a public servant found to have behaved unethically and unlawfully towards trade union officials. This strategy of delay is breathtakingly shameless. Last week we were told that the findings were against the WorkSafe Commission, not the commissioner. This week it is clear that the Government is having trouble working out in which capacity the man in question was acting. Last week the Premier told us he had initiated disciplinary proceedings. This week it is revealed by explanation from the Minister that the Government is still trying to work out which set of disciplinary procedures to use - the procedures under the Public Sector Management Act or those under the Occupational Safety and Health Act.

The report from the Public Sector Standards Commissioner is dated 31 August; it is now 15 September. The Government is still working out what procedures should be followed.

Dr Gallop: They are suffering from ministerial indigestion.

Mr RIPPER: And perhaps other conditions. The Government could use another set of proceedings, namely, the terms of the contract of the commissioner to which apparently it has given no consideration.

Dr Gallop: The Government could ask him to resign.

Mr Ripper: As the Leader of the Opposition said, he could be asked to resign if the Government thought he had breached the standards. That is clearly what the Commissioner for Public Sector Standards thinks.

This strategy of delay is all too familiar. The report took more than a year to be delivered. What was the reason for the delay? It is obvious in the report that the reason for the delay occurred in the Premier's office. The Premier achieved this delay through the expedient of seeking legal advice. It took months for that advice to be received. Once again, the Government is at it. At every turn it seeks legal advice which is what it will blame for the delay when we complain for weeks and weeks about it taking no action against this public servant found to have behaved unethically and unlawfully under the Government's own Public Sector Management Act.

Some of the key points are as follows: This man was warned by the Commissioner for Public Sector Standards that his policy breached public sector standards; yet he carried on with the policy. He was warned by the WorkSafe Commission that the policy was wrong; yet he carried on with it. The only person who supported the commissioner was the then Minister for Labour Relations, the member for Riverton.

The Premier has two responsibilities in this regard. He has responsibility as Minister for Public Sector Management to

uphold standards in the public sector and as Premier to uphold the standards of his ministers. We have seen procrastination and delay in the first responsibility and we are seeing no action at all in his responsibility to uphold the standards of behaviour by his ministers.

How many times must the former Minister for Labour Relations offend due process and propriety in government before this Premier takes some action against him. I am told that this member has only one vote in the party room, and that is his own. I cannot understand why the Premier continues to condone his disgraceful behaviour on this occasion and on many other occasions.

Question put and a division taken with the following result -

Ayes (17)

| | | | |
|--------------|---------------|--------------|---------------------------------|
| Ms Anwyl | Mr Graham | Mr McGinty | Mrs Roberts |
| Mr Brown | Mr Grill | Ms McHale | Mr Thomas |
| Mr Carpenter | Mr Kobelke | Mr Riebeling | Ms Warnock |
| Dr Edwards | Ms MacTiernan | Mr Ripper | Mr Cunningham (<i>Teller</i>) |
| Dr Gallop | | | |

Noes (29)

| | | | |
|--------------------|-------------------|------------|------------------------------|
| Mr Ainsworth | Mrs Edwardes | Mr Masters | Mr Shave |
| Mr Barnett | Dr Hames | Mr McNee | Mr Sweetman |
| Mr Barron-Sullivan | Mrs Hodson-Thomas | Mr Minson | Mr Trenorden |
| Mr Board | Mr House | Mr Omodei | Mr Tubby |
| Dr Constable | Mr Johnson | Mrs Parker | Dr Turnbull |
| Mr Court | Mr Kierath | Mr Pendal | Mrs van de Klashorst |
| Mr Cowan | Mr Marshall | Mr Prince | Mr Osborne (<i>Teller</i>) |
| Mr Day | | | |

Pairs

| | |
|----------------|-------------|
| Mr McGowan | Mr Bradshaw |
| Mr Marlborough | Mrs Holmes |

Question thus negatived.

SESSIONAL ORDERS - TIME MANAGEMENT

MR BARNETT (Cottesloe - Leader of the House) [3.58 pm]: In accordance with the sessional order for time management I move -

That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 17 September -

- (1) Fire and Emergency Services Authority of Western Australia Bill - all remaining stages;
- (2) Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Bill - all remaining stages;
- (3) Gas Pipeline Access (Western Australia) Bill - all remaining stages;
- (4) Botanic Gardens and Parks Authority Bill - all remaining stages;
- (5) Taxi Amendment Bill - all remaining stages;
- (6) Surveillance Devices Bill - all remaining stages.

I appreciate that that represents a significant legislative program; nonetheless, it is achievable. It is also the Government's intention that we progress debate on the Child Welfare Amendment Bill, but it is not subject to the sessional order.

MRS ROBERTS (Midland) [4.00 pm]: It is more than passing strange that the Leader of the House is moving what he calls time management and what we call the guillotine on this set of Bills today. I take this opportunity to note that at his direction and with his Government's approval he has cancelled a whole week of Parliament next week.

Mr Barnett: Yes, rescheduled.

Mrs ROBERTS: One wonders what his priorities are when he cancels a week of Parliament and then decides that he wants to guillotine through his legislation. The same situation applied last week when the Government came into the House with

a guillotine, which was moved at the minister's direction by the Deputy Premier. Notably, the Child Welfare Amendment Bill was on that guillotine motion which subsequently had to be taken off the guillotine. I take this opportunity to note that it has not had the gall to put that legislation on the guillotine this week, because it does not know where it is going with it. The Government may proceed through Parliament with it this week, it may not. If it does intend proceeding with it, it is not sure how its own backbenchers will behave on the Bill. Consequently, it is not prepared to guillotine a Bill with which its own backbenchers have concerns. However, it is happy to guillotine Bills that members on this side of the House and our constituents are concerned about.

Some of the matters on the guillotine are important legislation, such as the Surveillance Devices Bill. I made the point previously and I make it again: This is not an appropriate way for the Leader of the House to be running business. He should seek our cooperation to spend time on legislation that needs time spent on it so that we can move quickly through legislation on which there is agreement and which is minor in nature. Strategically, he continues to do the wrong thing. I exhort him to not use the guillotine routinely but to try to manage the business of this House without a guillotine; I am sure that could be done easily.

The Opposition is opposed to the motion as moved by the Leader of the House. The reason the Government has such a backlog of Bills at this stage of the year is because of its own mismanagement. There is no other reason. I do not think it should compensate or make up for its own mismanagement by suddenly at the tail-end of the year loading a number of Bills onto a guillotine. That is not the way good legislation is created. I urge members to vote against the motion moved by the Leader of the House.

MR BROWN (Bassendean) [4.02 pm]: The Leader of the House, in his speech in support of the motion, has not given any real reasons for the motion to be carried by this House. He has not done that partly as a result of the disdain that he holds for the procedures of this House; partly because he now considers that this type of resolution is simply a matter of form; and if he moves it every week members will get used to it and accept it. That is a wrong process entirely. It is incumbent on the Leader of the House, in moving a motion such as this, which seeks to limit debate on Bills, to justify to the House the reason that debate should be curtailed. It is not good enough for the Government to say that it has a nice time frame for the legislative program and it suits its needs to have Bills passed by a certain date. It should have a more persuasive reason. Is the legislation required by the Government to be finalised this week urgent? Has there been such a breakdown in the framework of Government that it must have these changes made without delay?

What is the substantive reason? A substantive reason has not been given and I doubt whether we will get a substantive reason in this brief debate. The minister is not particularly interested in this debate because he is ensconced in a conversation with the Minister for Police. We can talk until we are blue in the face about this matter; it will not make any difference. It is simply an abuse of the process and cannot be justified. At the same time, the minister by this motion has indicated that a sword of Damocles is hanging over our heads to deal with this legislation.

Nothing has been suggested that debate on those Bills is likely to be protracted, that somehow members have drawn out debate on these Bills or that there is some attendant urgency with any of those matters. This guillotine motion has not been moved for any of those reasons. It has been moved because it suits the Government's legislative time frame; and that is all.

Frankly, when it comes down to making a choice between complying with the Government's time frame and complying with the procedures and standards of this House, there is no question as to which one should be paramount: The deliberations and procedures of this House should be paramount. It is an abuse of the process of Parliament for the Leader of the House to continually wander in casually without any justification or substantive reason and move motions like this week in and week out. The time will come when important legislation will have to be dealt with expeditiously in the public interest and on that occasion, when the minister moves a motion of this type, one might have grave reservations about his integrity and the force of his argument.

For those reasons, and many others, I oppose the guillotine motion moved once more by the Leader of the House. The Government can handle its legislative program in a better way than by using a sledgehammer to try to push through legislation without any real justification for it.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [4.07 pm]: I too oppose this motion moved by the Leader of the House. It reflects the Government's mismanagement of its legislative program. I do not necessarily hold the Leader of the House responsible personally for these matters although he may be the responsible person. There has been mismanagement of the whole of the legislative program.

The reason for the derailing of the Government's legislative program this year was the Government's handling of the abortion law reform debate. Whatever members think about the abortion law reform debate, it is clear that this House was unnecessarily put through the trauma of twice debating abortion law reform because of the way the Government handled that debate. We debated the Foss and the Davenport Bills. That resulted from the peculiar way the Government approached the necessity for the Parliament to deal with that issue.

Now, we have another, no doubt, whole of government decision which is derailing the legislative program; that is, the State Government's decision for the Parliament not to sit next week because of the exigencies of the federal election campaign. The Government does not want this Parliament debating issues relating to the federal election under parliamentary privilege weeks away from a federal election. Safety first has ruled and it decided to cancel a week of Parliament. Because of those two decisions - the ham-fisted handling of the abortion law reform debate and the decision to cancel a week of Parliament in the interests of its federal Liberal colleagues - we now face more stringent guillotines for the rest of the year.

A third reason for this motion is ministers and departments have been slow in preparing legislation and getting it to the House. Panic has begun in the departments and ministerial offices as people realise that their legislation might not be considered by the end of the year. If legislation is not considered this year, it might not be considered for almost another year as the Budget must be dealt with in the autumn session. I imagine people in the departments and ministers' offices are telling the Government that it must get this legislation passed before the end of the year. The losers are the members of this House and the parliamentary process. The Government's ham-fisted handling of the abortion law reform debate, its craven cancelling of a week of Parliament to suit its federal Liberal colleagues' election timetable and the incompetence of ministers in getting legislation ready mean we will have to deal with evermore stringent guillotine motions being moved by the Leader of the House between now and Christmas. I oppose the motion.

MR THOMAS (Cockburn) [4.11 pm]: I oppose the guillotine motion moved by the Leader of the House. It restricts debate on some very important matters. One such matter is the rule for third party access to natural gas pipelines; this is probably one of the most important matters to come before this legislature this term. As is so often the case, the Government is prepared to guillotine issues of this kind through this House. I imagine members will be able to deal comprehensively with this measure in the time prescribed but not with the other matters.

The member for Belmont explained that this motion is being moved because the Government is closing down the Parliament to prevent the Liberal Party being embarrassed in the lead-up to the federal election. One matter which will probably be all over by the time the Parliament resumes is the Parkway Bushland in Bibra Lake. I would like to raise that issue on a number of occasions in this Parliament over the weeks to come. It is a valuable piece of bushland. The Minister for Housing has permitted Homeswest to put it out to tender and by the time the Parliament resumes after the election a deal will have been done and that land will have been sold or a successful tenderer accepted. It will then be impossible for the House to persuade the Government to reconsider its decision - if it ever had any chance of doing so. The Government would have to pay a substantial amount of compensation to the successful tenderer. I and my constituents in Bibra Lake want to know why we have to pay this price for this land. In the 1960s or 1970s, rural land in Bibra Lake was subdivided. It was a R & I Bank of Western Australia subdivision. That low-quality farm land was acquired by the R & I Bank of Western Australia at rural prices because it was rural land. It was poor quality rural land which was never cleared, which is why it remains good quality bushland today. Homeswest has said the land can be retained as bushland if it is purchased at R25 residential prices. All of a sudden it is very valuable. It was not worth the cost of clearing it when it was a cow paddock.

Mrs van de Klashorst interjected.

Mr THOMAS: This is the guillotine debate. It is a matter I wish to discuss at length. A couple of thousand residents in a suburb in my electorate who treasure and value this bushland want it retained. My constituents cannot understand how the Minister for Housing - who is not in the Chamber at present - can tell the House that he is happy to have this locally valuable bushland retained but Homeswest must be paid millions of dollars for it because it has been rezoned R25. It was not worth two bob as rural land; not even worth the cost of clearing. If the local residents had to pay the Government what they owe - that is, what the Government paid to acquire the land in the first place - they could afford to buy it. This is a complex and important matter. My constituents will not be happy to learn that the Government has guillotined legislation through the Parliament and in doing so prevented the proper airing of a very important issue.

Question put and a division taken with the following result -

Ayes (25)

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|--------------------|-------------------|------------|------------------------------|
| Mr Ainsworth | Mrs Edwardes | Mr Masters | Mr Sweetman |
| Mr Barnett | Dr Hames | Mr Minson | Mr Trenorden |
| Mr Barron-Sullivan | Mrs Hodson-Thomas | Mr Omodei | Mr Tubby |
| Mr Board | Mr House | Mrs Parker | Dr Turnbull |
| Mr Court | Mr Johnson | Mr Prince | Mrs van de Klashorst |
| Mr Cowan | Mr Marshall | Mr Shave | Mr Osborne (<i>Teller</i>) |
| Mr Day | | | |

Noes (19)

| | | | |
|--------------|---------------|--------------|---------------------------------|
| Ms Anwyl | Dr Gallop | Mr McGinty | Mrs Roberts |
| Mr Brown | Mr Graham | Ms McHale | Mr Thomas |
| Mr Carpenter | Mr Grill | Mr Pandal | Ms Warnock |
| Dr Constable | Mr Kobelke | Mr Riebeling | Mr Cunningham (<i>Teller</i>) |
| Dr Edwards | Ms MacTiernan | Mr Ripper | |

Pairs

Mrs Holmes
Mr BradshawMr Marlborough
Mr McGowan

Question thus passed.

SOIL AND LAND CONSERVATION AMENDMENT BILL

Second Reading

MR HOUSE (Stirling - Minister for Primary Industry) [4.20 pm]: I move -

That the Bill be now read a second time.

The Soil and Land Conservation Amendment Bill now before the House is a relatively simple piece of legislation. It seeks to introduce into the principal Act - the Soil and Land Conservation Act 1945 - provisions that will enable the many land conservation district committees in Western Australia to seek approval to fund specific soil conservation services on the basis of a service charge, if they wish.

The service charge concept for land conservation in Western Australia has been developed directly as a result of a heightened awareness of the close relationship between the conservation of our natural land resources and the viability of local communities.

The population of most rural towns vitally depends upon the prosperity of the surrounding farms, which itself depends and will in future depend even more on the effective conservation of rural land, and the contribution of the general population of a local community. Nowadays this is seen as more than just a "good thing to do". It is a responsibility that is taken seriously by farmers and by local governments on behalf of all landowners in a community.

Effective land conservation relies not only upon action taken on land that is most obviously in need of conservation. For example, the occupation of urban land can and often does contribute significantly to the degradation of rural land in a community. Furthermore, the management of widely separated pieces of land can have an effect on the outcome of conservation projects on only one of those pieces.

Recognising the need for funding of specific projects on a community-wide basis, a number of rural local governments have requested that the relevant state legislation be amended to enable a catchment community to contribute to land conservation on the basis of a property charge for specific services. This Bill answers that request. It addresses the fact that the Act at present does not permit the setting of a "rate" that is other than an amount in the dollar of property value. The Bill changes this position by adding a new opportunity in addition to the land-value-based option provided in the current legislation.

Examples of the type of project that might be funded as a service charge and be of benefit to both rural and urban property owners include -

- the provision of soil conservation information within a catchment area;
- support for and implementation of tree planting programs;
- management of appropriate resource centres;
- catchment planning projects; and
- the implementation of catchment conservation strategies at land-holder level.

These services benefit both rural and urban property owners, even though the properties may have vastly different values. Under the current arrangements, soil conservation services that tend to have an equivalent effect on all properties may not be equitably funded. This runs contrary to the interests of community fairness.

Turning to procedural matters relevant to service charges, these parallel those currently required for a land-value-based soil conservation rate. From a statutory point of view the Bill defines a service charge as one that is imposed by the minister. In this regard, the minister will seek the advice of the relevant land conservation district committee, which will be required by regulation to consult with affected local governments and communities. Additional safeguards to be prescribed with respect to these matters will be outlined later in this speech.

The Bill provides that service charges may be applied only to land that is rateable land for the purposes of the financial management provisions of the Local Government Act 1995. In accordance with the current Act, the service must give effect to one or more of the statutory functions of district committees. Moneys raised will be administered as part of the Land Conservation Districts Fund held at Treasury, with accountability through the chief executive officer of Agriculture Western Australia. There will also be power for the minister to establish the classification or exemption of land for the purpose of setting a service charge, as in the present system.

The payment of service charges may not be deferred under the Pensioners (Rates Rebates and Deferments) Act 1966 in the same way as service charges are treated under the Local Government Act 1995.

Returning to the accountability provisions included in the Bill, it is intended that regulations will be gazetted in conjunction with the proclamation of this legislation. These will require a land conservation district committee to -

adequately plan and cost all projects to be funded by way of a service charge;

take reasonable steps to ensure that all potentially affected local governments and property owners are given adequate written details of a proposed project;

ensure that affected parties are consulted by way of a public meeting;

obtain the formal approval of the council of any local government within which a soil conservation fee-for-service proposal will have an effect; and

keep the minister fully informed, including the degree of support for a project before and during its life, in accordance with agreed time schedules.

Local governments may and are likely to be required to facilitate the collection and administration of the service charge, through a specific account. District committees will have to use the money within the time allocated for the supply of the service.

To enable the thrust of the amendments included in this Bill to be available for the full 1998-99 financial year, the Minister for Local Government recently gazetted amendments to regulations made under the Local Government Act 1995. These now include the provision of soil conservation services under regulation 54 of the Local Government (Financial Management) Regulations 1996. It is intended to repeal this temporary action after the Bill is proclaimed an Act to ensure that these matters are dealt with under the Soil and Land Conservation Act 1945, the most appropriate legislation. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT BILL

Second Reading

MR HOUSE (Stirling - Minister for Primary Industry) [4.26 pm]: I move -

That the Bill be now read a second time.

The Western Australian Meat Industry Authority Act 1976 is to be amended to provide body corporate status for the authority and to provide the authority with the power to borrow funds. The Bill also proposes a consequential amendment to the Statutory Corporations (Liability of Directors) Act 1996.

The Western Australian Meat Industry Authority approves abattoirs and carries out associated activities concerning standards and operating conditions for abattoirs. Since July 1994, the authority has also had responsibility for managing the Midland saleyards, which were previously managed by the former Western Australian Meat Commission. This responsibility was transferred by way of the Meat Industry Legislation (Amendment and Repeal) Bill 1993.

In the course of investigating borrowing powers for capital works required at the Midland saleyards, the authority received advice from the Crown Solicitor that the authority had no body corporate status, nor the power to borrow money. It therefore is unable to carry out ongoing capital improvements required to maintain the Midland saleyards as a first-class selling complex. Prior to the transfer of responsibility for the management of the Midland saleyards, the authority was a small operation serviced by the then Department of Agriculture, and body corporate status was not appropriate.

As a body corporate, the authority will be permitted to borrow from the Treasurer, or other sources with the Treasurer's approval. The Bill also provides the authority with powers to acquire and dispose of property and enter into contracts. With the minister's approval it may enter into business arrangements where this is required for the performance of its functions. With respect to the authority's business arrangements, its powers are limited to functions relating to the management of the Midland saleyards; other facilities in the meat industry as directed by the minister; and the encouragement and promotion of improved efficiency in the meat industry.

The Bill requires that the authority separately identify the financial management of its regulatory responsibilities and its business responsibilities. The authority also is required to apportion expenditures and incomes between the Midland saleyards, any future management responsibility and its other functions. This ensures consistency with national competition policy principles.

Further, the Bill provides that the authority may delegate its functions regarding management of the Midland saleyards. Delegation may be to authority members, officers or employees of the authority, or to persons approved by the minister. This will permit functions such as the day-to-day running of the saleyard to be carried out by the most appropriate persons.

Consequential amendment of the Statutory Corporations (Liability of Directors) Act 1996 provides for inclusion of members of the authority on the list of persons who are directors under this Act. Thus, the duties and responsibilities of directors under this Act will apply to members of the authority.

Implementing the proposed amendments is unlikely to have any impact on the government budget. However, it will enable the Western Australian Meat Industry Authority to operate in the manner envisaged when the responsibility for management of the Midland saleyards was transferred to it in 1994. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) REPEAL BILL

Second Reading

MR HOUSE (Stirling - Minister for Primary Industry) [4.30 pm]: I move -

That the Bill be now read a second time.

This Bill is a simple piece of legislation to provide for the repeal of the Carnarvon Banana Industry (Compensation Trust Fund) Act.

The Act has operated as a compensation scheme for banana growers in the Carnarvon area. Premiums paid into the compensation trust fund come from levies on cartons of bananas produced. These grower payments are supplemented by a government contribution of \$1 for every \$2 contributed by growers. Payments to banana growers may be made to compensate them for losses suffered as a result of cyclones, storms, floods or any natural cause if in the opinion of the minister, the event constitutes a serious threat to the existence of the Carnarvon banana-growing industry.

The scheme was introduced in 1961 at a time when insurance premiums on such risks were unacceptably high. It was designed to bring confidence and stability to the developing banana-growing industry. A review of the Act in 1996 found that the trust had a sufficient balance to be self-funding; the entire balance of the trust fund belonged to the industry; the original objectives of the trust fund had been achieved; alternatives to the trust fund existed, as private insurance was now viable; and the Act did not comply with national competition policy.

The review recommended that the balance of the trust fund be transferred to a growers' committee under the auspices of the Horticultural Produce Commission Act. This led the review group to conclude that the Act should be repealed. Subsequently the Act was reviewed in 1996-97 under national competition policy guidelines. The Cabinet Government Management Standing Committee has endorsed the national competition policy review report and the recommendation to repeal the Act.

In March 1997 the Carnarvon Horticultural Development Council conducted a ballot in which a majority of Carnarvon banana growers favoured the establishment of a self-funded compensation scheme. A business plan has been prepared by a subcommittee of the Carnarvon Horticultural Development Council on behalf of the Carnarvon banana-growing industry. This recommends that Carnarvon banana growers establish a committee under the Horticultural Produce Commission Act to manage funds transferred from the Carnarvon Banana Industry Compensation Trust Fund.

At 30 June 1998, the Carnarvon Banana Industry Compensation Trust Fund had reserves of \$5.851m. This will provide the basis for a long-term industry-managed scheme. A self-funded compensation scheme would then commence, managed by the industry under the umbrella of the Horticultural Produce Commission. The plan recommends that initially compensation coverage be for cyclone and storm damage only.

Under the provisions of the Horticultural Produce Commission Act, growers may elect to form a growers' committee for a specific sector of the horticultural industry. The growers' committee can then arrange for the introduction of specific services which are funded on a fee-for-service basis. The Act has been a successful model for self-determined industry activities. Eight growers' committees are currently operating under this Act.

In summary, this Bill provides the mechanism for the transfer of trust fund reserves to industry control and for repeal of the Carnarvon Banana Industry (Compensation Trust Fund) Act. The trust fund reserves will be transferred to a temporary account at Treasury.

A Carnarvon banana growers' committee will be established under the Horticultural Produce Commission Act. When the minister is satisfied that all arrangements are in place, the funds will be transferred to the Horticultural Produce Commission for the benefit of Carnarvon banana growers opting to belong to the new scheme. The Carnarvon Banana Industry (Compensation Trust Fund) Act 1961 will then be repealed by proclamation of this Act.

The effect of the Bill is supported by the growers themselves and is consistent with the Government's objective of encouraging industry self-reliance. Proclamation of this Act will terminate the activities of the Carnarvon Banana Industry (Compensation Trust Fund) Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA BILL

Cognate Debate

On motion by Mr Prince (Minister for Emergency Services), resolved -

That leave be granted for the Fire and Emergency Services Authority of Western Australia Bill and the Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Bill to be considered cognately and that the Fire and Emergency Services Authority of Western Australia Bill be considered the principal Bill.

Second Reading

Resumed from 18 June.

MRS ROBERTS (Midland) [4.35 pm]: I am pleased to speak on the Fire and Emergency Services Authority of Western Australian Bill. As most members of the House know this Bill is well overdue. I received correspondence in the past few months which indicated the urgency with which fire and emergency services wanted this legislation in place. Some people exhorted me to ensure that the legislation would be in place by 1 July 1998.

I advised Mr Bill Mulroney the chairperson of the State Emergency Service Volunteer Consultative Committee that I would have been more than happy to expedite the legislation by 1 July 1998. Unfortunately, that was out of my control; it was within the control of the Government, in particular, the minister responsible for this legislation and the leader of government business. This is another indication of the mismanagement that we have seen with legislation progressing through the House this year. We expected to see the Bill a long time ago.

The Bill will establish the Fire and Emergency Services Authority of Western Australia. Its aims are to achieve a coordinated approach to planning and management matters across all emergency services agencies; a more effective and coherent framework for policy development and implementation; and to provide a better service delivery to the community and to those 20 000-plus emergency service volunteers and the more than 1 000 frontline emergency service staff.

A number of bodies will come together under a new framework. They include the Bush Fires Board, which is a statutory authority established under the Fire Brigades Act; the Western Australian Fire Brigades Board, which is a statutory authority established under the Fire Brigades Act; and the Department of Fire and Emergency Services, which was originally established under the name of the Western Australian State Emergency Service.

Clause 4 of the Bill provides for the establishment of a body called the Fire and Emergency Services Authority of Western Australia; that the authority will be a body corporate with perpetual succession; and that proceedings may be taken by or against the authority in its corporate name.

Clause 5 states that the authority will become an agent of the Crown and will enjoy the status, immunities and privileges of the Crown. Clause 6 will establish the board of management, and outlines that it will consist of a chairman; the three chairmen of the consultative committees; three persons who, in the Minister's opinion, represent emergency services volunteers; one person who represents local government; the chief executive officer; and not more than one other member. It also provides for the remuneration and allowances of those board members.

One matter that I will address is the concern of volunteer fire brigades that they will no longer have an elected representative on the board of management. A number of pieces of correspondence have been brought to my attention with regard to this matter. The Kambalda Volunteer Fire Brigade wrote to its local member, Hon Julian Grill, as follows -

I am writing to voice our brigade's disapproval of the intention not to have a democratically elected representative of urban volunteer firefighters on the NEW Fire & Emergency Services Authority Board.

Our brigade feels that it is imperative to have direct representation on this board and requests that you do your utmost to support us in this endeavour.

Hon Julian Grill in turn wrote to me, and in a moment I will refer to that letter.

I and members on this side of the House have taken the opportunity of writing to the former Minister for Emergency Services, Mr John Day. The member for Kalgoorlie said in a letter dated 17 October 1997 -

Dear Minister,

RE: FIRE AND EMERGENCY SERVICES AUTHORITY BOARD

I have been approached by members of the Goldfields Volunteer Fire Brigades Committee with respect to the lack of a volunteer representative on the new Fire and Emergency Services Authority Board.

They have expressed their disapproval to me about the decision not to include an elected member of the Urban Volunteers Firefighters on the Board.

The role played by members of the Volunteer Fire Brigades throughout Western Australia is an essential one and I strongly support their call to include a representative on the Board.

Could you please advise me as to why this is not the case.

I hope that you will look into this matter and I encourage you to reconsider the Board's representation.

The member for Kalgoorlie drew that issue to my attention at the time; and other members on this side of the House continue to draw that issue to my attention.

In question on notice 2695, which appears at page 8403 of *Hansard* of Thursday, 20 November 1997, I addressed the following question to the then Minister for Emergency Services -

- (1) Is it the intention of Government not to have a democratically elected representative of urban volunteer firefighters on the new Fire and Emergency Services Authority Board?
- (2) If so, how and why was this determined?
- (3) Is the Minister prepared to reconsider this matter?

The Minister for Emergency Services responded as follows -

- (1)-(3) In June 1997 I announced the establishment of an Emergency Services Taskforce chaired by Mr John Lloyd, to progress the implementation of a proposed new structure to improve coordination and planning across the Emergency Services portfolio. The Taskforce submitted its report containing 63 recommendations on 1 October and on 23 October I informed the House of the outcome of this initiative.

I note that the best part of a year has passed since that time. He said also -

It is proposed to replace the existing Fire & Rescue Service and Bush Fires Boards with one Board of Management. Board members will be appointed, not on a representative or elected basis, but for their individual expertise and experience in various areas such as strategic management, emergency services, finance, community education and relations, people management and voluntarism. Expressions of interest will be called for appointments to the new Board and as previously stated, a person's demonstrated commitment and understanding of volunteers will be taken into consideration.

It is clear from the examples that I have drawn to the attention of members, and also from the many other examples and representations that I am sure have been made by a huge number of volunteer fire brigade boards to their local members, and others, that the volunteer firefighters want to have their own democratically elected representative on that board.

The Minister said also -

I acknowledge there have been concerns expressed by some volunteers regarding their preference for an elected member on the Board. However, the majority of volunteers are prepared to give the new structure and appointed Board an opportunity to show the benefits it can provide. The Board will be reviewed two years after commencement and will be closely monitored.

In addition to the Board, each of the three emergency services agencies will have a consultative committee which will include volunteer and employee representatives and the Chairpersons of these Consultative Committees also be members of the new Board. It is further proposed that additional volunteer input to the decision-making of the new Authority will come from the proposed twice yearly volunteer forum.

I believe that the former Minister for Emergency Services has grossly misrepresented the situation. In my considered opinion, most volunteers still fear that they will not have direct elected representation on the board. It is true that they are willing to give the new structure the benefit of the doubt and hope that it will provide many benefits for them and for the people whom they serve. However, the minister has done little to deal with the matter of representation and to allay their fears.

The Minister referred to the consultative committees, as if this would somehow allay the fears of the volunteer firefighters.

By way of example, I will read part of a letter from Mr Keith Smith of Sawyers Valley, Western Australia, to Mr Mike Beynon, Chief Bush Fires Officer, Shire of Mundaring. I am sure Mr Smith will not mind my reading out his letter, firstly because he has addressed a copy of the letter to a number of people; and secondly because he has resigned from the volunteer bush fire brigade and, therefore, has nothing to fear, whereas I understand that some of the people who are continuing to work in that capacity are concerned for their reputations and the volunteer positions that they hold if they rock the boat with regard to their representation on the board. Mr Smith's letter states -

Dear Sir,

It is with regret that I resign my position as Fire Control Officer of Sawyers Valley Volunteer Bushfire Brigade Inc.

Personal pressures are a big part of that decision, but the present insurance position on fire fighters is the deciding factor.

There is no doubt in my mind that the un-incorporation of brigades will place the personal assets of all members of brigades at risk in the event of negligence by any one member. The Bush Fires Act will offer no protection in the case of negligence by a member, and the simple enquiry to any insurance company on the matter will reveal that they will not even pay out in the case of negligence. The only protection for members is incorporation.

I feel that the whole matter is not being treated with the urgency it deserves. Bushfire volunteers are saving the Shire and the State millions of dollars by providing their services for firefighting, fundraising, fire protection and other various other community service activities, and deserve far better consideration than they are being given in this fiasco.

I also regard it as an insult to my intelligence, to sit in a meeting of the Bushfire Advisory Committee and have the Shire representative who originally explained the benefits of incorporation to the Brigades before incorporation, having forgotten what those benefits are. At the same meeting, to hear the Bushfire Board representative say that they have never recommended incorporation, when I have not one, but two different model constitutions produced and recommended by the Board for adoption by Brigades, is the icing on the cake of this bureaucratic bungle.

Mr Bloffwitch: The back bench was very vocal. We wanted three of these people on the board. I thought the minister agreed to allow three people on the board, so I cannot understand why you are saying that.

Mrs ROBERTS: I will refer to that point in a moment. The letter continues -

I am convinced that all that is required to fix this problem is a simple change in the legislation to protect incorporated brigades as well. State government has on many occasions demonstrated its ability to change and even backdate legislation when they have the will to do so. I believe in this case they have a moral responsibility to find that will, and demonstrate to the volunteers that they truly value their efforts.

That letter was received at my office on 6 March of last year. The member for Geraldton interjected that those people were catered for. I am not sure whether the member was in the Chamber earlier. However, clause 6(1)(c) lists for inclusion on the board of management three persons who, in the minister's opinion, represent emergency services volunteers. I understand that that has not satisfied emergency services volunteers. It might be instructive to look at the Fire Brigades Act, which is to be amended by the consequential provisions Bill, the second under cognate debate.

Mr Bloffwitch: We were emphatic that the volunteers were to have three seats. Initially, there was none. We lobbied and it was agreed to have three seats on the board. We were insistent that they to be from the volunteer brigades. They will be nominated by them and a list put up by them to the minister.

Mrs ROBERTS: I am aware of that. Members opposite are all too easily pacified on this point. They accept that the minister will pick three people he believes will represent the interests of volunteers. However, we have other examples of ministers who pick retired people, those who are no longer volunteers, or lawyers who deal with a lot of cases related to the issue at hand. Those people put forward an argument to the minister. The clause refers to a person - not a representative - who in the minister's opinion represents emergency service volunteers. There is a big difference between someone who is considered to represent and somebody who genuinely represents. That has been pointed out in other legislation on other occasions.

Section 7, "Constitution of the board", of the Fire Brigades Act lists paragraphs (a) through to (i) regarding the constitution of its board. Paragraph (a) reads -

One shall be a person appointed by the Governor as a member and Chairman of the Board.

For example, paragraph (e) indicates that one member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time. Paragraph (g) indicates that one member shall be elected by the registered volunteer fire brigades. That is a point of which members opposite fail to take cognisance. A key difference is involved

between a group with a right to elect persons of its choice to the board, as opposed to a minister's handpicking three people who, in his opinion, represent emergency service volunteers; that is, the latter representatives are not elected by their peers.

Mr Bloffwitch: I am not knocking what you're saying, but do you not think that through the size of the organisation, they would not all know one person from one brigade?

Mr Graham: Absolutely they would!

Mr Bloffwitch: I do not believe they would.

Mr Graham: Look at North Fremantle Oval at Easter.

Mr Bloffwitch: They are there for four days.

Mr Graham: They spend their time talking about it.

Mr Bloffwitch: They come down for the country championships.

Mrs ROBERTS: I do not wish to enter an argument with the member for Geraldton. I present the views of emergency service volunteers who have contacted me and other members of the House. I will leave it to the able member for Pilbara to discuss that point further. He has taken a keen interest and is involved with those country brigades.

The previous minister claimed in his second reading speech earlier this year that no jobs would be lost as a result of the consolidation of the emergency services agencies. I hope the minister will address that matter in responding to the second reading debate. Is that statement still correct? Have any jobs been lost as a result of the consolidation of the emergency services agencies, which I understand has already taken place in many respects?

Part 3 of the Bill outlines the functions and powers of the new Emergency Services Authority of Western Australia. Clause 11 outlines the function of the authority as follows -

The Authority has the functions relating to the provisions and management of emergency services that are vested in the emergency services Acts.

I presume that this refers to this establishing Bill, the Bush Fires Act and the Fire Brigades Act. Clause 11(2) reads -

Without limiting subsection (1), the Authority has the functions of -

- (a) advising the Minister on all aspects of policy in relation to emergency services;
- (b) developing plans for, and providing advice on, the management and use of emergency services;
- (c) undertaking, coordinating, managing and providing practical and financing assistance to activities and projects relating to emergency services.

Under the powers of the authority, clause 12(1) reads -

The Authority may do all things necessary or convenient to be done for or in connection with the performance of its functions.

That is an incredibly broad authority. Does the minister feel that the clause is too broad? What is the necessity for such a broad authority? Regarding delegation, clause 15(1) reads -

The Authority may, in writing, delegate to the chief executive officer the performance of any of its functions under the emergency services Acts.

Presumably, those are the three Acts to which I referred earlier.

Mr Prince: I think the emergency services Acts are defined in the definitions in clause 3 as the Bush Fires Act and the Fire Brigades Act - that is, just the two.

Mrs ROBERTS: And this Bill itself, surely.

Mr Prince: The definition indicates otherwise.

Mrs ROBERTS: Will the minister be required to sign off on that delegation in clause 15, and is there any restriction on the functions which can be delegated?

Mr Prince: I cannot give a definitive answer without carefully going through the legislation.

Mrs ROBERTS: My concern is that when an authority is set up to perform certain functions, it should fulfil all those functions rather than delegate them. Certainly, with the higher level of functions, that is inappropriate. If there are to be

checks and balances in the system, one way to have a partial check is to refer delegations to the minister to sign off. Perhaps the minister will be able to give me more advice on that matter.

Mr Prince: The member refers to signing off the actual delegation. What is then done under the delegation is the check and balance. There could be a meeting of the authority or board and a list of that which the chief executive has done under delegated authority could be given each month or quarterly, whichever the case may be.

Mrs ROBERTS: Consultative committees are provided for in part 5 of the Fire and Emergency Services Authority of Western Australia Bill. Part 5, clause 22 states that -

The Minister is to appoint 3 consultative committees with the names -

- (a) Bush Fire Service Consultative Committee;
- (b) Fire and Rescue Service Consultative Committee; and
- (c) State Emergency Service Consultative Committee

It goes on to state that -

Each of the consultative committees is to be appointed in respect of certain emergency services, as determined by the Minister.

As I highlighted earlier, many volunteer fire fighters are not satisfied that the consultative committee will give them the voice that they formerly had or the voice that they would like to have in the new scenario. Part 7, clause 37(1) states -

Subject to subsection (2), a person does not incur civil liability for anything that the person has done, in good faith, in the performance or purported performance of a function under the emergency services Acts.

I raise that point by way of contrast because I am sure that police officers in this State would like that provision to be in the legislation.

Mr Prince: Yes, and they will have it.

Mrs ROBERTS: Is the minister undertaking that there will be a similar provision in the new police legislation?

Mr Prince: As far as I am concerned, they will have it.

Mrs ROBERTS: That is excellent news. I congratulate the minister on being the first minister on his side to give that commitment.

Mr Prince: I have said it to the Police Union. I know that the executive of the Police Service wanted the same thing.

Mrs ROBERTS: That is great. I am happy to have the minister's comment on the record.

The Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Bill is just that - a consequential Bill to delete certain sections and make changes so that it fits in with the new structure for the Fire and Emergency Services Authority. I have been very concerned that the legislation has taken so long. Many correspondents have suggested to me that the Government, in effect, has been operating under the new structure for some time in the absence of legislation being brought before Parliament. That is not good government and it is not the way it should have happened. I have received no explanation from the Government, including the previous minister and the Leader of the House, as to why it took so long for us to see the legislation. I have drawn to the minister's attention that throughout last year the previous minister referred to the new legislation. I expected to see it in the autumn session this year, but that did not occur. I have received numerous calls and much correspondence, as did the Leader of the Opposition, with regard to the passage of the legislation. I am disappointed that, in a sense, this organisation occurred by stealth ahead of the legislation, rather than the legislation preceding the establishment of the Fire and Emergency Services Authority.

Mr Prince: The Bill was first read at the beginning of June.

Mrs ROBERTS: I understand that it was first read in June, yes.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [5.04 pm]: I support the Bill with pleasure simply because there are many fire brigade and WA State Emergency Service people in Swan Hills. In fact, apart from one and a half suburbs, all of Swan Hills is covered by volunteer fire brigades and the SES. We have no professional personnel apart from one section of Swan Hills.

There are more than 20 000 emergency volunteers in Western Australia and more than 1 000 professional personnel. The legislation can only benefit volunteers and professionals by taking a coordinated approach to planning and management. It means that all those involved will move in the same direction and be led by the same group taking a whole-of-state

approach, rather than the uncoordinated approach which in the past often led to people from two groups, such as the Department of Conservation and Land Management and the bush fire brigades, doing their own things and perhaps not using personnel as efficiently as they could. Sometimes that approach has caused minor territorial difficulties, and some volunteers have been a little upset over such issues. To have one authority in control is definitely a step in the right direction and it will solve many problems. We must remember that the most important job of the fire brigade, the SES, and other volunteers and professionals in this area is to put out fires and so on to keep our State safe.

As the member for Midland said, a board of management is to be formed which will include three representatives from the emergency services volunteers. I am pleased to point out that government backbenchers lobbied the previous minister to include those three representatives so that volunteers would have a say on the board. We explained to the minister the importance of the "vollies" having their say on the board as its activities will affect the 20 000 volunteers in the State. I am pleased that clause 6(1)c states -

3 persons who, in the Minister's opinion, represent emergency services volunteers . . .

After listening to the member for Midland, I query her point. I believe that the regulations will state - as government backbench members asked the minister - that the volunteer groups will put forward three names and the minister will choose from those volunteer groups. I assure the minister that we will watch matters to ensure that happens, because it is the only fair course for the volunteers.

Several members have never been involved in or seen a bushfire, so I will explain the dangers involved. Volunteer bushfire and SES people have the most dangerous voluntary job of all. They put their lives on the line every time they go into their units and set out to fight a fire. I can speak from personal experience on both sides, because, as I have mentioned before, my husband won the Australia medal for more than 25 years service to the volunteer bush fire brigades. Also, we were burnt out and lost our property in 1977. We lost almost everything. I had to go out with a gun and shoot sheep that were standing burning alive in the paddock. We cleaned up after the bushfire for at least the next two years. A bushfire is horrific, dreadful and should not happen.

Unfortunately, in the hills and in many other parts of Western Australia, the bushfire danger is with us all the time simply because of our climate. I record my personal thanks, the Government's thanks and those of the House and the community for the wonderful job that the volunteer bush fire brigades, the SES and other volunteer services, such as the boating emergency services which I have not had much to do with, have done for the State. I hope that the people of Western Australia understand the effort, time and energy those people expend and the danger to which they are subjected to keep our community safe.

I would like to also bring to the attention of the House the fact that this Government has put its money where its mouth is to support bushfire and SES volunteers in this State. From 1994 to 1997, \$4.3m was spent on equipment, appliances, protective clothing and stations. I lobbied the minister very hard to get some of these into my area. An amount of \$4.5m was spent on communication equipment. The Darlington brigade has a terrific new unit which was commissioned a couple of years ago and is taken to most fires in the hills as a control centre. The Government had to spend \$8.8m in the first three years of government because of the dismal quality of the equipment throughout the State.

I have been involved in firefighting for 30 years now. We held dances on Saturday nights in the local pub, operated cake stalls and conducted raffles to raise funds for the firefighters because the equipment was not up to standard. Fortunately, this Government has recognised that. The Government has worked very hard in my electorate and in the Toodyay and Northam areas to ensure the equipment is up-to-date. One of the incentives was to assist the local government by funding on a dollar-for-dollar basis. On behalf of the minister, I have commissioned several new units in my electorate ranging from tankers to faster attack units to the larger units that are needed in the hills for house fires. After the last election, the Government committed a further \$10m to continue this initiative over the next four years. I commend the Government for it. The 1997 election commitment provided \$1m to increase training and training money for the volunteers of the SES, the bush fire brigade and the Fire and Rescue Service. The equipment gets more technical and harder to handle. It is not like the days when we had knapsacks on our back and were beating out bushfires in our area; we even used branches and anything we could to put out the fire. Modern firefighting equipment is now available and people must be trained to use it.

I commend the Government for successfully liaising with the Lotteries Commission, which has been giving grants for many years to volunteers to purchase equipment. The Government has again negotiated with the commission to continue this over the next three years. This benefits the Bush Fire Service by \$300 000 per annum and the SES by \$100 000 per annum and, something that I do not know very much about, the Sea Search and Rescue by \$100 000 per annum. That all adds to the money which has been made available to help the volunteers work as best they can. Also, \$1m is to be provided over the next four years to the Fire and Rescue Service of WA for additional plant, equipment and protective clothing.

The Government recognises that the volunteers and the Fire and Rescue Service of WA need help. To be a volunteer is to put one's life on the line every time one goes out in the unit. They can receive a call at all hours of the night. My husband has been called out at 2.00 am or 3.00 am. He jumps out of bed into his overalls, gets into his unit and goes to fight the fire.

The firefighters do not know what they are about to confront; they just know that there is a fire. Some members of our brigade have been caught in the bush with no escape and have had to wait for bulldozers to bulldoze through a fire to get them out. It is very scary. I have been involved for many years. The SES is always there. Before it was available 30-odd years ago, people such as me would make sandwiches with the other ladies in the area and take them to the volunteer firefighters. The SES has developed itself into a great unit to ensure the firefighters receive proper food and drinks and are looked after at the fire. This is a marvellous step forward considering what was around 10, 15, and 20 years ago, and I commend it for that.

I support this Bill. As the member for Midland said, it should be passed as quickly as possible. I hope the Opposition will support it to make a very hard and difficult job easier for the volunteers of Western Australia.

MR GRAHAM (Pilbara) [5.15 pm]: I will not outline the purpose of the Bill as have other speakers. I do not think any dispute exists between any of the parties or interest groups on the role and function of the Bill. The value of the legislation is not disputed by the Opposition. The member for Midland, as our shadow spokesman, has committed us to support the legislation and that is as it should be.

However, having said that, I am concerned about the effects of the legislation, the attitude that comes out of the legislation, the actions of successive ministers since the change of government in 1993, and the actions of successive senior members of the fire brigade hierarchy. In addition to the WA Fire and Rescue Service and the bush fire brigades there is an organisation, albeit it is part of the fire brigade, called the urban volunteer firefighters. It has operated for 100 years. I make this point to ministers and former ministers opposite: Not every country area that has a fire brigade has a bush fire brigade. This Government has not understood that to date. I look forward to the minister convincing me or putting on record the view that the Government has heard from people, because I know it has received a plethora of letters, and long conversations and discussions have occurred. I look forward to the minister telling me that the Government now understands and accepts that not all volunteers are in the bush fire brigades.

I am not belittling or denigrating the bush fire brigade; I am simply making the point that two separate entities exist. The people who are in the volunteer fire brigades in the north west of this State are some of the greatest people that I have ever met in my life. I do not think that anyone could ask more of the members of their community, who give up their right to privacy and a night at home with their families in order to protect someone else's life and property. It is a big ask for people to do that when they are paid full-time members of the fire brigade, the emergency service, the police or the armed forces of this country. For those people to give up their rights and put their lives on the line to protect other members of the community when they are volunteers, is about as good as it gets. For those people to then raise the money to fund their organisations, to fund their equipment purchases, and to improve their services by way of running raffles and the sort of things the member for Swan Hills talked about makes them an extraordinary group of people. Not only are they an extraordinary group of people for the work they do in protecting people's lives and property, but also they extend their services by going into schools and educating children, checking fire hydrants in the community, and making sure that firefighting apparatus in shopping centres is satisfactory, all in their own time. All the things the fire brigade does in Perth with permanent full-time officers, is done in the north west of the State by volunteers. In addition, these people are the first agency to respond to most road crashes in the north west and to bushfires. Two of the three levels of authority and responsibility of these volunteers are, firstly, the urban areas in the towns where the brigades are formed and, secondly, the highways where they are the first group at road crashes and chemical spills. In your electorate, Mr Acting Speaker (Mr Sweetman), I know the people are aware of what happens in the goldfields with the transference of chemicals up and down the roads. The volunteers are the first to deal with those things and the cyanide trains that travel to Telfer. It is an awesome task at those two levels, but the volunteers also take on responsibility for any bushfires that occur. They are an extraordinary group of people.

I have some serious concerns about this legislation, although I know the Government has "consulted" widely. Consultation is perhaps a euphemism because the Government had decided what it wanted to do, and it then spoke to people who were able to negotiate at the fringes. I suspect that if any of those groups had wanted a significant change in direction or had demanded autonomy that would not have been agreed to by the Government. The aim was always to put all groups under one piece of legislation. It is of concern to me that, firstly, as the member for Midland said, the Parliament has been pre-empted. The provisions in this legislation are already in place. I know from reading the newspapers and the *Government Gazette*, in which I have seen announcements of appointments of chief executives and members of the board, that all those things are in place. To a large extent this Parliament is rubber-stamping the legislation. That is the kind of excess of Executive power that the Commission on Government wrote about at great length; that is, there is a role in our parliamentary system for the Executive's actions and desires to be checked by the Parliament. That cannot be done in this instance, although the Opposition will move at least one amendment to try to protect the rights of some people and organisations in the process.

The member for Midland referred to the representation on the board, and all members have received letters and correspondence from various people. It is clear from interjections, particularly those by the member for Geraldton, that some members are not aware of the difference between the bush fire brigades and the urban volunteers. I also know, because I

spoke to him about it at length, that when the member for Wagin was the Minister for Emergency Services he did not understand the difference. I know his successor made absolutely no attempt to understand the difference. I hope the current minister does know and understand the difference.

I make the point that the 1942 Fire Brigades Act gave the registered volunteer fire brigades the right to elect their representative. It was enshrined in that legislation. Their elected representative was a member of the Western Australian Fire Brigades Board. It was interesting that when the member for Midland raised that point, the member for Geraldton and others queried whether they would know who they were voting for. It would be wonderful to apply that philosophy at the next state election so that, on the basis that people would not know for whom they were voting, Parliament would appoint someone as the member for Geraldton who it thought would act in the interests of the people of Geraldton. What a load of nonsense. People should have the right to elect their representatives. I know that even the former Minister for Labour Relations agrees with that, because he went to great lengths to introduce legislation that gave people the right to elect their representatives in trade unions. This legislation takes that representative power from the volunteer fire brigade members and gives it to the minister. There is no doubt about that.

Clause 6 in part 2 of the Bill states that the authority is to have a board of management, and it outlines those who will be members of the board. In paragraph (c) it states that three of the members shall be persons who, in the minister's opinion, represent emergency services volunteers. In fact, and in principle, there is a significant difference between people electing their own representatives and someone else appointing a person he thinks will act in the best interests of the first person. It is interesting to go through this legislation. Notwithstanding what the member for Swan Hills said, and what the minister has said to me privately about where these people will be drawn from - I understand his view is that one will come from the volunteers, one from the bush fire brigades and one from the SES - the legislation does not provide for that. I assume the minister will deal with that in his response to the second reading debate. The Bill as it stands provides that it will be at the minister's whim to appoint not people who represent the interests of organisations or members of those organisations, but those who convince the minister that they can do it. That is a significant difference.

The provisions relating to the consultative committees also indicate the attitudes of ministers and this legislation to those volunteers. Three consultative committees will be established: The Bush Fire Service Consultative Committee, the Fire and Rescue Service Consultative Committee, and the State Emergency Service Consultative Committee. Even on the consultative committees, the volunteer urban firefighters are overlooked. The Government has made no move to even give them a say in the consultation after the legislation is in place. They will have no opportunity at all to be involved other than as part of the overall fire brigade if they can get someone appointed. That is clearly unacceptable and goes against the interests of the volunteers.

I will not go on at length about the urban volunteer fire service and its difficulties. However, its interests have not been served well by the Western Australian Fire Brigade. I will give some anecdotal examples, without going into detail, and I will speak to the minister privately about where they fit into the scheme of things. It took 18 months to get the fire brigade and the Minister for Emergency Services to accept that firemen in the north west should be issued with hats. That is bizarre.

Mr Prince: You are kidding!

Mr GRAHAM: I am not kidding. The minister should talk to the member for Wagin and the fire brigade. It took 18 months for it to be accepted that these people need hats. These people attend car accidents in 46 degree heat in summer. The fire brigade could not agree to give them hats.

Mr Prince: I find that amazing.

Mr GRAHAM: I find that more than amazing. I was hotter than the road surface during this fight and so, quite rightly and justifiably, were the volunteers. When replacement vehicles were delivered - this is only a recent change - the fire brigade used to order that the airconditioners be taken out of vehicles for country volunteer organisations. These were land cruisers; standard airconditioning is fitted as part of the tender and the fire brigade was having it removed before the vehicles were sent away. These are the sorts of things that happen to volunteer fire brigades in the bush and they have no power to change the situation. The little power they had was their representation on the board and the Government has removed that.

I strongly suggest that the minister look at the negotiations taking place, the funding for payments to the volunteer fire brigades and what the fire brigade is asking volunteers - I stress volunteers - to do in order to protect people and put out fires. Merit payments are being changed and the volunteers are to be required to conduct training - not to participate in training but to do the physical training of other people in their brigades. No full-time officer is responsible for training but one should be. I mentioned school visits. The fire hydrant inspections payments are made on the basis of productivity increases on the part of volunteers. These people are giving up their time to do this. They are not regular paid employees or public servants; they are volunteers.

Part of the offer put forward by the Government focused on the payments made to brigades in order to increase their productivity and the way those payments would be structured. Nobody argues against the need to increase productivity; that

would be like arguing against motherhood. Maximum productivity is sought from a fire brigade with paid employees who work from nine o'clock to five o'clock - or from three o'clock to two o'clock depending on the shifts - and provide coverage. Within the constraints of occupational health and safety those people should deal with as many fires as they possibly can in their area of responsibility. However, the Government does not seem to get the message that, in the case of volunteers, one should not put them under pressure to work harder and longer. These people freely and willingly give up their own time to fight fires.

I have heard what Government backbenchers have said about asking the minister to take into account representation of the three groups. I look forward to his response to the matters I have raised about the lack of representation for these volunteers. The Opposition will be seeking to amend the legislation to enable that representation to occur. I hope the minister will agree because it is not a difficult proposition.

Another arm of the legislation which is of vital interest to people in the north west relates to the State Emergency Service. I hope members recall speeches I have made in this place about the state of preparedness necessary for towns in the north west to withstand a serious cyclone, particularly Port Hedland. Unfortunately the matters I would like to address are sub judice and I am bound by the rules of this place not to mention them. I will make these general points: The SES plays a very important role in preparing the north for cyclones. It is responsible for advertising and it is also publicly responsible for the clean-up campaigns. Under amendments to the Local Government Act, the responsibility to enforce provisions which require people to clean up in preparation for a cyclone does not lie with the SES but with the local authority. That was agreed to by the Minister for Local Government and myself. I do not know whether we would structure it that way again for the following reason:

To enforce the provision that people must make an area clean and safe in the event of a cyclone usually requires someone to tell a land owner, property owner or tenant that he must do something which may not be in his best interest. It is difficult for local authorities to make that sort of decision if somebody must front a prominent businessman, a shire councillor, or the head of the chamber of commerce - someone of standing in the local community - and tell that person he is required to do these things. Local politics can then come into play. With the benefit of hindsight, I would put those sorts of provisions in this legislation. That is one of the prices one pays for being in opposition; one cannot do those things as one would want. The Government, the Opposition, the agencies and local government agree that enforcement of powers which require proper preparation for cyclones are needed in the north west. I am not convinced that local government can provide that enforcement.

As a result of this legislation, the State Emergency Service will have some powers and standing. In his response to the second reading debate, I would like to hear the minister's view of those powers, firstly, on the coordination necessary to identify problem areas in cyclone clean-up and the requirement that those areas be cleaned up in the interests of public safety; and, secondly, in the event of a cyclone, how this legislation prescribes which shall be the lead agency with responsibility throughout the cyclone.

I understand those matters are dealt with by way of either a system 6 or system 7 cabinet minute that designates those responsibilities. This legislation was to do away with that cabinet minute. The Minister is indicating that it is not. I will be happy if the Minister will explain in his response to the second reading debate the relationship between this legislation, that board and that cabinet minute. If it is not to be revoked -

Mr Prince: Not yet.

Mr GRAHAM: I seek the details on how those things will be dealt with, bearing in mind that we are about two months away from the start of the cyclone season. At the start of this cyclone season in the north west we do not want any uncertainty about which agency can do what. At the moment, even with the cabinet minute, the situation is confused. I genuinely look forward to the response of the Minister - I do not often say that in Parliament - because I would like him to deal with the matters I have raised. They are genuine matters of substance, and I ask him to deal with them.

MR BARRON-SULLIVAN (Mitchell) [5.42 pm]: It is not my intention to reiterate the contents of the legislation, nor to go over a number of points elaborated on by the previous minister in June. This is very important legislation for this State and for the electorate of Mitchell. I want to put on record a few very salient points. The first thing to note is that the main intention of the legislation is to consolidate the State's emergency service organisations. Many people do not realise the extent of the role volunteers play in the emergency services throughout the State. The member for Pilbara has just talked about it and earlier we heard from the member for Swan Hills about this issue. I assure members that the south west region is serviced by volunteers just as extensively, if not more so.

Throughout the State three organisations have extensive backing from volunteers - the bush fire brigade has about 16 000 members; the State Emergency Service about 2 500; and the volunteer town fire brigade about 2 000 volunteers. In total, they involve about 20 000 volunteers and about 1 000 staff. We are talking about a very extensive volunteer organisational network. The new agency to be established by this legislation, the Fire and Emergency Services Authority of Western Australia, essentially consolidates the three volunteer organisations. In doing so, it establishes a board of management, the

Fire and Emergency Services Authority Board. That brings together the Bush Fires Board and the Western Australia Fire Brigade Board, both of which will be abolished after this legislation comes into place. It also consolidates the activities of the Fire and Rescue Services of WA or, as we still colloquially refer to the local organisation, the State Emergency Service.

I am confident that the aims of the legislation will be met. It will assist in ensuring the best possible coordination of the activities of these groups. Hopefully it will improve planning and policy development, and I totally support these broad objectives. If anything, I suggest this legislation might assist in further improving the confidence within the community in the operations of these volunteer organisations. They are held in very high esteem at present. Having been extensively briefed by the volunteers in my electorate in my short time in office, I can see that they have a formidable task and I do not envy one iota a number of their activities and responsibilities. They confront a number of practical issues on an almost day-to-day basis, particularly in times of crisis.

One member earlier discussed the question of lead agency responsibilities and so on. These issues have all been dealt with and planned for quite comprehensively in the south west region. That does not mean the volunteers do not deserve our extensive support. We need only look at the demands they face to realise why that is so. In the south west, a number of volunteers were involved in the Gracetown tragedy some time ago. I can assure members it had quite an extensive psychological effect on many of those volunteers.

Many people living in the Bunbury and Australind areas do not realise that if they are involved in a very serious car accident while travelling to Perth on the South Western Highway, volunteers will attend the accident with the jaws of life and will take the injured from their vehicles. In Australind there is a volunteer ambulance service which, obviously, is not covered by this legislation. I mention that to demonstrate the importance of volunteers within our community. Also, Australind and Eaton are covered by a volunteer fire brigade and the bush fire brigade has an extensive involvement in the area.

It is good to see that, although the volunteers work hard for everything they get, the State Government has provided substantial financial support for these organisations. The member for Swan Hills earlier quoted the same figures I have in front of me: Over the past three years the Government has injected \$4.3m into the provision of equipment and protective clothing for these organisations, and a further \$4.5m for new communications equipment which is absolutely essential for the operations of any emergency service.

These services also receive a large amount of assistance from the local councils that dip into the ratepayers' pockets to support these organisations, and no-one begrudges one dollar that goes to these volunteer groups. The volunteers are also involved extensively in community activities to boost their funds. I am delighted with the amount of support they have received from the Lotteries Commission, and the Government has indicated that that source of funding will continue to be available. The new regional State Emergency Service centre opened in my electorate by the previous Minister for Emergency Services at the end of last year is a major step forward for the volunteer emergency services in the south west. It will provide an excellent facility for the coordination of major emergencies. It provides a better storage and communications establishment. Also, quite importantly, it has an excellent training facility.

The only area of concern throughout the planning of this legislation, on which a couple of members have touched previously, relates to the representation of volunteers on the new FESA board. It was the subject of extensive consideration and debate within government ranks. I put on the record my thanks to the member for Swan Hills, in particular, the chairperson of the relevant backbench government committee, who ensured that this matter was given a thorough airing. The present and previous ministers have been quite amenable to the arguments put forward by me and other country members who represent areas which are looked after by volunteers. I am delighted that they listened to those arguments, and that the need for adequate representation of the three emergency organisations is reflected in the new legislation.

Clause 6 of the new legislation provides specifically for three people to be appointed on the new board of management, with the Minister's consent. There will always be a difficulty when dealing with representation of volunteer organisations, with two organisations having roughly 2 000 members and one having 16 000 members. It is difficult to decide how many representatives each organisation should have on a board of management, and whether the organisation with substantially more members should be more highly represented. It is a reflection of how well our emergency services cooperate and of the degree of confidence among the whole fraternity that an arrangement like this can work so well.

Each organisation has comparable representation despite being quite disparate in terms of membership numbers. My understanding is that as a result of discussions in government ranks, one representative will be appointed from the State Emergency Service, one from the bush fire brigade and one from the town volunteer brigade. I understand that they will be chosen after consultation with each organisation and that each organisation can nominate people to go on the board. I look forward to the minister's confirming that the selection procedure of the volunteer representatives will be put in place. I also understand that the three key organisations support this approach. I would appreciate it if the minister could give an indication of the latest situation and also what we are likely to see in the regulations relating to operations of the board and the representation of the three organisations.

I am very pleased that this legislation has broad bipartisan support. Before getting into Parliament, I always said that it is

far more effective if one can get all sides of politics working together on these issues. I hope that it will add to the speedy transmission of this legislation through both Houses of Parliament, so that we can demonstrate to the three volunteer organisations that the Parliament is behind them and that we are giving them 100 per cent support. This legislation has my total support.

MR RIEBELING (Burrup) [5.52 pm]: I do not wish to take a great deal of time of the House but I do wish to put on record my support for most of the two pieces of legislation we are debating. I was interested to hear the member for Pilbara suggest that he was looking forward to hearing the minister's speech. I do not know why he is looking forward to that.

Several members interjected.

Mr RIEBELING: The member for Pilbara is very charitable.

I disagree with something the member for Pilbara said about the cyclone clean-up system and the protection system which operates in the north of the State, especially in my area. The preparation work is controlled by councils. The power to compel business people and private residents to clean up their areas in preparation for cyclones and during the approach of cyclones is quite correctly vested in the councils. In my area the system works very well. If people or businessmen are told that their yards are a danger to their neighbours, in the main they do something about it. If a person living in Ridley St, which is where I live, needs to clean up his area, we neighbours tell him to comply or we do it. This is a commonsense approach. It is appropriate that the power remains in the councils' province. If Port Hedland councillors cause a problem by not doing the right thing by their position, they should be removed and someone put in their place who will do the job properly.

It worries me that when a cyclone approaches, the foot soldiers, as it were, the State Emergency Service personnel, run around the towns at great personal risk to themselves, giving people instructions. The State Emergency Service prepares information. The shires contribute to the cost of distributing that information. However, when a cyclone approaches, the expert volunteers who do all the preparatory work are all of a sudden overseen by the head of the Police Force in the region.

Mr Prince: It is called a lead combat authority.

Mr RIEBELING: Whatever. I do not know whether it is appropriate. A couple of cases come to mind, one of which is still in the coroner's court, so I will not mention it specifically. It is not always appropriate to have that structure controlling the emergency.

Mr Prince: Why?

Mr RIEBELING: The people who train and become efficient and know the requirements of the State Emergency Service are the expert captains and other personnel in the service. We put a non-expert of higher rank in charge of those people, at times to the detriment of the overall operation and control of an emergency. This should be looked at. The people in the emergency services, who are all volunteers in the north, do a great job. They know what must be done, and they do it very well. What has been said about putting money into the fire service and State Emergency Service is true: The more money put into equipment and so forth, the more it is returned by greater efficiencies. I hope that more and more money will be put in. The volunteers give freely of their time. As has been said by the member for Pilbara, a number of requirements have been placed on the emergency services' firefighting people in the bush. The requirements cannot be designed for efficiencies because the State does not pay the volunteers any money.

Mr Prince: They certainly receive a lot more money under us than they did under you.

Mr RIEBELING: I did not want to take any political shots.

Mr Prince: It is a statement of fact. I listened to the member for Pilbara and I was very interested. I will make sure that I am briefed on that area.

Mr RIEBELING: I will not comment on the political point the minister made. One of the problems in the north relates to 12-hour shifts. That move by some companies has made it very difficult for some towns to get volunteers who are capable of responding to an emergency, doing the training required and keeping up their skill levels. The same applies to ambulance services. I do not know the answer. Companies do not appear to want to change their working practices because of emergency services. If the trend to fewer and fewer volunteers continues, one day the State will have to pay for it at a huge cost. It will be looking not at \$4m annually for equipment, but at \$40m to \$50m to supply emergency services. Emergency services are required in the north. If no-one volunteers to provide them, the State will have to step in to provide the services. During the last fire season, a massive bushfire in the Pilbara burnt out millions of hectares.

Mr Graham: It was an area the size of Tasmania.

Mr RIEBELING: Yes, it was such a staggering area of land that it affected the entire Pilbara. Experts from councils, bush fire boards and companies worked together bulldozing massive tracks -

Mr Graham: It did not burn much at Wittenoom.

Mr RIEBELING: It burnt but did not have an effect. When the emergency came along, it showed the level of commitment that people have and the expertise in the organisations. It is especially important to country people that volunteers are properly equipped and the management of the services is effective and efficient. Some of the services that the member for Pilbara indicated, such as training other members of the services, are undertaken locally. It means that in a number of cases when people come to Perth for their training, they must take their annual leave which places an extra burden on their families. Most of the training in schools takes place when those people would normally be at home.

Sitting suspended from 6.00 to 7.30 pm

Mr RIEBELING: Before the suspension I referred to the value of the fire brigade volunteers to country and regional Western Australia and suggested that local councils are the correct bodies to organise the clean-up of their shires. I would be disappointed to hear that business people go out of their way not to comply with the reasonable requests of cleaning up yards and cutting trees that are likely to cause danger to life and limb. As I said, I am somewhat concerned that when an emergency such as a cyclone approaches, the police seem to take over the role of the experts in that field. Perhaps the minister will tell us whether that will continue.

The Labor Party is greatly concerned that the Bill provides for the minister to appoint three people who, in his opinion, are suitable to represent the three major bodies. As was stated previously, we think it is inappropriate to leave that entirely to the discretion of the minister.

As the member for Pilbara said, as early as 1945 the volunteer organisation was sufficiently valued for members of the management group to be elected by the registered volunteers. That system was an accurate reflection of the feelings of those members. I urge the minister to explain the matter. The member for Mitchell indicated that he was exceptionally happy with the proposed system.

The Bill does not provide a set process to which the minister must adhere in order to select people who will adequately represent an emergency service. Everyone on this side of the House is waiting to hear the minister put on record the process that will be used to choose the representatives.

Mr Bloffwitch: I am sure you will be quite happy with the process.

Mr RIEBELING: I am not happy with what is in the Bill.

Mr Bloffwitch: Have a look at the regulations.

Mr RIEBELING: All will be revealed about what is not in the Bill and that is what worries us. Unfortunately, many ministerial appointments are made of people who have an interest in a subject and who are associated with whichever party is in government at the time. They are not necessarily the best people for the work. The volunteer organisations should have a say in who is appointed to their boards.

The member for Mitchell applauded the fact that an extra \$4.5m is being put into these services. Everyone agrees with that; however, the number of paid staff in these services has been massively reduced. That has affected the morale of the fulltime force mainly within the metropolitan area. That in itself is disappointing to the people who work in the fire services in the metropolitan area.

I hope the regulations will be clear and will assure the volunteers that their voices will be heard and they will be free to approach their representatives on the board with their concerns about issues in the regional areas.

MR PRINCE (Albany - Minister for Emergency Services) [7.36 pm]: Some of the comments by members opposite were somewhat repetitive. That is not a criticism, but an observation. As the member for Pilbara is not here, I hope members opposite will pass on my comments.

As a number of people have said in the debate so far, the Fire Brigades Act provides for a board constituted of a significant number of people, one of whom is a member elected by the registered volunteer fire brigades. On the other hand, the Bush Fires Board interestingly also has a number of people. The chief executive officer of the Fire Brigades Board, for example, is on the Bush Fires Board, but it is not the case vice versa. It comprises someone from the Western Australian Planning Commission, four people from the Western Australian Municipal Association, who are nominated at least by WAMA and who are engaged in the prevention, control and extinguishment of bushfires, and up to three other people. I refer to that briefly because there is no form of election to the Bush Fires Board by any volunteer organisation or group. No legislation is in place governing the State Emergency Services Board.

Under the Fire Brigades Act, there is the right for one member to be elected by registered volunteer fire brigades, which I think the member for Pilbara has been calling the "urban volunteers". He and the member for Midland made the point that membership of the proposed fire and emergency services authority board of management, under clause 6 of the Bill, does not provide for any group to elect a member. It provides for people such as the chairman and the chairmen of consultative

committees, and so on. However, clause 6(1)(c) provides for three persons who, in the opinion of the minister, represent emergency services volunteers. Members on this side of the House raised in the committee process we run that it is essential for volunteers to have some form of direct representation.

The question then is how to do it. In considering that question and coming to a solution, I am mindful of a number of Acts which I have looked at in my years in this place, in which reference has been made in a section of a statute to particular organisations of some nature or other that ceased to exist or transformed their nature completely from that which they had at the time the Act was passed. It can then become difficult, in a continuous sense, to have what was desired by way of a representative from an organisation that has either ceased to exist or been changed completely in its nature. Therefore, it is the Government's clear intention to provide for elected representatives by ministerial appointment on this board from the volunteer bush fire brigades, the volunteers from the State Emergency Services and the volunteers from fire brigade associations - that is, the urban people that have been spoken about.

It is the Government's intention to bring in a regulation pursuant to this Bill when enacted to read as follows -

Board of Management - appointment of members representing emergency services volunteers

- 1) For the purpose of considering appointments to the board pursuant to section 6(1)(c) of the Fire and Emergency Services Authority of Western Australia Act 1998, the Minister shall invite the nomination of three persons by each of the following:
 - (a) Association of Volunteer Bush Fire Brigades of WA Inc.;
 - (b) the volunteer members of the WA State Emergency Service Volunteer Consultative Committee;
 - (c) WA Volunteer Fire Brigades Association Inc.
- 2) The nominations are to be supported by a brief summary of each person's expertise and/or experience relevant to the functions of the Authority;
- 3) Of the nominations received pursuant to 1. above, the Minister shall appoint as members of the board:
 - (a) one person nominated by the Association of Volunteer Bush Fire Brigades of WA Inc.;
 - (b) one person nominated by the volunteer members of the WA State Emergency Service Volunteer Consultative Committee;
 - (c) one person nominated by the WA Volunteer Fire Brigades Association Inc.

The effect of a regulation of that nature is to require the minister, whomever the minister may be, to call on those three volunteer organisations to provide names of people to be appointed. It is an effective representation by election or by whatever process the associations want to follow. It takes into account what I said earlier in a general sense of associations changing or sometimes even disappearing. A regulation is far easier to change in that sense than is an Act.

Mr Graham: Why?

Mr PRINCE: It takes a long time to bring in an amending Bill and get it passed through Parliament. For example, if the volunteers association that we have been talking about were to change its nature and constitution and call itself something different so that it would be a public entity, it would involve a simple change of regulation in order to keep up with whatever that change would be; whereas to bring in an amended Bill could take months, if not a year or more. I see that as a far more effective way of achieving -

Mr Riebeling: How often do they change names?

Mr PRINCE: In a number of the Acts that I have had to control over the past four or five years I have found reference to organisations that no longer exist.

Mr Graham: It has happened in the past 100 years.

Mr Riebeling: Have you changed their names?

Mr PRINCE: No. I have come across that as a general proposition in other Acts. This way one arrives at the desired result but also has sufficient flexibility to change as associations may or may not change. For example, with regard to the Western Australia State Emergency Service, it is the Government's intention to bring in emergency management legislation at some point when it has been drafted. That may bring about a change in the nature of SES volunteers who form a consultative committee currently. They may end up forming themselves into an association, I do not know. It remains to be seen what will happen. That would require a change to this Act if it were written into this Act.

Doing it by regulation makes it far more flexible and easier to manage. The result is that the bush fire brigade volunteers,

the SES volunteers and the fire brigades association volunteers - whom the member for Pilbara has been calling the urban volunteers - all wind up having the ability to say, "Here are the people we want you, minister, to appoint"; and the regulation says that I, or the minister of the day, shall. That is a very reasonable way of achieving the end of having a volunteer representation on the board. With regard to the amendment sought by the member for Pilbara, that regulation achieves it better than his amendment. Consequently, I prefer to proceed with the process of regulation rather than any amendment. Therefore, I am not prepared to agree to it.

Mr Graham: You will change your mind. With a bit of sensible, rational argument around the point of substance you will agree. You just have to play hard to get for the record.

Mr PRINCE: I have not heard one from the member for Pilbara yet.

Mr Graham: I understand.

Mr PRINCE: With regard to the said loss of positions, there has been a change in positions by the amalgamation of organisations; and there has been some rationalisation in the corporate structure. I understand from the officers involved, who are briefing me in this matter, that there has been no loss at all; the positions have been advertised; they have been filled; and there has been no difficulty. One fire and emergency services organisation has been operating from 1 January as a department of government under the Public Sector Management Act. Therefore, it has not been de facto.

Mr Riebeling: You say there has been a reduction?

Mr PRINCE: Yes, that is right.

Mr Riebeling: Since you got into power?

Mr PRINCE: No, since this started in January.

Mr Riebeling: Since January?

Mr PRINCE: I said since 1 January.

Mr Riebeling: No, you said there has not been a loss of personnel.

Mr PRINCE: If the member for Burrup would listen, that is what I said - since 1 January this year.

Mr Riebeling: You got rid of them all before that.

Mr PRINCE: Since 1 January this year is what I said, cloth ears, if the member for Burrup would listen. What has happened is the fire and emergency services organisation has been operating since 1 January as a department of government under the Public Sector Management Act. It has been operating with a great deal of goodwill and cooperation between the two boards of the bushfire and fire service, the managements, the volunteer associations, the unions, all the volunteers, and all the staff; in other words, all the stakeholders. The Chief Executive Officer, Mr Bob Mitchell, of the Department of Fire and Emergency Services, which incorporates the State Emergency Service, is also the acting CEO of the Fire and Rescue Service of Western Australia and the Bush Fire Service. The staffing positions lower down in the organisation have been advertised and have been filled under existing legislation as the actual legislation has not yet been passed.

As to the question of delegation which the member for Midland raised in clause 15, it is normal practice for there to be a delegation by any board at all to its chief executive officer and other people as may be appropriate given the nature of the organisation. All clause 15 does is empower the authority through the board in writing to delegate to the chief executive officer any of its functions which would be normal from the point of view of the day-to-day management of a fire and emergency services authority.

Mrs Roberts: Section 16 then deals with subdelegation. Can that chief executive subdelegate authority given to him in writing by the board?

Mr PRINCE: Yes.

Mrs Roberts: So, he could be given a delegation by the board and he could subdelegate that?

Mr PRINCE: The important point is that the board has the responsibility - it cannot delegate that. It can delegate the function, but it remains responsible; it is the responsible authority within this structure. Normally those to whom a delegation has been given must report to the board either every time they operate under that delegation or on a weekly, monthly or quarterly basis depending on the nature of the delegation. I do not find anything extraordinary about that; it appears to be good management practice.

Members referred to merit payments. The member for Pilbara should note that fire and rescue service personnel are the only volunteers who receive merit payments; bush fire brigade and state emergency service volunteers do not. A document

dealing with this issue is being developed in consultation with the urban volunteers' association. Nothing is being forced on anyone. An officer is currently visiting all groups and discussing what is and is not acceptable.

It is intended that every brigade will get an increase of \$1 300 in its base payment. Depending on how much work a brigade wants to do over and above the base - for example, checking fire hydrants and so on - it can get more. In some areas the volunteers do a lot but in other areas they do not. That is not a performance issue, but it does relate to what the brigades wish to do. However, each brigade will receive an increase in its base payment.

Mr Graham: In many places, including Port Hedland, there is no other fire service representation - the job in its entirety falls to the volunteers.

Mr PRINCE: Yes. We will lift the base payment and provide more funding given what they do. That is an equitable way to proceed because in some areas the urban volunteers do a lot and in others they do very little. It largely depends on the area. As the member said, that is the case in Port Hedland. The member for Swan Hills said that is also the case in her electorate. I am sure that in some areas it is not. However, we have allowed for an increase in the base payment and the points system will enable the groups to receive more funding if extra work is done. I emphasise the point that SES and bush fire brigade volunteers do not get anything.

Mr Graham: They do not have the same degree of responsibility.

Mr PRINCE: I disagree; they have a comparable degree of responsibility, but it is exercised in a different way. SES volunteers in some parts of my electorate, of which Albany is the centre, do the road crash work outside the town but not in Albany because it has a permanent fire and rescue service. It varies from place to place. None of the volunteers gets anything, nor do the bush fire brigade volunteers.

Mr Graham: Port Hedland has a paid area manager, but the fire brigade chief and the others are volunteers. The volunteer groups organise their own training and the education system in the wider community, and they maintain community equipment.

Mr PRINCE: This points payment system recognises what they do over and above what the volunteers in my town do because it has a permanent fire and rescue service.

Mr Graham: I am not getting into the negotiations. I will not fall into that trap - both you and I should leave that to them. However, you are the minister and I suspect that if the basket of money were increased there would be an agreement. The group in Port Hedland is arguing about \$200. It is a nonsense.

Mr PRINCE: We will share it as equitably as possible. The principle is correct.

Mr Graham: I do not disagree with the principle, but the base funding is about \$1 300 a year; it is not a huge amount.

Mr PRINCE: Yes, but it is increasing. Everyone will get a base payment of \$1 300.

Mr Graham: If it were a permanent, full-time fire brigade with bureaucrats, it would not answer the phone for that.

Mr PRINCE: I know.

Emergency management legislation has been mentioned in passing. Perhaps members do not understand that there is currently no such legislation. We have a cabinet minute and state emergency management advisory committee policy No 7, which is a very comprehensive document that works well. I have been to the bunker at Bentley and had a briefing. I am singularly impressed with the organisation and the way in which it moves with the times and its operations.

It wants, and the Government is committed to, the introduction of emergency management legislation. In its various forms over the past 25 years the SES has benefited from not having legislation in the sense that its role has evolved and changed. It has become what it should be without overlapping into other services. It has been able to grow without being bound by a piece of statute law. However, the time has come for the SES in this State to have a legislative base - all other States have some form of legislation. In that way it will be both protected and empowered. Drafting instructions are being prepared largely as a result of a review of the emergency management arrangements undertaken by Mr Blanchard. If any member wants to know something about that, I will happily supply a copy of the report.

Mr Graham: I would like a copy of the report.

Mr PRINCE: That will be provided.

Reference was made to cyclone warnings, particularly in the north of the State. I recently had a briefing from an SES group, including a senior meteorologist who - cheerful soul - said he expected that we would have the most active cyclone season ever this coming summer.

Mr Graham: Snap! This is the twenty-fifth year in a row that the bureau has said that.

Mr PRINCE: When the first cyclone will cross the coast is now the subject of considerable debate, not to mention illegal betting. This is the result of a combination of global weather patterns, including the El Nino and La Nina phenomena. The sea level will rise by about five centimetres and we will have significant problems this coming summer.

Reference was also made to who should have the authority to order clean-ups. I heard one view from the member for Pilbara and a different view from the member for Burrup.

Mr Graham: I am sure that if you spoke to the Minister for Local Government you would get a third.

Mr PRINCE: I favour the member for Burrup's view that it is a function of local government because it has the power and the authority until the emergency starts. If a local authority cannot enforce what is good public policy, law and regulations with regard to the clean-up of a town site, no-one else will be able to do it. Local government has the local knowledge; it is on the ground and, in varying sizes, it has a local work force. If problems arise with individuals, that is something that should be sorted out locally. If it cannot be solved locally, perhaps someone from an SES organisation should have the power to be somewhat more dictatorial and say what should happen. I am more than happy to look at that.

In the preparatory period - from now until the beginning of the cyclone season - it is the local authorities' responsibility to ensure that these things are done and done properly.

The member for Pilbara expressed some concern about the command structure during an emergency, a cyclone or whatever it may be, but it is quite clear that the Commissioner for Police of this State is the chair of the state emergency management advisory committee and the state coordinator. The police are the designated coordinators at the regional and local levels. They chair the district and local emergency management committees. That is the hierarchy. It is appropriate but its success depends to some extent on the personalities of the people involved; that is, the police officer and the experts in the emergency, fire and bushfire services. I concede that this interaction may be good or not so good from place to place and from time to time depending on the people. It also depends on the degree of training that the police officer has received at whatever rank he holds. I would be obliged if the member for Pilbara or anybody else could tell me of any problems of that nature so that I could do something about them to ensure that competent people were chairing these local and district committees.

Mr Graham: They are empowered under the cabinet minute and not this legislation.

Mr PRINCE: This legislation does not introduce any emergency management provisions. It is an overarching authority to look after fire services under the existing Fire Brigades Act, the bush fire brigades under the existing Bush Fires Act and the State Emergency Service which effectively exists by an executive fiat of some time ago and a number of policies. The Government wants to replace those policies with appropriate legislation.

The lead combat authority nominates a "controller" during any operation to control the incident. That person must work closely with the police coordinator who ensures effective control has been established. By and large, this works quite well but having said that undoubtedly incidents have occurred where it has worked less than well. Something I admire about the SES from the briefings I have had is that it does an enormous amount of post-operation analysis, practice, rehearsal and so on to ensure as far as possible that those sorts of organisational, structural and command control mistakes will not occur.

Mrs van de Klashorst: Who actually has the overarching control in a serious fire? Is it the bushfire people?

Mr PRINCE: The fire people do unless and until someone declares that it is an emergency. Then either the district or the local emergency management committee takes over and the police officer at that level is then chair of that committee. The committee includes all the agencies which should be involved in emergency management. It can involve agencies like Family and Children's Services if one is talking about evacuation. The composition of the committee depends on the sort of emergency being dealt with.

The member for Pilbara spoke about fires. Recently in the Kimberley a fire burnt 353 000 hectares which is approximately half the size of Victoria. If it were possible to drive around the area it would be a distance of approximately 517 kilometres. It burnt very quickly and was brought under control by BFB people from all over the place. That was a fire operation not an SES operation, but had a cyclone hit, which is most unlikely in July, or the incident escalated to the point where the emergency management committee was needed -

Mr Graham: It would have put the fire out.

Mr PRINCE: Alternatively, it might have blown the fire all over the place. It is a matter of having an organisation which is structured but flexible enough to deal with whatever is predictably likely to come along, including a tidal wave.

Mr Graham: I was not seeking to question that structure. I wanted you to clarify that this legislation does not interfere with the formation of those committees or muddy the water as to who is responsible in an emergency.

Mr PRINCE: This legislation does not do that. It is totally administrative in that it establishes an authority under which the three services sit. There is one board and one corporate structure. That is an obvious thing to do. The agencies retain their

independence, autonomy and the close working relationships they have on the ground and matters like commonality of equipment are easier to handle. I intended to say that I was happy to organise cyclone briefings for all members but I would almost go so far as to insist that we have given them all the information I have received about the meteorological conditions that are likely to arise in a few months.

Mr Trenorden: What date would you take it?

Mr PRINCE: I have the first week in December.

Mr Graham: I have the last date in November.

Mr PRINCE: The bookie is at the back.

Mr Graham: What are the odds?

Mr PRINCE: A red face by the look of it. If members want these briefings, I will arrange them and soon. It is something we need to know about. In the cyclone susceptible areas in the north of the State members of Parliament can be important in taking a leading role in raising community perception of an approaching problem. It should not just be left up to the local authority to make a song and dance about it. Local members of Parliament are also able to do that. I know the member for Pilbara has done so in his usual forceful way from time to time. The member for Swan Hills spoke eloquently about the situation in her electorate, as did the member for Mitchell.

Although the time this legislation has taken to come to this House has been criticised, it is well thought out and I expect it to work well. It has the overwhelming support of all the organisations and stakeholders involved. It is something that we should consider carefully and pass after due and proper debate.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Prince (Minister for Emergency Services) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Board of management -

Mr GRAHAM: I move -

Page 4, lines 18 and 19 - To delete paragraph (c) and substitute the following -

- (c) 2 persons who, in the Minister's opinion, represent emergency services volunteers;
- (d) one person elected by the registered volunteer fire brigades;

Subclause (1)(c) indicates a method of appointment to the board. How will the people mentioned in the other paragraphs be appointed?

Mr PRINCE: The chairman in subclause 1(a) would be someone whom the Government of the day would appoint, as is common practice for the chairs of many government boards. Who will be chosen will depend on whom the government of the day decides. The present chairman, Mr Barry MacKinnon, is doing a superb job.

The three chairmen of consultative committees in subclause 1(b) basically appoint themselves. Under clause 22, the minister is to appoint three consultative committees. We will advertise for expressions of interest for those consultative committees on 26 September, and in large part they will be derived from the respective volunteer associations. I have read into the *Hansard* the regulation I intend to bring in which will cover the three persons mentioned in subclause 1(c). With regard to subclause 1(d) I will seek a nomination from the Western Australian Municipal Association under section 8(3)(f) of the Bush Fires Act - that is, four people nominated by WAMA. Under section 7(c) of the Fire Brigades Act one member nominated by the City of Perth is no longer applicable. It may have been in 1942 when the urban area of Perth was most of the metropolitan area. With regard to the subclause 1(e), the chief executive officer of the proposed Fire and Emergency Services Authority is an obvious person and under subclause 1(f) "not more than 1 other member" gives the ability to appoint an additional person. The urban volunteers have held their meetings and nominated the people they want me to put on board. I have the names.

Mr GRAHAM: I am aware of that, and I made the point during the second reading debate that the Parliament has little chance of changing any of this, because it is in place and operating. The fact that those organisations have offered nominations does not mean they are happy about it. They were left with no option except to put forward three names. I

understand what the minister is saying about the regulation. However, the effect of my amendment is to retain the regulation - even though that is not the consideration for the Opposition because it will fall into line with legislative changes - and allow the minister to make the two appointments who in his opinion would represent emergency services volunteers. At the moment they do not have to represent emergency services volunteers; they have to represent only volunteers in the Minister's opinion. They do not have to represent the interests of volunteers.

Mr Prince: Not if you read the regulations which state that for the purpose of considering appointments the minister shall invite nominations. The minister is, in effect, asking the volunteer associations who they want, and regulation 3 states that the minister shall then appoint those people.

Mr GRAHAM: If the minister were to change his regulation to accommodate me so they were allowed to nominate one person, I could accept the regulation. However, the minister is asking them to put forward three nominees, from whom the minister will choose one person. The major difference between the Bill and my amendment is that the volunteers have the major say in who goes onto the board. Under the criteria in my amendment they can elect whomever they choose to represent their interests on the board. Once that person is appointed to the board he is bound by the legislation. My amendment proposed a simple democratic process of volunteer fire brigade members electing their representative to the board. Under the system proposed by the minister, they can have a say in it, but there is no requirement for the membership of the association to be consulted in any way, shape or form. Knowing the organisation, I suspect that they would have a say, but there is no requirement for that to happen. I propose to change that.

Mr Prince: I understand what you are proposing, and I do not agree with it.

Mr GRAHAM: If the minister agrees with me we can get out of here. I propose a direct election of the representative of their organisation. It is the kind of thing the former Minister for Labour Relations has been encouraging in trade unions for as long as he has been in public life.

Mr PRINCE: The system we intend to put in place by regulation invites the nomination of three people from each organisation, so they can put up whomever they like and they can organise to do that however they please and whether it is by a form of election or otherwise is entirely up to them. The minister of the day shall appoint from those nominations. That is a fairly mandatory exercise. It will enable the membership to come up with three names. I grant that it will enable the minister of the day to mix and match to get the best possible total board. That is quite a desirable approach. The object of the exercise is to have a board that will be responsible for the management of fire and emergency services in this State, whether it be the fire brigade, the bush fire brigades or the State Emergency Service. We need to have a good mixture. It is conceivable under the member's system that the three people from the three respective organisations will be from the south west and/or south coast. That is not appropriate.

Mrs Roberts: The minister can redress that through his other appointment.

Mr PRINCE: That is not the point. We are talking about representatives of volunteers. It will be appropriate to have representatives of volunteers from the major parts of the State where volunteers are so valuable.

Mr Graham: If you put that in legislation, I would agree to it.

Mr PRINCE: I would look for someone from the north, someone from the south west-south coast, and perhaps someone from the goldfields. That is the way I would approach it; others might approach it differently. If we did not approach it in that way, we might get people who had the best will in the world but perhaps did not understand the problem of fighting a fire in the middle of the Kimberley, as they were doing only three weeks ago, in an area that is half the size of Victoria, because they have come from the south west, where the fires are intense and nasty but never that big. That is the sort of problem that may arise in the emergency services area. The things that the people down my way do are not the same as the things that the people in the goldfields do. It would be better if the three organisations put up three nominees, by whatever process they determined, from which the minister of the day could mix and match the best board.

Mr TRENORDEN: I did not intend to say anything in this debate -

Mrs Roberts: Then sit down!

Mr TRENORDEN: I have had a lot more to do with this matter than has the member for Midland. We have a great number of volunteers in the wheatbelt, where this matter has been debated at length, and where I have attended a considerable number of meetings on this issue. There are about 20 000 bush fire brigade volunteers, and about 6 000 are urban fire people. Therefore, if we had an election process, we would have an imbalance. The matter raised most frequently at those meetings was that the volunteers wanted to be able to put the best possible volunteer onto the board. I do not want to denigrate people in any way, but we cannot say that that has always happened in the past.

Mr Graham: That sounds like a good argument for appointing members of Parliament!

Mr TRENORDEN: I am not opposed to that! This issue has been long debated, and those of us in rural areas had to deal

with this issue with a fair bit of blood, sweat and tears and establish a position. The bottom line is that if the minister of the day - of whatever colour in this House - does not have the opportunity under the regulations to pick the best volunteer from the three nominations, we will have a conflict between the urban and bush fire brigades.

Mr GRAHAM: The reason I moved the amendment is that I believe in direct election. It was interesting to hear the arguments from the minister. The minister has some ability, and he may be able to tell me the reason that he opposes the direct election of volunteers.

Mr Prince: I thought the member for Avon put it quite well.

Mr GRAHAM: No. The minister skipped over that matter quite well. No-one is suggesting that we cannot have a balanced board, but why are the volunteers the only people who cannot be trusted to appoint themselves? The minister has said that the three chairmen of the consultative committees will appoint themselves. I pointed out to the minister during the second reading debate that the bias against the volunteer fire brigades is that they have no consultative committee.

Mr Prince: They have - the Fire and Rescue Service Consultative Committee.

Mr GRAHAM: That is not for the volunteers. That consultative committee will be dominated completely by the paid, full-time fire brigades; and no argument has been put to the contrary, unless the minister intends to introduce vote weighting. The minister has expressed no concern that the chairmen of those consultative committees may all be from the south west, or may all be from Murray Street. He has expressed that concern only about the volunteers. I can now understand, having heard government backbenchers speak about this matter at length, why the regulation has fallen out of the system, because either this minister or his predecessor has been given a bit of a touch up about the need for volunteers to be represented on the board, and I suspect this is the result. I am happy to have the minister deny it.

The argument for me is not whether the minister will appoint the members of the board. The minister can and should appoint the members of the board; and I assume it will be done through Executive Council, which is the normal way of appointing boards. The argument for me is direct representation, and the minister has yet to address that matter. The minister's subclause (c) does not require the volunteers to represent the volunteers. It is a judgment call by the minister. The minister will choose the member from the three people who are nominated by each organisation - and I grant that the organisation, not the members, will work out who those people will be.

That is not a realistic way of doing business for these volunteers. Those rules and conditions are not applied to any other member of the board of management. The minister has not, to the best of my knowledge, expressed any concern about the balance, the workings and the operation of the board in any other area, although the former Minister for Emergency Services did point out in the second reading speech that the board of management will include three members representing emergency service volunteers, and one member representing local government authorities, and that although these four members of the board will have a representative basis to their appointment, it is essential, to ensure the success of the new structure, that all members consider the needs of the operation as a whole in their deliberations. There is no debate about that either. However, I still do not see the reason that the minister will not support the direct election by the membership of the fire brigades.

Mr PRINCE: Probably the only reason I can give is the one that I have already articulated, and that the member for Avon has mentioned: It is in order to ensure that we end up with the best, most balanced and most representative board. We do not want, particularly in a geographic sense, to have a weighting one way or the other. We want to be able to cover the whole of the State with local experience.

Mr Graham: You are frightened!

Mr PRINCE: I am not frightened of anything. My adviser has given me some notes about the consultative committee and its appointment. It is intended that these provisions shall form part of a regulation in the same way that a regulation is to apply to the appointment of members representing emergency service volunteers. It is intended that a regulation will deal with the way in which consultive committees are formed.

The aim of the Fire and Rescue Service consultive committee is obviously to share information on the performance of the service, to facilitate understanding and so on. The membership will be a chairman appointment by the minister; the Executive Director of the Fire and Rescue Service; the chief officer; two persons from the volunteer association; two employee representatives; one person from the Western Australian Municipal Association; and one person from insurance. That picks up the current situation found in the constitution of the Fire and Rescue Board under the Fire Brigades Act, although it does not include the City of Perth.

With regard to the Bush Fire Service - where no volunteer representation is found on the current board, as written in the Bush Fires Act - we intend to have a chairperson appointed by the Minister; the Executive Director of the Bush Fires Service; one registered volunteer from each region; one person from the volunteer association; two people from WAMA; and one person from CALM. That is a total of 10 people.

The State Emergency Service Board shall comprise the chairperson appointed by the minister; the executive director of the SES; one registered volunteer from each of the regions including state headquarters; one person from any volunteer association with more than 40 per cent membership of total registered volunteers; and one person from WAMA. Therefore, the consultative committees will have significant volunteer representation.

The Fire and Rescue Service, the only body to have had one person elected under its statute, will wind up with two people on the consultative committee, and one on the board. The bushfire and SES people will wind up with a number of volunteers, as well as the chairpersons of the consultative committees on the board as well. Representation of volunteers is well achieved in the legislation. I do not see it as necessary to have direct election of an individual as one the best balances on the board may not be achieved in that way.

Mr Graham: Given all you have said, if the committee throws up somebody not acceptable to the board, what will you do? If the consultative committee throws up someone who, for whatever reason in your mind, unbalances the board -

Mr PRINCE: No. The consultative committee will produce the chairperson, who, by rights, sits on the board.

Mr Graham: If that person is unacceptable, you have no option.

Mr PRINCE: That is right.

Mr Graham: What is the difference between that and volunteers electing their own representatives?

Mr PRINCE: The volunteers can elect three people, from whom the minister of the day will choose one.

Mr Graham: They may want to elect the one - that is, the same as they have done since 1942. What is wrong with that?

Mr PRINCE: They can elect three and the minister of the day will choose one. The other volunteer associations can elect three persons, from whom the minister of the day will choose one.

Mr Graham: What if the minister chooses the one they do not like?

Mr PRINCE: I have no doubt that the minister of the day will hear about it, and in large lumps.

The chairpersons of the consultative committees are appointed by the minister of the day, and expressions of interest will be called on 26 September. They are not elected, in case I did not make that clear.

Mr BARRON-SULLIVAN: Having heard the minister's explanation, and having looked at the draft regulations in some detail, I am confident that the proposed board structure has a good balance. I had not thought before about the need for some degree of ministerial discretion to ensure that volunteers in each region are represented. Obviously, the volunteers in the south west want to ensure that they are included on the board. The way these regulations are drafted achieves that aim.

Mr Graham interjected.

Mr BARRON-SULLIVAN: The minister spent a quarter of an hour explaining that point.

I have some fairly serious concerns about the amendment before us for a couple of reasons. It essentially attempts to deal with two points: First, the basis of representation of volunteers on the board. I refer to the point raised by the member for Avon earlier. I said in the second reading debate that the three volunteer organisations have vastly different volunteer memberships. Two organisations have memberships of 2 000 and 2 500 people, and another contains 16 000 people. We are fortunate that the three organisations, certainly in my area, work together very well. This creates an atmosphere which enables such a decision to be made. If one were running an organisation with considerably more members than another, one might suggest that one should have greater representation. It is a good reflection on these organisations that they are coming to the party with this model.

I cannot understand why the amendment attempts to distinguish between the three organisations. It refers to two persons who in the Minister's opinion represent emergency services volunteers. However, it is specifically calling for one person elected by the registered volunteer fire brigades. Where is the logic for that? Surely, that amendment should have also referred to one person elected by the SES and one person elected by the volunteer bush fire brigades. I have great difficulty with this amendment for that reason.

Obviously, the member for Pilbara is pursuing how the representatives are chosen. The minister's explanation, particularly in light of the draft regulations presented, gives me confidence about the model. If the member for Pilbara agrees with direct elections - he does so for the volunteer fire brigades, or the townies - why not also for the SES and Bush Fires Service? If the amendment were at least consistent, I could understand its logic.

Mr Graham: Would you vote for it, then?

Mr BARRON-SULLIVAN: No. However, I could then understand the member's point. The minister's explanation indicates that the board's balance will be adequate in providing representation of the different volunteer groups. I do not think the

member for Pilbara has said that he does not agree that the proposed board structure will work. I can understand the member arguing in principle for direct elections, but I have not heard members opposite say that the proposed board structure will not work. That is one reason for the legislation receiving bipartisan support.

Mr GRAHAM: I did not think I had a speech impediment, but I will speak slowly for the member for Mitchell so he can understand. He says that things are all right in his neck of the woods. The Fire Brigades Act gives board representation, by election, to the registered volunteer fire brigades. The legislation the member is supporting, and which the Opposition supports, removes that right. There is no argument about that. The SES has never had such representation, for all the reasons the minister eloquently spelt out, not the least of which was that the service has no legislation by which to appoint somebody.

Mr Prince: Bushfires, likewise.

Mr GRAHAM: Exactly. The only volunteer organisation which had a democratically elected board representation was the fire brigade volunteers; the Government is removing that right.

Mr Barron-Sullivan: But you are still saying that they should be treated differently.

Mr GRAHAM: Absolutely, because they have been since 1942.

Mr Barron-Sullivan: Is that your party's position?

Mr GRAHAM: I am a member of the Labor Party. I have moved the amendment and I will vote for it, as will all ALP members. I would be happy to meet the member for Mitchell at the Fremantle oval at Easter time, when the country championships are on. He can represent the minister and say that I argued for fire brigades to have direct elections, and I am sure that they will tear me down.

Mr Barron-Sullivan: You can go to the SES and explain.

Mr GRAHAM: I am happy to do the same. When the minister introduces his legislation covering the emergency services we will examine it and make our judgment. Currently, the member for Mitchell does not know what is in it, and neither do I. When it is introduced, we will examine it.

I shall deal with the nonsense put forward by the member for Mitchell. From time to time people jump up and say that they do not understand something, so I will explain the matter again for him. I know that the minister understands the position; he just does not agree. There is a difference between agreeing and understanding. The member does not understand, so I will explain it. The reason for splitting paragraph (c) as we have done is not to disfranchise anybody; it is to accept the minister's argument, regardless of whether we agree with it, that he should have the ability to appoint two people who, in his opinion, represent emergency services volunteers. However, in new paragraph (d) which we seek to insert, we say that the volunteers' right to elect their representatives, which has been intact since 1942, be reinstated.

With all the goodwill in the world - I understand that the minister has some - too often in Parliament ministers make the mistake of believing that they will be ministers for ever.

Mr Prince: Not this one.

Mr GRAHAM: Let me assure the minister that he will not be. One thing is certain: He will not be a minister for ever. Although he might act with all the goodwill and understanding in the world, the next bloke might not.

Mr Prince: I realise that.

Mr GRAHAM: It is our job to amend laws to make clear what is to happen. Apart from the argument about the balance of representatives on the board, I have not heard why the minister opposes direct elections.

Mrs van de KLASHORST: I oppose the amendment. I chaired the committee that considered the legislation. Many backbenchers were interested in the matter, and they came from various parts of the State.

Mrs Roberts: Were they all from one party?

Mrs van de KLASHORST: They were all from one party, but they represented different areas of the State. They came to our meeting with information from various volunteer groups. Volunteer groups asked for representation on the board, and the then minister agreed that that would happen.

The amendment removes many people's chances of representing volunteers on the board. Over the next 10 to 15 years, different types of volunteers will develop in the community and in the emergency services. There are now more than three types of volunteers. Consequently, everybody will have a chance. With three-year appointments we could have sea rescue volunteers for a term, then fire brigade volunteers for the next term and so on. If we change the provision, the chance would arise only every three years, whereas currently everybody has a much better chance. Volunteers in my electorate and others

who have approached me on the issue were very keen to have representation and they are very happy with what has been presented in the Bill. Not one organisation - many organisations have been in touch with me - has said that it is not happy with the Bill.

I fully concur with the minister. In the hills area for instance, firefighting is entirely different from firefighting in the electorate of the member for Pilbara. Indeed, Upper Swan is different from Mundaring, Darlington or Wooroloo. I oppose the amendment on the ground that the present arrangement is much fairer for volunteer groups.

Mrs ROBERTS: I support the amendment moved by the member for Pilbara. I have listened to the debate, including the minister's comments. The member for Pilbara made the salient point that, although the minister may have the best of intentions and the best will in the world, there is no guarantee as to who will come after him. The regulation which the minister outlined is better than nothing. It is better than what we were presented with in the way the board of management was outlined in the legislation. However, I concur with the member for Pilbara on direct elections.

One difficulty which can occur when ministers say that they will sort out matters in regulations is that they can just as easily change them at a later date. In fact, the minister's argument for having the regulation is the very argument that one could use as to why this issue should not be in regulation. To refresh members' memories, he suggested that the names of agencies, authorities and groups might change from time to time and the nature of such organisations might change. On that basis, it is time-consuming and difficult to amend the legislation, and it is far easier - indeed, it can practically be done at the stroke of a pen - to update the regulations to reflect the changes in the names and purposes of those groups. Conversely, it also means that things can work out to organisations' and people's detriment at the stroke of the minister's pen. Undertakings by the minister in the Chamber are only good for as long as he is the Minister for Emergency Services. A new minister might change the regulations and adopt an entirely different attitude. That is why I strongly believe that a matter as important as this must be specified in the Bill. If a change needs to be made in the future, the Government can amend the legislation.

I note that the phrase that is introduced in paragraph (d) is virtually the same as that in the Fire Brigades Act - that is, that one member shall be elected by the registered fire brigades. It has stood the test of time for 56 years. I do not believe that it is likely to change in a hurry. Possibly, other amendments will need to be made to the legislation long before an organisation changes its name or nature. On that basis, the change needs to be made in the legislation itself, not in a regulation.

It is important to note that the volunteer fire brigades have had that legitimate representation in their own right through their own elections for 56 years. We should not make a change at this time. Those organisations do not want to take it on a wink and a nod from the minister. They would like it to be specified in legislation. It is all very well to say that consultation has occurred and that the brigades are now much happier. That is like saying that half of something is better than nothing at all. Of course they would be much happier. I am much happier with the minister's regulation contained in clause 6, but that does not mean I support it. I am still firmly of the view that the volunteer fire brigades want to elect their own person to the board.

Mr BARRON-SULLIVAN: I want to set on the record exactly what this amendment means. I do not mean in a legislative sense, and I will not go back to a 1942 Act or other ancient history to demonstrate my point. We are dealing with new legislation, a completely new structure, a legislative framework to help enable better coordination of these services, so let us leave aside what might have happened in 1942. What concerns me the most about this amendment is the message it sends to the volunteers. The amendment seeks to enshrine in legislation the right for one volunteer organisation to be represented on a board, but it does not do the same for the other two organisations.

Mrs Roberts: You are not prepared to support that anyway.

Mr BARRON-SULLIVAN: If the member cannot understand the point I am raising, it will be of serious concern to the volunteer organisations that will get the wrong message from this sort of amendment. This Labor Party amendment distinguishes and discriminates among the three different volunteer organisations. I want to be able to go to my electorate and say to the State Emergency Service, the bush fire brigade and the town volunteers that they will be treated equally in this legislation and they will all have an equal representation on the board. The Labor Party amendment certainly does not do that. I almost take this as a slur against the SES and the bush fire brigade. Members opposite are laughing. This is a very serious matter. These people risk their lives. As I said earlier about the Gracetown tragedy, many people suffered serious psychological effects from the work they undertook. The least we can do is offer them equal representation on this board in the eyes of the law.

Mr GRAHAM: That was quite an amazing outburst from the member for Mitchell. His speech was like the shot out of *The Life of Brian* when the bloke was claiming his democratic right to have a baby, and they are saying, "But where is the foetus going to gestate - in a shoe box?" The member for Mitchell is arguing for equal representation for bodies for which we have yet to legislate. What a load of nonsense! Where is the SES legislation?

Mr Barron-Sullivan: Are you saying the SES legislation does not exist?

Mr GRAHAM: I am saying it does not have any legislation.

Mr Barron-Sullivan: I think you are missing the point.

Mr GRAHAM: No, I am not missing the point and the member does not know what will be in the legislation.

Mr Prince: The SES is a department of the Fire and Rescue Service, so it does exist.

Mr GRAHAM: It does not exist legislatively.

Mr Prince: But it does by reason of the Public Sector Management Act.

Mr GRAHAM: It is a nonsensical argument from the member for Mitchell. It is like *The Life of Brian*. Let me again explain to the member for Mitchell slowly - I know he is not too bright - that this is the current legislation. It may well have a title that states "1942", but until this Act that he is seeking to put through goes through Parliament, this is the current legislation. What it says in its title is neither here nor there. He can get hyped up in Parliament and say that this amendment is a slight or an insult, or is offensive to someone, but that was never the intention of the amendment and the member for Mitchell and the minister understand that. This was not a Trotskyite plot to bring down the board of the new body. The amendment is no more than an attempt by the Labor Party to enshrine in the legislation the existing right of volunteer firefighters to elect their representatives to the board. If and when the member for Mitchell speaks on the legislation that the Government has foreshadowed, I will look forward to seeing his amendments in which I trust he will enshrine the equal rights of the State Emergency Service and the bush fire board to elect their representatives to the board, because if he does so I will vote for it.

Mr PRINCE: Approximately 2 500 SES volunteers are quite content with this provision. The member has not spoken to the 16 000 bushfire volunteers who are very content with this. Approximately 1 600 people in Sea Search and Rescue are divided roughly into two groups at the moment. Similarly, about half of the approximately 2 500 Fire and Rescue Service volunteers think it is good, and the other half are not very happy with it. This is not a system for the election of a Parliament. Parliaments are not entities that manage things anyway; that is done by executives. This is a management board. In that sense the board should be structured to manage as best it can from the best available people. From my point of view, that means it must have substantial representation from the volunteer groups, but the mix should be able to be determined by the minister of the day.

Having been a minister since January 1994, I have yet to find a statutory power that I am able to exercise because the system is so structured with the advice, the opinion and all the rest of the paperwork and so forth. By the time it gets to the minister as an exercise of statutory power, he does have not have any power at all. The ministers have a good deal more influence from the point of view of style than they have power. I told members opposite what I think should happen with the mix and match of people so that a good representation is achieved across the whole of the State, both from inland and the coast, so the resultant board is competent and capable of management. An extensive amount of input came from the committee chaired by the member for Swan Hills which comprised members of the coalition parties, who are far more widely drawn than members of the Opposition and cover almost all of the State. I am sorry to say to the member for Pilbara that his is a very small patch in the country; we cover the whole of the 2.5 million square kilometres. He is a country member; I am a country member. We have electorates the same size; he had better watch it! If he wants to talk about representative democracy, we will talk about the Trades and Labor Council of WA and all the rest of them. The proposal is a good process to achieve a good balanced board of management with significant representation by volunteers.

Mrs ROBERTS: The minister said in his comments on the amendment to clause 6 that expressions of interest for the positions of the three chairmen of the consultative committees would be advertised on 26 September.

Mr Prince: That is right.

Mrs ROBERTS: Given that the legislation is going through this week and there is a three week break when the Council will not be sitting, this legislation cannot get through the Council this week. Given that the Legislative Council is quite entitled, and has the numbers, to make alterations to the board of management, how can the minister justify placing the advertisements on that date?

Mr PRINCE: The advertising and so on obviously can take place. People will take a month or more to respond. The local government is likely to take at least two months, possibly longer. Of course, nobody needs to be appointed until the legislation is in place. As the member has said, everybody overwhelmingly agrees with this. The debate is an interesting and very constructive one, because we have canvassed a number of interesting principles and philosophies. That is the way the legislation should be dealt with. When the legislation is in place, that process having run to a certain extent in tandem, I expect the board to be up and running without having to wait six months.

At the moment Fire and Rescue Service is a department under the Public Sector Management Act, as is the State Emergency Service, and under the law passed by this Parliament, the Government is able to continue to run it. I do not see any problem.

Mrs Roberts: The board of management is one of the points of contention.

Mr PRINCE: It is. The committee is dealing with the chairs of the consultative committees. Fire and Rescue Service has put up the names. It is simply waiting. Having debated this extensively, we should move on. The member has one position based on her principles; I have another view. I understand what the member is saying. Perhaps the matter should rest there.

Amendment put and a division taken with the following result -

Ayes (14)

| | | | |
|--------------|---------------|--------------|---------------------------------|
| Ms Anwyl | Mr Graham | Mr Riebeling | Ms Warnock |
| Mr Brown | Mr Grill | Mr Ripper | Mr Cunningham (<i>Teller</i>) |
| Mr Carpenter | Mr Kobelke | Mrs Roberts | |
| Dr Edwards | Ms MacTiernan | Mr Thomas | |

Noes (27)

| | | | |
|--------------------|-------------------|-------------|------------------------------|
| Mr Ainsworth | Mr Day | Mr Marshall | Mr Sweetman |
| Mr Barron-Sullivan | Mrs Edwardes | Mr Masters | Mr Trenorden |
| Mr Bloffwitch | Dr Hames | Mr Minson | Mr Tubby |
| Mr Bradshaw | Mrs Hodson-Thomas | Mr Omodei | Dr Turnbull |
| Dr Constable | Mr House | Mr Pendal | Mrs van de Klashorst |
| Mr Court | Mr Johnson | Mr Prince | Mr Osborne (<i>Teller</i>) |
| Mr Cowan | Mr Kierath | Mr Shave | |

Pairs

| | |
|----------------|-------------|
| Mr McGowan | Mr Barnett |
| Mr McGinty | Mrs Parker |
| Mr Marlborough | Mr Nicholls |
| Dr Gallop | Mr McNee |

Amendment thus negatived.

Mrs ROBERTS: My question concerns appointments by the minister to the board of management. Where in the regulations are the terms of those members specified?

Mr Prince: Term of office is set out on page 22 of the Bill.

Mrs ROBERTS: Clause 1(1) states -

Subject to clause 2, a member holds office for the term, not exceeding 3 years . . .

The provisions contained in clause 2 are for the resignation or removal of a member. Is that right?

Mr Prince: Yes.

Mrs ROBERTS: If the board member does not do any of those negative things, like neglect his or her duty, misbehave, be incompetent, suffer from some mental or physical incapacity, or be absent, without leave, from three consecutive meetings, is the minister still able to dispense with the board member?

Mr PRINCE: No. When a person has been appointed, say, for three years - it could be two years and it could be one year - and presuming he does nothing wrong in the sense of an entitlement to remove under clause 2(2) of schedule 1, then he is in office. No capricious minister will be able to terminate such an appointment because there is no ground on which to do so. The person is there, and that is that.

Mrs Roberts: I find that is different from what is in other pieces of legislation.

Mr PRINCE: That is the normal provision that I have come across.

Mrs Roberts: Having had my appointment terminated from government boards at the change of Government in 1993, I am aware of circumstances or cases where that has happened.

Mr PRINCE: There may well be other boards where the person is appointed for no specified term. Can the member give me an example?

Mrs Roberts: I was appointed to the Perth Theatre Trust under a specified term. I am aware of other people who have been appointed to other boards for specified terms.

Mr PRINCE: I do not wish to be offensive, but the member would be seen to be a political appointee at the time. Here, that is not the case.

Mrs Roberts: Let us say, for example, you have appointed Barry MacKinnon. I make no reflection on the job he is doing. As far as I am aware, he is doing an excellent job. I do not see that any future Labor Government would have any problem with that appointment.

Mr PRINCE: He was appointed by the former Labor Government to the Disabilities Services Commission.

Mrs Roberts: However, many other political appointments have been made with which we would have a problem.

Mr PRINCE: I cannot comment on the boards to which the member said that she had been appointed and from which she was then removed at the change of Government. I have no knowledge of the legislation relating to those appointments. With regard to this, my view is that whoever is appointed is appointed for, say, three years. Whether there is a change of Government during that period, the person has been appointed for three years, unless that person does any one or more of the things under clause 2(2) of the first schedule.

Mrs Roberts: Even within the Department of Occupational Health, Safety and Welfare the appointments are basically at the minister's whim. I looked at that when I was looking at the legislation relating to this department. Those appointments can be terminated.

Mr PRINCE: That legislation was brought in during the term of the former Labor Government. I am just making the point that it is some years old.

Mrs Roberts: There are differences, and I am pleased that the minister pointed out the way that this operates.

Mr PRINCE: As far as I am concerned, that is the way this should be interpreted. I recall that in my first portfolio of Housing that appointments to the board of Homeswest - that is, the State Housing Commission - were for fixed periods and there was no ability, simply because of a change of Government, to say, "We don't want you lot; we want a new lot." It may be that a person sees that on a change of Government, it is appropriate for an incoming Government to have the power to ask people to resign. Maybe some would take that view. I am aware that in the United States, for example, when a new President is sworn in, virtually all the members in top government positions disappear, and a new lot comes in. That is its convention but, as I understand it, it has never been the convention of the Westminster system in the United Kingdom, nor here, nor do I think it should be. By and large, particularly when talking about a board like this, leaving aside the position of the chairman, we have the three chairs of the consultative committees. There are no politics involved in that. They are coming up through the system. The three people who represent emergency service volunteers, likewise, will come through the three organisations. A person representing local government will come from the Western Australian Municipal Association. It refers to the chief executive officer and not more than one other.

Mrs Roberts: Under your regulations, you will expect WAMA to forward three names.

Mr PRINCE: Probably.

Mrs Roberts: Then you will choose one of those people who you think is most suitable for a whole variety of reasons. A minister, particularly one of a different persuasion, might have looked at the same three names and thought that another of them was suitable.

Mr PRINCE: In which case, the minister is bound by the appointment that I, for example, may have made until those appointments expire by effluxion of time, or for some other purpose.

Clause put and passed.

Clauses 7 to 42 put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Prince (Minister for Emergency Services), and transmitted to the Council.

FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 18 June.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

SURVEILLANCE DEVICES BILL*Committee*

Resumed from 10 September. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 6: Regulation of use, installation and maintenance of optical surveillance devices -

Progress was reported after the clause had been partly considered.

Mrs ROBERTS: Earlier, I raised some points about optical devices and, in particular, I drew the minister's attention to the definition of optical surveillance device in clause 3. In the interregnum, I have had the opportunity of getting myself a copy of a discussion paper put out by the Department of Justice in Victoria. I was quite interested to read in the discussion paper some points on optical surveillance devices. I asked the minister whether he regarded binoculars, telescopes, night scopes and those kinds of devices as optical surveillance devices. I received an affirmative answer. I further outlined an example where a child, like my child, who has a pair of binoculars could be looking over a fence and therefore potentially illegally using a surveillance device. That example does not appear to be as silly as some people thought at the time. Page 7 of the discussion paper from the Department of Justice in Victoria reads -

Private activity also excludes any activity carried on outside a building. Some may be of the view that they have a reasonable expectation of privacy in their own backyard, particularly if it is secluded. However, if activity outside a building is not excluded there is a risk of making it an offence for persons to use binoculars to observe their neighbours in the backyard. It may result in the unwanted situation where children using binoculars to observe their neighbours in the backyard are committing an offence, or police in an aeroplane or helicopter must obtain a warrant before using binoculars or other devices before searching for a criminal.

That second point is of even greater significance. Given that this clause relates to the regulation of use, installation and maintenance of optical surveillance devices, what is the situation for police who may be in an aeroplane or helicopter using what is acknowledged as a surveillance device of perhaps binoculars? Would they need a warrant; and, if not, why not?

Mr PRINCE: I grant it is an interesting area. Children in this State must be over the age of 10 years to have any criminal culpability irrespective of what they were doing. Even at that age, the question of the intent of the child is still debatable. If an 18 year old, for example, were being a stickybeak, to a large extent it would depend upon, as I said the last time, the topography of the area. My home is fairly isolated just outside Albany in amongst trees. It is not the sort of place that I would expect to be able to be overlooked or observed by my neighbour who lives some hundreds of metres away, unless he or she happens to get out a pair of binoculars or a telescope, and even then it would be difficult. If they wanted to observe me mowing the lawn, they would have to climb a hill, a tree or something of that nature. That would indicate someone who uses an optical surveillance device to observe a private activity, if one could call mowing a lawn a private activity. I would not say that mowing the lawn is a private activity. There are a number of steps involved in the reasoning process.

I am not sure where the member lives, but one can distinguish that from a relatively closely settled suburb of Perth. I think the member mentioned Mt Lawley last time. It may be totally unreasonable to reason in that way at all because the fences are five feet high or thereabouts and some of them may be taller. Obviously in going about normal human activities of gardening, mowing the lawn or painting the eaves of the house, people look over fences. If people use a pair of binoculars to watch birds, and many people do - both my wife and one of my daughters do it and we are building up a fair collection of sightings of Western Australian birds - I not think there is a problem there with what is otherwise obviously an innocent and legitimate purpose, if the result happens to be that they are peering over someone's fence in so doing. I suppose it is a question of what is the activity; whether it is private; and what is the person doing it for. We have talked about police in a helicopter or a fixed wing aircraft. If they are observing, as they used to, motorists on the road crossing over white lines and timing them with stopwatches to see whether they are speeding, clearly that is a permitted activity. It is happening on a public road in a public place and the police are engaged in law enforcement duties. If they are tracking a suspected criminal and the person is visible from the air, I would have thought that was a perfectly legitimate thing for them to do without a warrant. The fact that a helicopter is wandering around with "police" written all over it will be a fair warning to the criminal that he is under observation. It is highly unlikely that the police will ever be in a situation of using a fixed wing or rotary aircraft when trying to keep track of a criminal or suspect without tipping the person off.

Mrs ROBERTS: They may and they may use their forward looking infra-red radar to track someone in those circumstances, particularly an escapee from a prison.

Mr Prince: The forward looking infra-red radar only works in areas without a great many people, otherwise there are too many heat sources to see clearly. The police do not need a warrant to track an escaped prisoner in a forestry area; it is not a private activity, the person is an escaped felon. The police are empowered to use those sorts of devices. I do not see the problem with that example. A situation of potential difficulty arises with the person in the backyard of a relatively closely settled area going that step too far, peering over the fence trying to see into the bedroom and observing people about their private activities inside their home.

Mrs ROBERTS: It is interesting that the minister said he believes someone who lives in an inner city suburb in the metropolitan area would expect that his backyard could be observed. Whether one is mowing the lawn or whatever it is reasonable to expect that one might be observed and, therefore, there is no difficulty. Yet one would not expect that to be case in a more remote area such as where he lives in Albany.

Mr Prince: I was distinguishing between two urban situations.

Mrs ROBERTS: It is a fair distinction. However, the fixed wing aircraft or the helicopter could go to Albany and observe him when he does not have an expectation of that and where he thinks his activity is private.

Mr PRINCE: The police fly over my home quite often depending on which way the wind is blowing and which is the best approach to the airport. In addition, a number of private pilots fly over frequently, often quite low. I know they are looking down because I can wave up at them. What private activity would I want to participate in somewhere on my block which I would not like to be observed doing? It depends on the nature of the activity.

Mrs Roberts: Do not tell us please.

Mr PRINCE: No way. It depends on whether it is an unlawful activity. If someone is growing a crop of cannabis, as happens all over the place, the police clearly can and do use aircraft to spot that. If the bushfire people in my area - all of whom are volunteers - go up in an aircraft and wander around to see if the firebreaks are in, it is a perfectly legitimate use.

Mrs Roberts: Despite the fact that they could be using an optical surveillance device -

Mr PRINCE: A pair of binoculars.

Mrs Roberts: Yes, from an aircraft to look down -

Mr PRINCE: To check on firebreaks.

Mrs Roberts: Or to look for cannabis crops. They would not need a warrant. Why would they not need a warrant?

Mr PRINCE: There are no parties to the private activity in either case. These people are looking for things on the ground, for firebreaks or patches of a certain colour green. Should a person's private activities be observed? If it is observable in the ordinary course of human affairs then I have no problem. However, if it is an activity that is done inside the house and someone with a pair of binoculars - they are a light gathering instrument - peering over the fence is able to see inside the house when he could not with the naked eye then I say he would be committing an offence. If one thinks of this laterally, one realises it is the peeping Tom. As I recall, under our current legislation the offence is largely under the Police Act and applies to a person who is on the premises without lawful excuse. We do not have an offence of being a peeping Tom; that is, of looking as opposed to doing anything. For 100 years we have had in our law an offence of being on that piece of ground without a lawful excuse. I have been reminded of a case of a landlord who had drilled holes in the wall to observe his tenants. That was not an offence.

Mrs Roberts: It is not an offence?

Mr PRINCE: No, but it would be now. It is appropriate for that to be an offence. One should have a reasonable expectation if one goes into one's home - be it a bedsitter or a mansion on the shore of the Swan River - that when one is inside, one is private. Privacy in the grounds of the home will depend very much on the nature of the grounds, where they are with regard to adjoining habitation and the normal patterns of human activity.

Mrs Roberts: I note that Victoria differentiates between what happens inside and what happens outside but that is a different tack from the one we have taken.

Mr PRINCE: Nobody has done this before. It has been a long time in gestation. A careful debate of this is appropriate. These are things that need to be talked about. I think this Bill is on time management.

Mrs Roberts: Yes.

Mr PRINCE: In my view if we are making progress, even if we have not finished it by Thursday the Government will take it off time management.

Progress reported.

GAS PIPELINES ACCESS (WESTERN AUSTRALIA) BILL

Second Reading

Resumed from 18 June.

MR THOMAS (Cockburn) [9.38 pm]: The Opposition supports this legislation and regards it as an important measure. However, we will move some amendments during the committee stage. I will allude to the amendments because, if carried,

they will substantially alter the Bill in a way which will not take away from its substantial contribution to the Australian economy but rather will improve it. I hope that the Government is able to consider those amendments objectively and fairly because they have merit. This merit will become apparent as we move through the second reading and the committee stage of the Bill.

The minister began his second reading speech in support of this Bill by saying, as I recall, that it was an important part of the Government's process of promoting competition in the energy sector of our economy. I am sure we all agree that providing competition in the energy sector of the Australian economy is one of the most important economic reforms that can be achieved in Australia.

Not only are industries involved in mineral processing dependent on energy but also those in other areas. Energy costs are one of the major inputs into the final cost of products produced in Australia. Therefore, if energy costs can be reduced, it is all to the good because it will make the cost of those products cheaper in Australia. It will make them more competitive internationally and more competitive with imports sold in Australia on the domestic market.

I am sure we all agree therefore that the introduction of competition in the energy sector is a very important aim. At the beginning of the nineties the energy sector in Australia was, for the most part, characterised by large vertically integrated state monopolies that had the capacity to transfer costs between different phases of their operations. That made it difficult to compare what costs should properly be assigned to the phases of their operations. The sector, for the most part, was most uncompetitive.

At the beginning of this decade a number of moves tended towards the introduction of competition in the energy sector. In his second reading speech the minister cited a date in 1997 on which to reach an agreement between the States and the Commonwealth. Prior to that there were a number of moves in various directions. The Hilmer report, which dealt not only with the energy sector but also with the introduction of competition in a range of areas in the economy, was an important trend in that direction. It is significant that Professor Hilmer is now Chairman of Pacific Power, the descendent of the New South Wales Electricity Commission. His importance to the energy sector should not be underestimated.

However, a convenient document from which to base moving towards greater competition in the energy sector in Western Australia is the Carnegie report. This minister has sought to have himself portrayed as a champion of deregulation and the introduction of competition in the energy sector. However, his major achievement was partial implementation of the recommendations of the Carnegie report. He cannot even claim credit for commissioning the Energy Board of Review, which was known in the vernacular as the Carnegie report, which was commissioned by the Labor Government in 1992. However, it did not report until 1993.

The task of considering and implementing the recommendations of the Carnegie report fell not on the Government that commissioned it, the Labor Government, but on the incoming Liberal Government. The point is that it made only a partial implementation. That in itself is not necessarily a bad thing. The recommendations must stand or fall on their merits. However, it should be noted that the major report in this State dealing with the introduction of competition in the energy area, the Carnegie report, was only partially implemented by this minister.

It is constructive to remember the day in August 1994 when a number of us went to the Parmelia Hotel and as I recall had a nice lunch while we listened to the minister announcing some major changes in the energy area. He announced the disaggregation of the North West Shelf gas sales agreements and the breakup of the State Energy Commission of Western Australia into two utilities, AlintaGas, the Gas Corporation, and Western Power, the Electricity Corporation.

It is significant to compare the position that the minister announced in 1984 with the situation in which it is now. Not much progress has been made since then until this Bill. I will refer shortly to the impact of this Bill.

It is interesting to note that prior to 1994, and for many years before that, most of the States of Australia had electricity utilities, gas utilities and in one case a company, which as far as I am aware, had always been separate organisations. To the extent that those two sources of energy - electricity and gas - compete in either the domestic or the industrial sphere, in practical terms, there was always competition between those two energy sectors in those States.

However, by 19 September 1998, Western Australia was brought to the position in which the rest of Australia had always been. Although they were heady days in August-September 1994 when the minister made those great announcements, for the most part, the separation of those utilities and the disaggregation of the North West Shelf gas sales agreements has done no more than bring us in line with the rest of Australia. It is worthwhile considering what has happened since then.

Mr Barnett: I want to understand Labor Party policy if there is such a thing. Are you opposed to the privatisation of Western Power and AlintaGas?

Mr THOMAS: Yes.

Mr Barnett: Will you go into the next election opposing the privatisation of both utilities? Are you opposed to the partial privatisation of either, or the privatisation of individual assets?

Mr THOMAS: Yes.

Mr Barnett: Would you support the privatisation of a power station?

Mr THOMAS: No. Are you in favour of the privatisation of Western Power?

Mr Barnett: Not at this point, no.

Mr Grill: You were in March.

Mr Barnett: I never was.

Mr Grill: You were. You are all over the place.

Mr Barnett interjected.

Mr THOMAS: I thank the member for Eyre for his assistance, but I have not quite finished asking the Minister some questions. Is he in favour of the privatisation of AlintaGas?

Mr Barnett: I will examine all the analyses, but in principle, yes.

Mr THOMAS: Does he acknowledge that he did not give any suggestion that might be the case prior to the last election and that the people of Western Australia should be able to pass judgment on such a major policy move?

Mr Barnett: They will have an opportunity.

Mr THOMAS: They will not have an opportunity if the minister privatises the organisation prior to the next election.

Mr Osborne: We are never allowed to say something new.

Mr THOMAS: This is an important point.

Mr Barnett: I made no secret that I favoured the privatisation of AlintaGas. I have said so in the past 18 months.

Mr THOMAS: You did not say so before the last election.

Mr Barnett: No.

Mr THOMAS: The fundamental principle of democracy is that parties formulate a policy, take it to the electorate, get a mandate if they are elected and implement the policy. If they then want to do something that is astoundingly different, such as privatising a major utility, they do not have a mandate to do it.

Mr Barnett: You will not play this game. If we decide to privatise AlintaGas, it will be because it is commercially sound and good for the industry and because we assess that we have broad public support for it. Each issue will be tackled in turn.

Mr THOMAS: There is no better way of assessing broad support than putting it to the people. I am challenging the minister to hold off the privatisation of AlintaGas until after the next election. We can then both take our policies to the people and see what they decide.

Mr Barnett: It might be in the term of the next Government, who knows? The first thing I will do is the homework and look at the analysis carefully.

Mr THOMAS: We are all doing homework. I am pleased to hear that the minister is doing his homework.

Mr Barnett: I always do.

Mr THOMAS: I am appalled at the fact that he is contemplating making such a move prior to an election, given that he does not have a mandate to do so. It is a substantial move and one for which I am sure the people will punish him if he dares to undertake such a move without a mandate.

Dr Hames: Your Government supported Laurie Connell and wasted all those millions. You did not get a mandate on the petrochemical fiasco.

Mr THOMAS: No, and I have made the point on a number of occasions, Minister for Housing, that two wrongs do not make a right. If a former Government did something that was wrong, that does not make this Government - the Government of which the Minister for Energy is part - undertaking a wrong any better. These things must be similarly assessed.

Mr Barnett: Does the Leader of the Opposition support your total opposition to privatisation of all or any part of AlintaGas or Western Power?

Mr THOMAS: Yes. Any other questions?

Mr Barnett: No. I just wanted that firmly on the record.

Mr THOMAS: That has been on the record for quite some time.

Therefore, quite clearly this Government is not committed to the most fundamental principles of democracy. Classes of children are led into this Chamber day after day, week after week to learn about politics and how Governments formulate policies, put them to the electorate and if they get a mandate, implement them. It is interesting that this Government is repudiating such a fundamental principle of democracy.

Mr Pandal: It is also a requirement that the Government gets the chance to be judged at the next election. It is not an option, it is required.

Mr THOMAS: That is right, and no doubt it will be judged if it takes such a cavalier action. However, I advise the member for South Perth that it is very difficult to unscramble an egg. If the Government sells major utilities such as AlintaGas and Western Power we know that it will be impossible for all time to return them to the public sector. Although the Government might feel it is morally justified in one sense because it will be ultimately tested before the people, the point is that it will not be able to return to the people something they value; and they do value these utilities.

Mr Barnett: I am sure they do.

Mr THOMAS: They do not want them sold.

Mr Barnett: I will ask you one other question and let you get on with your speech. Does the Opposition oppose the sale of the Bunbury power station?

Mr THOMAS: Yes. Is there anything else the minister wants to know about our policy?

Mr Barnett: No.

Mr THOMAS: I will send the minister a copy of the document because we have published documents on a number of occasions.

It is fitting, looking back over the process of deregulation of the energy market in this State, that we are doing it at this time because tonight is the night after the Sandover Medal award presentation and it is the time of the year during the football finals when people think a lot about Australia's national sport, Australian rules football.

I am not sure how much you follow football, Madam Acting Speaker (Ms McHale). However, a phrase used often in Australian rules football is "April premiers". This minister is an April premier. An April premier is a person who starts off at the beginning of the season looking pretty good and struts around the place on the basis of the reputation gained early in the season. However, towards the end of the season it often turns out that they are not performing as well as their performance earlier in the season suggested they might.

Mr Barnett: For someone who played with Claremont, we will take any premiership.

Mr THOMAS: The minister may get Gerard back! Another phrase that is often used in Australian rules football is "dropping the ball." That is precisely what this minister has done regarding reform and competition in the energy sector, because when we look at that day back in August 1994 we heard the announcement of the disaggregation of the gas contracts and the break-up of the organisations.

Significantly, within the enabling legislation that led to the creation of these two new organisations, the gas corporation and the electricity corporation, which we have supported and wish to retain in public ownership there was provision for third party access. That is, the possibility of access to the transmission facilities of Western Power and AlintaGas. That would suggest that it is possible to have a competitive energy market in Western Australia because the basic transmission infrastructure of those organisations can be used by other electricity and gas producers. Hence, we would have a competitive energy market.

We were thrilled that that was the case. There was even a timetable for the introduction of contestability; that is, the level at which energy customers would become contestable by other suppliers and producers. There was a phase-in process where some of the major customers of those two organisations would become contestable. I remember - and I have told the minister about this - walking back up the terrace to Parliament House and thinking what a great day it was and what a great move had been undertaken. I rang one of the businesses in my electorate, which is a major energy consumer, and told it about this great move that had been introduced. I had the good grace to give the Government credit and to say what a tremendous thing that was happening.

Mr Riebeling: Giving it credit was an error of judgment.

Mr THOMAS: It was better than what preceded it. However, we should have known by the fact that it had only partially implemented the Carnegie report that there was not going to be much more. Since then we have had a series of cases of impropriety, and shady and non-accountable deals.

Mr Barnett: Can you be a little more explicit?

Mr THOMAS: Yes, I intend to be very explicit. I will start with the Ord hydro deal.

Mr Barnett: Very good, the first big renewable energy project in this State.

Mr THOMAS: That is the first big renewable energy project. To the extent that it is renewable and big relative to the area in which it is undertaken, I suppose one would have to say it is good. However, the problem is that it was undertaken without any competitive process.

Mr McGinty: You have got to look after your mates.

Mr THOMAS: He did look after his mates.

Mr Barnett: Can you be more explicit? Which mates did I look after?

Mr THOMAS: The Treasurer of the Liberal Party, Mr MacKinnon. He wandered into your office and said, "Have I got a deal for you!" He brought those people in and introduced them to the minister. The minister probably pulled out figures on the cost of generating electricity by diesel in Kununurra and one presumes the price that was offered was better than the cost to generate diesel in Kununurra. So he said, "Yes, that is fine." He gave away the resource base of a fairly substantial industry without any competitive process at all. That is one of the most profoundly wrong actions undertaken by this Government. Can members imagine what would have happened during the years 1988 to 1992 when the Labor Government was in power if someone had come in with Kevin Edwards and said, "We have a great project" and the then Minister for Energy, the now Leader of the Opposition, had accepted and said, "Yes, this is a good one"?

Mr Barnett: You are not seriously drawing this standard to the Labor Government of the 1980s, as propriety in government, are you? You must be tongue in cheek.

Mr THOMAS: No, I am not at all tongue in cheek. I will move on.

Mr Barnett: I would move out of the 1980s if I were you.

Mr THOMAS: Let us not rake over old coals all night, but some coals should be stoked a little. After that came the Mission Energy deal at the BP refinery.

Mr Barnett: That is the biggest co-generation deal in Australia.

Mr THOMAS: It is good; it is energy efficient and great for the greenhouse effect, but it stinks when it comes to propriety. The Electricity Corporation Act provides that if a project involves more than 100 megawatts of power it must go through a competitive process. We cannot have the Treasurer of the Liberal Party saying that he has a great deal, it is a bit cheaper than using diesel and that the Government should not worry about going to tender, that other people might be able to do it cheaper or that the people of Western Australia might be paying more than they should because it is better than what is currently being paid. That is no doubt the case. Again, without going to any competitive process -

Mr Barnett: What was going to competition? It was BP's project, not ours.

Mr THOMAS: However, if Western Power needs 100 megawatts of power it would have to go to a competitive process. The minister might well say that it is a good idea and that it is cheaper -

Mr Barnett: Co-generation is highly efficient.

Mr THOMAS: We all know it is efficient.

Mr Barnett: You keep knocking environmental projects.

Mr THOMAS: I do not. If the minister wants to put an environmental premium on the competitive process, that is fine. However, the process must be accountable and explicit. The people of Western Australia must know how much they are paying for that environmental advantage. We do not currently have one. I am not the only person who has said that it is wrong that we have unaccountable energy utilities engaged in non-competitive processes, the Commission on Government has also said it. It said that what the Minister for Energy is doing is wrong and cited his behaviour as an example of how a Government should not perform in respect of questions of commercial confidentiality and accountability. This minister has ignored the standards of accountability recommended to his Government by the Commission on Government, by the Royal Commission into the Commercial Activities of Government and Other Matters and by Sir Francis Burt in his report on accountability.

Mr Barnett: You have listed the Ord hydro project and the Mission Energy project as failures. Do you have any more to add?

Mr THOMAS: The goldfields gas pipeline.

Mr Barnett: That is a huge failure! That is the third big failure.

Mr THOMAS: The problem with this minister is that if someone comes along with a project that will supposedly provide cheaper energy, he grabs it. He says that we are saving energy - sometimes it is environmentally sound - and all in all it is a good project despite the standards of propriety. These utilities could not buy a car without inviting tenders, but they seem to be able to approve projects such as the goldfields gas pipeline simply because it is providing cheaper energy. That is good in itself, but it is coming off a high base. I have no doubt that my colleague, the member for Eyre, will be able to talk at length about that because he has an electoral interest in it.

Mr Barnett: He is looking decidedly less enthusiastic as the night goes on.

Mr THOMAS: We will ask him about that.

This problem is reflected by the fact that recently we had a proposal for a project to take gas from the Dampier to Bunbury natural gas pipeline into the eastern mid west region. That involves taking gas into an area closer to the goldfields pipeline. In fact, it is cheaper to transport gas over a longer distance because of the price paid on the goldfields gas pipeline.

Mr Barnett: So the mid west gas pipeline, which is about to be commenced, is also a failure.

Mr THOMAS: No, it is a reflection of the fact that the minister has presided over a distorted energy market. The introduction of reform and competition in the market is supposed to rid us of distortions.

To get the north west project off the ground in the late 1970s and early 1980s - the outgoing Court and O'Connor Governments and the incoming Burke Government were involved in this project - an arrangement was reached about whether the project concerned was replacing diesel or coal. If it were coal competitive, the gas was cheaper; if it were oil competitive, it was more expensive. That was despite the fact that the same product was being sold and transported over the same distance at the same cost. The minister is an economist, and he will correct me if I am wrong, but I believe that that is described as a distortion of the market, which is most undesirable. If people are selling the same product with the same transport costs, different customers should be able to pay the same price, thus minimising the impact on their cost inputs and the overall productivity of the Australian economy. I am sure the minister will agree that that is desirable.

One of the advantages of the reforms we have seen with the operation of the Dampier to Bunbury natural gas pipeline over the years has been the elimination of those distortions. That is good and I hope the minister agrees. However, this minister's approach in a number of areas has led to a continuation of distortions because pipeline proprietors have been able to say that they are competing against diesel, and that is expensive, and thus maximise their return. As a result of that they have not had the maximum benefit that could have been accorded to the Western Australian economy.

Mr Barnett: Are the Collie power station and the sale of the Dampier pipeline also failures?

Mr THOMAS: They were good Labor proposals. The minister's successes have all occurred when he has implemented a Labor policy. The Labor Party advocated the sale of the Dampier to Bunbury natural gas pipeline when the minister was talking -

Mr Barnett: Did you not want a second pipeline first?

Mr THOMAS: Yes; we still do.

Mr Barnett: How much would that have cost the State? About \$1b.

Mr THOMAS: What difference might it have made -

Mr Barnett: About \$1b.

Mr THOMAS: I would be interested to see a valuation. Given that the minister has announced today that the construction is commencing, I would like to know how that year or two would have made such a huge difference to the value of the pipeline. In any event, that is certainly a success, and we congratulate the Government and for implementing the Labor Party's policy.

Mr Barnett: Your policy was a second pipeline to wipe \$1b off the value.

Mr THOMAS: I would be interested to know the basis of that valuation. An amount of \$1b would add two or three years to the contract in a less competitive environment. I do not think that is the case. In any event, I congratulate the minister for implementing the Labor Party's policy and for building the Collie power station, which was also our policy.

Mr Barnett: You did just have a smidgen of trouble with it.

Mr Kobelke: At least we were going to go to tender.

Mr Barnett: You changed the rules so many times that nobody had any idea. We had companies around the world saying they would not come to Western Australia after dealing with your crowd on that.

Mr Grill: I know one company which ran full page advertisements against the Minister for Energy week in, week out.

Mr THOMAS: In order to induce companies from around the world to build a coal-fired power station the minister offered the company that won the contract \$70m more than someone else was prepared to build it for. That was not just anybody but a reputable Australian company.

Mr Barnett: I really get a good feel for how you guys lost one and a half billion dollars. It must have been come in spinner. The entrepreneurs in this town saw you guys as the biggest bunch of bunnies they had the good fortune to come across, and did they take members opposite to the cleaners! Members opposite have learnt nothing in the past decade. If they were in government again they would get stitched up in the same way and to the same extent.

Mr Grill: We always know when the minister is on the ropes because he comes up with the same line.

Mr THOMAS: It is difficult to understand how the Minister for Energy, who claims that he runs the State in such a way that mistakes would not be made - as he suggests were made by others - ordered the State Energy Commission of Western Australia at that stage to sign a contract for the Collie coal-fired power station which was \$70m more than someone else was offering to build that project for. That company was not just anybody, it was a major Australian engineering company, and one would imagine that company's position would be worth looking at.

Mr Barnett: Why did you drop them from the process when you were in government? You gave them the flick and now you say we should have picked them up.

Mr THOMAS: It did not come up with the right price. However, it subsequently came up with a price that was \$70m less than the other tenderers. The minister will have to live with that.

Rather than my talking about specific incidents in which the procedure was wrong, let us consider what the minister has achieved during the time he has been in power and responsible for the energy sector in Western Australia. The Carnegie report was commissioned with the primary aim of lowering energy prices in Western Australia, because Western Australia had the highest energy prices in Australia. The figures that were cited by Carnegie in 1997 dollars for industrial and commercial price average cents a kilowatt hour were Western Australia 13.6¢, Victoria, 9.5¢, South Australia, 11.5¢, Queensland, 8.4¢ and New South Wales, 10¢. If Western Australia is 100 per cent the other States would be between 69 per cent and 82 per cent of Western Australia's cost. The then Labor Government said that that was an unacceptable situation, and everyone agreed.

The pattern with domestic prices was not dissimilar. Carnegie noted that the prices in the other States were between 66 per cent and 75 per cent of the prices here. The people in Western Australia were paying between 25 per cent and 33 per cent more than people in the other States. The then Labor Government thought that that was an unacceptable situation.

What is the situation now? In 1996-97 prices, if Western Australia's price is 100 per cent, Victoria is 53 per cent; South Australia, 67 per cent; Queensland, 79 per cent and New South Wales 63 per cent. The comparative prices between the States for industrial and commercial electricity prices indicate that the gap between Western Australia and the other States has widened, and our industrial and commercial electricity prices are higher now. The domestic prices in the other States, compared with Western Australia, vary between 91 per cent and 68 per cent, so the difference is not that great. However, the bottom line is that when Carnegie was commissioned in 1992, based on the prices of the preceding financial year, Western Australia had the most expensive electricity in Australia for both domestic consumers and industrial and commercial consumers.

In 1996-97, with this minister having been the Minister for Energy for six years, the situation is precisely the same. We still have the most expensive industrial and commercial energy in Australia, and the gap between Western Australia and the other States has widened. After six years of a Liberal-National Party Government, and in particular after six years with this Minister for Energy, the domestic electricity prices in Western Australia relative to the other States are higher than they were in 1992.

Mr Barnett: The other States have privatised and you do not support that.

Mr THOMAS: That is right. However, the other States have not universally privatised.

Mr Barnett: Victoria has, South Australia is in the process of privatising and Queensland did what the member advocates and broke it up into various government-owned, so-called competing utilities. When I was in Queensland a week ago the State came within an inch of losing power across the State. It was a fiasco.

Mr THOMAS: New South Wales has not privatised.

Mr Barnett: Are you quoting pool or wholesale prices?

Mr THOMAS: I am quoting the average, delivered price to the customer.

Mr Barnett: The pool prices are low, but only 5 per cent goes through the pool.

Mr THOMAS: I am quoting the price that customers pay. My figures come from the Australian Bureau of Agriculture and Resource Economics - and I assume they are reliable - adjusted for inflation. I seek to have these figures incorporated into *Hansard*. The Minister can test them, if he wishes, but I am confident they are reliable.

[The material in appendix A was incorporated by leave of the House.]

[See page 1385.]

Mr THOMAS: The minister is a failure in terms of the transmission cost of gas to the goldfields, in particular. We have the highest gas transmission prices in the world.

Mr Barnett: I think your gas policy for the goldfields was a stunning success!

Mr THOMAS: It certainly was not, and I accept that. However, the minister trumpeted himself as the person who would bring cheap energy to the goldfields. The minister has brought gas to the goldfields which is cheaper than diesel, but it is nowhere near as cheap as it should be and could be. In fact, the reduction has been achieved because the company was shamed into it by the efforts of my colleagues, the member for Eyre and Hon Mark Nevill, an ALP representative of the Mining and Pastoral Region. Whatever reductions have been achieved in that area are a credit to the Labor Party and not the minister.

Let us not spend the night raking over old coals. Let us look to the future, because we have here something which, on the face of it, is a proposal to introduce a national third party access code for gas pipelines throughout Australia, and we believe that is a good thing.

The Commonwealth and the States have met and have formulated a code. A national agreement has been reached between the States, and that is notionally reflected in this legislation. However, there are a number of differences. As always, this minister wants to do it his way; and sadly, based on his form so far, we predict that the differences that he wants to achieve will mean that the situation in Western Australia will not be quite as competitive as it is in the other States, and possibly will not achieve the results that could and should be achieved under the agreement. We are not saying that just because we are in opposition and have to oppose the Government. We are saying that because the Government's record is that energy costs in Western Australia are the highest in Australia. They were the highest when Carnegie reported, and after five years of Barnett reforms, they are still the highest in Australia. The reforms have failed.

The first difference is that in every other State of Australia, the regulator is the Australian Competition and Consumer Commission. However, this Bill proposes to have a local regulator. We are opposed to that aspect of the Bill, because we believe we will have a better chance of getting an independent regulator if we have the ACCC rather than a local regulator.

Mr Barnett: Do you regard the ACCC as a body that has behaved impartially and independently and has always avoided agendas other than competition policy?

Mr THOMAS: I know it caught out the minister.

Mr Barnett: You are referring to the pipeline. What I find fascinating about the ACCC is that it raised issues about the pipeline - and fair enough - and those issues were debated. However, when the pipeline was sold, mysteriously the ACCC lost interest. The only thing that had happened was the change to the ownership. There was no change to the contractual arrangements. That was hardly objective conduct on the part of the ACCC.

Mr THOMAS: This minister was engaged in one of the most sleazy deals in which any Government in Australian history, as far as I am aware, has been engaged. The deal in which AlintaGas was involved prior to the sale of the Dampier to Bunbury natural gas pipeline, in order to secure what in the light of current events does not seem to be as important as it was at the time - the Kingstream contract - was said by a number of people, including us, to be improper. This minister was a party to it. He defended it.

Mr Barnett: I was not a party to the deal.

Mr THOMAS: In a contractual sense the minister was not a party to it -

Mr Barnett: I was not a party to the negotiations either.

Mr THOMAS: No. As I recall, the minister read about it in the newspaper, and his initial response was to say it could not do that and would have to go to tender. The actual party to the deal - AlintaGas - then got on to the minister and corrected his position, and the minister then spent the rest of the time defending it. When the sale of the Dampier to Bunbury natural gas pipeline came before this Parliament, we said it was wrong that the sale should go ahead while a cloud was hanging over the vendor and one of the major purchasers. We were vindicated. The ACCC said that the minister's deal was illegal.

Mr Barnett: You advocated for two weeks before the sale that we should call it off. I did not hear a lot about it after we got \$2 407m for it!

Mr THOMAS: We did not advocate calling it off at all.

Mr Barnett: Yes you did. You stood in this Parliament and said the whole process should be called off.

Mr THOMAS: The sale, as I recall, came about in February or March of this year, and the legislation went through the Parliament last November or December, so no-one was saying anything two weeks before the sale. We supported the legislation, but we did say at the time that it was on the minister's head, and that this arrangement was improper. We were vindicated by the ACCC, a body which throughout Australia has a responsibility -

Mr Barnett: A body which mysteriously lost interest in the project once it had been sold successfully.

Mr THOMAS: The minister wants to be critical of the ACCC -

Mr Barnett: It is not doing what it is charged to do.

Mr THOMAS: I suspect that the reason the minister believes the ACCC is not doing what it is charged to do is that it caught him out. Days before that sale was consummated, the arrangement which this minister had been defending in this House was said to be illegal.

Mr Barnett: No.

Mr THOMAS: Yes it was. The minister could have said it was not illegal and the ACCC had got it wrong, and taken it to court and had it tested, but the minister was not game to take it to court and have it tested. He backed right away.

Mr Barnett: I said we would go ahead with the sale; and we did, and we sold it.

Mr THOMAS: We can understand why the minister does not want the ACCC in Western Australia. However, Western Australia is a very small State by population, and similarly Perth is a very small town, comparatively speaking, and the number of people who are involved in the gas industry, either in government, or in the production or transmission, or some other phase of the industry, is limited, and it will be difficult to find a person who is suitable for the position of regulator who is not perceived to be in some sense connected with some of the people in the industry.

Mr Barnett: Would the ACCC have approved the Goldfields Gas Pipeline Agreement Act?

Mr THOMAS: So far as I am aware, it would.

Mr Barnett: I can almost guarantee it would not have approved it, and that it would not have happened. Similarly, the mid-west pipeline agreement would not have happened, and possibly BHP's Pilbara energy project would not have happened.

Mr THOMAS: If that is the case, we have a pretty bleak future in this State.

Mr Barnett: Too right, unless the State keeps control.

Mr THOMAS: That is what worries me. The minister is saying that the State will keep control by appointing its own regulator. On the face of it, we have in this Bill the natural gas pipelines access code, which forms the second schedule to the Bill, and whether the regulator is the ACCC or a local regulator, it will be the same law, but just a different court, so there should not be too much difference in its application by those different bodies. We hope that will be the case, but just to make sure, we want the same body to be the regulator throughout Australia. If the ACCC is good enough to do it in Queensland, New South Wales, South Australia and Victoria, why is it not good enough to do it in Western Australia?

Mr Barnett: The ACCC has yet to prove that it is good enough. If you read the eastern States' financial press, you would see a lack of consensus that the ACCC has the ability to do it. It is a disaster so far.

Mr THOMAS: The minister is saying that the standards of propriety and competition in the industry in Victoria, New South Wales, Queensland and South Australia are too high for Western Australia, and we need to have a different standard. The minister's position is not credible, because even his local regulator will be enforcing the same code. The minister said in the second reading speech that the reason that we want to have our own regulator is that we want to have someone who is aware of the unique aspects of the Western Australian situation and can take that into the account. I read that as a code for saying we may have something which is less competitive and less well reformed than is the case in the other States. I cannot see anything specifically unique about Western Australia. The minister is introducing a code in Western Australia which will be the law of Western Australia - the gas pipelines access code. If the code being implemented by the Australian Competition and Consumer Commission in other States is not good enough, and is in some senses wrong, as the minister suggests, he should not introduce it as law in Western Australia. We have no interstate pipeline. It is not necessary for the minister to introduce this code in WA. The minister is doing it presumably because it is a good thing. I believe it is. However, I am deeply concerned to discern from the minister's comments that he believes some difference may arise in its implementation in Western Australia as a result of having a different regulator.

The Opposition will move amendments in committee to ensure the Australian Competition and Consumer Commission plays the same role in Western Australia as it will play in the other States of the Commonwealth.

Mr Barnett: I concede your argument in part. However, if we agree to what you propose, effectively there would be no energy policy in Western Australia. I might as well not be the Minister for Energy. We would have no need for an Energy portfolio in this State.

Mr Grill: Why do you say that?

Mr Barnett: I would have no role. It is already the case in Victoria.

Mr THOMAS: The minister is trying to preserve his job, rather than reform the energy market.

Mr Barnett: Not at all; I have three or four other jobs.

Mr THOMAS: The minister is wrong. I gave the minister the chance to look at our amendments this morning as I sent them to his office. The opposition amendments will ensure that other aspects of the machinery proposed for Western Australian - namely, the arbitrator and the appeals body - will continue in those roles, notwithstanding that the ACCC is to undertake the crucial role of regulator. Also, under the agreement between the States, although not reflected in the legislation, sadly, is a review of the role of the local regulator. It states that within five years, as I recall from the enactment of the legislation, or when we get an interstate pipeline, whichever comes first, a review of the operation of the local regulator in Western Australia will be conducted. The Opposition will turn that around. It proposes a sunset clause so that after five years, the role of the Australian Competition and Consumer Commission in Western Australia will be reviewed. If the minister's prediction comes true, something can be done about that situation.

We do not agree with giving up state sovereignty. We are patriotic Western Australians, but also Australians. If the code is so wrong and will lead to all the terrible things foreshadowed by the minister, it should not be introduced into law in Western Australia. If it makes such a difference to have the Australian Competition and Consumer Commission playing that role, the minister should have spoken to his federal colleagues some time ago about the operation of that organisation and its legislation. The minister is being xenophobic at a state level. As far as I am aware, the ACCC is a reputable organisation.

Our amendments include criteria for the eligibility of a person who can be the regulator. We do not want a regulator who has recently had a role in the industry in Western Australia or has been a public servant who has administered or assisted the industry. Somebody fresh should carry out the role to prevent any suggestion of influence by prior associations, either through the government or private sector, in the industry. That is critical. The Government could have taken this alternative course. We are looking at rail, water and other fields, and we hope to consider electricity before much longer; therefore, an office of regulator could regulate all those areas. He would then have a breadth of responsibility not to be closely associated with this aspect of jurisdiction.

However, the Government is operating in a piecemeal manner. The Opposition suggests that it be set up with the Australian Competition and Consumer Commission as regulator, and we will review the situation after five years under this legislation. We could review it as a Parliament at any time during the process.

The other opposition amendment relates to the question of tax liability. We have been approached by participants in the industry concerned about their liability for capital gains tax. Agreement between the Commonwealth and the States provided that no liability for capital gains tax or stamp duty would arise as a consequence of any transfer of assets required by the ring fencing provision in the code. This Bill will honour that undertaking by classifying transactions as exempt from capital gains tax.

Sadly, when the Commonwealth Parliament rose for the federal election it had not amended the income tax legislation to ensure that exempt transactions, as described in relation to the stamp duty, would be exempted under the commonwealth Income Tax Assessment Act. Opposition speakers raised this in the Senate, on the last day before its rising, and the Government produced some sort of memorandum which I understand is like a supplement to the second reading speech. They feel - this is the best assurance that I can get - that transactions will be exempt from capital gains tax. It is a matter of probability, not predictability. It is a matter of the Australian Taxation Office making an assessment. If it is challenged, the courts will decide the matter. That is not a proper position in which to place industry.

As a Parliament, we will require that the transactions take place. If they are required, we should ensure that no untoward tax liability accrues. For that reason, the Opposition will be moving an amendment that the ring fence provision in the code not come into operation until the minister is satisfied that no capital gains liability will result.

Dr Hames: Are your federal colleagues not going to bring in a capital gains tax on the family home?

Mr THOMAS: No, but it is also not relevant to this debate. I have a minute to go when the Minister for Housing drags a huge red herring across the Chamber!

The Government and Parliament should not be party to placing an impost on the industry in this State: This could lead to a capital gains tax payment being made, when a clear indication from the Commonwealth and States is that the industry should be exempt from stamp duty and capital gains tax on those transactions. On the last day of the Commonwealth

Parliament, it seems most unsatisfactory that the only assurance provided was a memorandum read out in the Senate. The Opposition will move amendments in those areas.

MR GRILL (Eyre) [10.38 pm]: As the member for Cockburn indicated, the Opposition supports the legislation subject to the amendments outlined. We will debate those in committee so I will not dwell on them at this stage.

The objectives of this Bill are fairly simple, as set out in its preamble. Briefly, the major objective is to bring about free and fair trade in natural gas in this State and, as it is complementary legislation, throughout Australia. It is a complex piece of legislation which comprises about 270 pages, three schedules and one or two appendages to those schedules. It is extremely complex for anyone to read and understand. It involves the law of this State and some commonwealth law, and the cooperation of the Commonwealth and the States and Territories of Australia. Its structure and set-up really are daunting. Nonetheless, the objects are fairly clear. I have already indicated the major object, but there are some secondary and complementary objects. They are: To facilitate a national market, to prevent abuse of monopoly powers, to promote a competitive market, to provide fair and reasonable access by customers to natural gas pipelines and to provide for resolution of disputes. All those objectives are set out in the preamble.

In the second reading speech, the minister gave the genesis and history of the Bill and clearly indicated that it commenced about February 1994, when the Commonwealth and the States got together with the Territories and decided that there should be free and fair trade of natural gas in Australia.

Mr Barnett: Time has passed, but it is worth noting that to some extent in this State we have already led with the agreement Acts on the goldfields pipeline and the Pilbara energy project. Although that was a less sophisticated code, it preceded this one. The arrangements in this State for open access were overrun by the national code, which is more complicated. It should be acknowledged that this State had already committed to a policy that had subsequently been overrun by the national agreement.

Mr GRILL: That is correct. I would not quibble with that. There were proper and sincere attempts within this State to put in place access codes which were fair and reasonable. Of course, the national code in its complexity goes a long way further.

Mr Barnett: Its complexity is a problem. We have a fairly light-handed approach that allowed some flexibility. The danger with this code is its prescriptive and complex nature as time unravels.

Mr GRILL: I alluded to the fact that it is rather complex. I did not allude to the fact that in many respects it might be a meal ticket for lawyers, but I think that it will be. I have read many pieces of legislation in my career as a lawyer and as a legislator, and this is among the most complex that I have seen. Lawyers will have a picnic with the legislation as time goes on. That does not detract in any way from the people who drafted it, because I am sure that it has been drafted as well as it possibly can be, but it is a particularly complex piece of legislation. It has led to the development of a uniform national framework for third-party access to all major gas pipelines within Australia. That code is set out in the second schedule.

It is not uniform legislation. There are several derogations from the South Australian legislation, for instance. The South Australian legislation being the lead legislation. Each State has derogated in one form or another and in one extent or another from the original legislation which was passed in South Australia. Also, it needs to be understood that the legislation is not uniform because there is a range of transitional arrangements to take into account. To some degree, the fact that this and other States have endeavoured in their own ways to put in place access regimes, which are currently in place and which will be overtaken by that access code in most instances by 2000, has led to some complex transitional provisions.

I was rather intrigued by the minister's statement at the beginning of the second reading speech, when he said -

The Bill is integral to the ongoing energy reform process in Western Australia and maintains this State at the forefront of reform of Australia's natural gas industry.

If the minister means that sincerely, he would be about the only person in Australia who believes it. The truth is very much as the member for Cockburn has set out. The Government made a pretty good start on deregulating the energy industry in Western Australia, but somewhere along the line - I am not sure where and I am certainly not sure why - it lost the will and it dropped the ball. We are now lagging very badly in restructuring our energy industry generally.

Mr Barnett: Please do not ignore the upstream side of the gas industry in Victoria - Bass Strait. It is still highly regulated in Victoria and tied up in old Bass Strait agreements and so on.

Mr GRILL: The minister knows as well as I do that the Victorian Government is preparing to sell off its industry.

Mr Barnett: You cannot do that because that is not your policy.

Mr GRILL: It is not our policy, but, notwithstanding that, the Victorian Government is preparing to sell off its gas industry, and in comparable terms its gas industry is somewhat smaller than ours. Sure, it has many more customers, but it is somewhat smaller than the gas industry here. Victoria takes the precaution, in selling off the Victorian gas industry, of

splitting that animal into three fairly even, competitive parts before it proceeds down that road. Victoria is concerned about a competitive structure. It appears to me that somewhere along the line in Western Australia, although intentions were honourable to begin with, the minister and the Government have lost sight of that goal. They have been talking about selling off the industry. Sure, they back-pedalled in the past day or two - that is, both the minister and the Premier, if I read the newspaper properly - but for some time now they have been talking about selling off AlintaGas and Western Power in circumstances in which one would simply be handing over a government monopoly to private operators. I cannot imagine a worse situation being brought about, but that was contemplated for Western Power until only a day or two ago.

Mr Barnett: I am sorry, but the member for Eyre is simply wrong. I have never said that we would be selling Western Power - ever.

Mr GRILL: It might be an appropriate time to consider what the minister has said in the past about that matter. I note what he said yesterday. The front page of today's *The West Australian* states -

Yesterday, he was adamant he had never said Western Power would be sold.

That reflects what he said just a minute ago. Then it quotes the minister as follows -

"I have never said that the Government would privatise Western Power," he said.

If one examines what the minister said on 10 March this year on the same subject, one sees a very stark difference. On the front page of *The West Australian* the banner headline says -

WA Power Supply for Sale: Barnett

This is above a story by Paul Armstrong and Mark Irving. It says -

The State Government plans to sell a big chunk of Western Power - a move expected to raise at least \$1billion.

Energy Minister Colin Barnett said yesterday he hoped the partial privatisation would occur in 2000, depending on the outcome of any election.

Mr Barnett: I did not say that. That quote is incorrect.

Mr GRILL: It goes on -

He favoured the option of a stock exchange float over a trade sale . . .

They made all this up, I take it.

Mr Barnett: Yes. The date certainly was fabricated. I did not say that. That is not a reliable article.

Mr GRILL: It says -

He favoured the option of a stock exchange float over a trade sale though, Western Power was still studying the alternatives and the issue had not been considered by Cabinet.

Mr Barnett: That is right.

Mr GRILL: It then goes on to quote the Leader of the Opposition. Later it says this -

Mr Barnett said the Government needed to retain a substantial stake in Western Power to ensure the reliability of the State's electricity supply.

It was also critical that the Government continued to get a slice of Western Power's profits - \$98.7m after tax in the past financial year.

There is then a further quote -

"States like Victoria, which are flogging off assets, will find it hard to retain their financial independence as States and it will impact on their ability to provide other services," he said.

Then further down it says -

"The New Zealand Government said the blackout was not their problem because they had privatised (the utility)," he said. "It is simply not good enough to say that. It is an essential service.

Mr Barnett: That is correct.

Mr GRILL: It goes on -

Mr Barnett said that partial privatisation would not start until the gradual deregulation of the State's electricity industry was completed on January 1, 2000 . . .

Mr Barnett said he was attracted to a float because it would create another big publicly listed company based in Perth.

It then went on to say -

Deputy Premier Hendy Cowan said he had no problem with the principle of partial privatisation provided the result was improved service to the customer.

These are two reputable journalists, Paul Armstrong and Mark Irving, stating in some detail with specific quotes that the minister was implementing the process to sell off Western Power on a partial privatisation basis.

Mr Barnett: I certainly discussed partial privatisation. I do not deny that for a moment. The thing that is wrong with that article is the date 2000. That is simply wrong.

Mr GRILL: It is mentioned twice.

Mr Barnett: Yes, but that is wrong. It is incorrect.

Mr GRILL: There are other quotes which I have not brought with me tonight which say exactly the same thing. What the minister is trying to say to us at the moment is that either Paul Armstrong and Mark Irving are not telling the truth or they were smoking opium the night before and they have made up all of this. The other thing that we can draw from this is perhaps that the minister has had a change of mind within the last week and has gone back on what he said to these journalists on that day.

Mr Barnett: I did discuss partial privatisation. I still discuss that. I happen now to favour, if there is a privatisation of any part of Western Power, the full privatisation of individual power stations. The thing that is clearly wrong in that article is the date 2000. I made it very clear that any decision about Western Power would be made in the next term of government.

Mr GRILL: Minister, this was a front page story.

Mr Barnett: And it was a front page error. As members in this House know, that is not uncommon for *The West Australian*.

Mr GRILL: They quote the year 2000 on more than one occasion.

Mr Barnett: And they are wrong; twice they are wrong.

Mr GRILL: Did the minister correct them the next day? Did the minister write to them and suggest that they got anything wrong in this article?

Mr Barnett: No, I did not bother because -

Mr GRILL: The minister has allowed that impression to be at large ever since 10 March this year.

Mr Barnett: It is wrong.

Mr GRILL: And the minister has reinforced it.

Mr Barnett: No, I have not.

Mr GRILL: The minister has reinforced it in other statements he has made, and I will bring them in.

Mr Barnett: No, I have not; not the date.

Mr GRILL: The statements are almost identical terms to the way in which he has been quoted here. I do not know what happened this week, or whether it was even this week or last week; however, in today's paper the minister is quoted as saying -

I have never said that the Government would privatise Western Power.

Mr Barnett: That is true, I have not.

Mr GRILL: I will repeat that -

I have never said that the Government would privatise Western Power.

Mr Barnett: That is true.

Mr GRILL: Yes. The only conclusion to be drawn from these specific quotes on 10 March this year and elsewhere is that this minister is in fact favouring a privatisation of Western Power, by means of a float rather than a trade sale. He described the specific terms of how he wanted it done. He put a date on it which he is now denying. In the face of all of that, he says - which appears to be pretty barefaced -

I have never said that the Government would privatise Western Power.

Mr Barnett: That is right.

Mr GRILL: I do not see how the minister could possibly reconcile this story on the -

Mr Barnett: I will answer for anything I say; however, do not ever ask me to explain the journalistic and editorial policies of *The West Australian*. There are many things I will be accountable for but the editorial policy of *The West Australian* is not one of them.

Mr GRILL: If a story which was given this prominence was wrong, I cannot understand why the minister did not correct it there and then. He has had months to do it.

Mr Barnett: From memory, my press secretary would have told the journalists that the date was wrong.

Mr GRILL: Is the minister saying that his press secretary did?

Mr Barnett: I talk to the financial press all the time, every day. That date was wrong. It is my understanding that it was pointed out to the journalist but we did not make a big deal of it because I get asked about what is happening to Western Power and AlintaGas virtually daily and I happily discuss the issues. If people want to put it in banner headlines, so be it. However, there are fundamental errors in that article.

Mr GRILL: Will the minister answer the question: Did his press secretary correct the issue the next day?

Mr Barnett: I will have to ask her. It was not such a big deal. The discussion in the article is essentially as I discussed it at that time; however, the date is clearly wrong. Any issue concerning Western Power has been consistently "in the next term of government".

Mr Thomas: We will be conducting the committee stage either tomorrow or Thursday. Will the minister check with his press secretary before that to find out whether he issued a rebuttal?

Mr Barnett: I do not go around trying to correct editorial policy of *The West Australian*. If members believe *The West Australian*, I have had private discussions with John Howard during this election campaign; I have done all these things. *The West Australian* has made up at least six fictitious articles relating to me this year.

Mr GRILL: Does the minister say this is a fictitious article?

Mr Barnett: I am saying that date is wrong.

Mr GRILL: What the minister is saying in the clearest of terms - and he said it to Roger Martin yesterday - is this -

I have never said that the Government would privatise Western Power.

Mr Barnett: That is right.

Mr GRILL: In the clearest of terms on 10 March the minister indicated that he was in fact contemplating a partial privatisation.

Mr Barnett: Contemplating, yes. That is a different thing. I will say that the Government will privatise Western Power at such time as the Cabinet has made a decision. The Cabinet has never discussed the privatisation or otherwise of Western Power. I tell the member right now that it will not do it until the next term of Government. That has always been the position. I am happy to discuss the issues. The board of Western Power said that it favoured a one-third privatisation. I discussed that at the time with the journalist. My own view now increasingly is that it would be better for a whole range of reasons to look at the privatisation of individual power stations. I am happy to hear any point of view. However, the Cabinet has never discussed the issue and will not be discussing it during this term of government.

Mr GRILL: What we are subject to on an ad hoc basis from the minister is a whole range of opinions which, because this minister is the Minister for Energy, are given credibility by the Press.

To return to the Dampier to Bunbury pipeline issue, the minister initially said he was not keen about selling it off because it was a strategic asset. I think those were the words he used. Later he said he favoured a partial privatisation. Later still, as the member for Cockburn has indicated, we put forward a proposal that if the Government was going to sell off part of the pipeline, it may as well sell off the lot.

Mr Barnett: We sold the pipeline and kept the land.

Mr GRILL: The Government changed its mind once again and sold off the pipeline.

Mr Barnett: But we did not sell the land, did we? There is a difference.

Several members interjected.

Mr GRILL: But where is the policy or strategy? The same thing is occurring with Western Power. The minister said initially that the Government would not sell it; then he said that it should be privatised, but only partly. This week we have had the bombshell - I do not know why it came this week, but I have a few ideas: The minister and the Premier have said that the Government has no intention of privatising or partially privatising Western Power.

It is very hard for anyone, especially anyone with any knowledge in this area, to understand where the Government is going. If there is no clear energy policy in this State, I do not know how we will attract the downstream processing, value adding and manufacturing industries - over and above the very strong resource industries - that this State needs. People must be able to plan. If we have a minister who changes his mind by the week or the month, I do not know where we will go. Is there an industry strategy or policy for this State? Where is it and what is it?

Several members interjected.

Mr GRILL: The member knows that I had a major hand in setting up the Kemerton industrial park. It was not easy to get the necessary agreements for that to happen. We made commitments about that park and the way it would be run, and I do not want to see those commitments broken. Aside from that, I am not opposed to some extension of the park, but that is another issue.

I am concerned that we cannot see any definitive policy. The policy seems to change from month to month and, on that basis, we cannot plan. It also concerns me that the minister does not appear to be concerned about the structure of industry in this State. He was concerned about its competitive structure, but that concern has evaporated. He has been talking about selling either part or all of Western Power as a going concern to a monopoly operator. When I challenged him a few weeks ago in the Press, he did not deny that he intends to sell Western Power. That was recorded in the Press just a few weeks ago. He had an occasion then to tell this Parliament and the electors that he was not keen to sell Western Power. Why did he not take that opportunity?

Mr Barnett: I have only ever discussed, and I will continue to discuss, selling individual power stations or a part float of Western Power. I do not favour that - the arguments are stronger for selling power stations. However, I have openly discussed both those alternatives. I have never spoken about anything beyond that, and I will not.

Mr GRILL: When a few weeks ago the minister and I had an exchange in the media about the possible sale of Western Power, why did he not say that he was not contemplating selling it?

Mr Barnett: I made it abundantly clear that the Government is not looking at doing anything with Western Power during this term of government, apart from the sale of Bunbury and private investment in regional power systems. That is what we are doing for the next two years, and it will take two years.

Mr GRILL: It is clear that the minister has changed his mind in the past week or two. His position is substantially different from that which he has expressed previously. I will not keep labouring it tonight; I will refer to another subject.

Mr Kierath: You have been.

Mr GRILL: But I will no longer do so.

Mr Barnett: I will give the member a tip: Watch what the Government does, not what the Press speculates. Watch the results.

Several members interjected.

Mr GRILL: So far I have seen the Government widen the adverse differential between our power prices and power prices in the eastern States. The figures the member for Cockburn quoted 20 or 30 minutes ago were flattering. The minister knows as well as I do that power prices in Victoria and New South Wales have decreased substantially in the industrial and commercial arena because of competition in the markets.

Mr Barnett: You should talk to those involved in the manufacturing industry in Victoria about trying to buy power during the summer peak. The price goes through the roof and generators refuse to supply.

Mr GRILL: The Business Council of Australia did a comprehensive survey of all those businesses just two months ago and published the results last month. If the minister wants to find out what they are thinking about that reform, he should look at that survey. It is glowing.

Mr Barnett: That is privatisation and you do not support it.

Mr GRILL: It is not privatisation.

Mr Barnett: That is what they have done.

Mr GRILL: One part of it has been privatised in Victoria and there has been precious little privatisation in New South Wales, which has had bigger decreases in the price of power than Victoria, as the minister well knows. Therefore, it is not essential to have complementary privatisation to bring down the cost of power. It has been done in New South Wales with a combination of competitive restructuring and the national market.

The minister totally opposes a competitive structure. He states that he will bring about a more competitive structure by allowing the private sector to expand its generating capacity in this State. He referred to Mission Energy. I will refer to another company - Trans Alta, which is run by Normandy Mining Ltd. It is most unhappy with the structures the minister has set up; it says they are completely uncompetitive. One company has said publicly that it will take Western Power to court.

Although the minister takes no notice of *The West Australian*, on 13 May, under the heading "Normandy plans court action in power struggle", it is reported that Normandy Mining is preparing for a Federal Court battle with Western Power as part of its bid to become the first company in Western Australia to sell privately generated electricity direct to users. It was understood that Normandy believed it was being unfairly prevented from using Western Power's south west transmission grid to transport its power to third party users. That is still Normandy's view. It is also the view of Mission Energy.

They are the only two companies of any substance on the south-west grid that have had the ability to compete with Western Power, but they have not yet picked up one customer. I understand that they might pick up one next week; we will see. They believe that Western Power, because of its control over the transmission system, is unfairly and selectively undercutting their bids. They do not believe in this phoney ring fencing that has been undertaken in respect of transmission lines. They believe we should have the same structure in Western Australia as exists in all other States; that is, a separate authority to run the transmission lines.

Everyone to whom I have spoken - apart from the minister and some bureaucrats in Western Power - believes that that should be the situation. For some unknown reason, we do not have that arrangement in this State. The minister has presented a range of excuses. He says the grid is too small, but the grid here is bigger than the grid in South Australia and it has that arrangement. Even Tasmania has a separate system.

We have not set up competitive structures and, until we do, that differential in price, which has been widening over the years that this Government has been in power -

Mr Barnett: Will you support us if we move to privatise a power station or two?

Mr GRILL: I am not talking about privatising. If the minister cannot intellectually understand it - I know he can - I point out that we are talking about a competitive restructuring of the system. It can be done without privatisation, as it has been done in every other State except Victoria. The minister gives the impression that all the other States have privatised and that somehow Western Australia is behind the eight ball because it has not privatised. Only Victoria has privatised its industry. All the other States have restructured on a competitive basis, and prices will not come down until that is done in this State.

Debate adjourned, on motion by Mr Kobelke.

House adjourned at 11.10 pm

APPENDIX A

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

GENDER REASSIGNMENT BILL (No 2)

243. Ms McHALE to the Leader of the House:

When will the Gender Reassignment Bill (No 2) 1997 be further debated in the Legislative Assembly?

Mr BARNETT replied:

As you would be aware, a large amount of parliamentary sitting time this year was devoted to the passage of new law in relation to the issue of abortion. One matter which arose during this debate was the application of Legislative Council Standing Order 170, which states -

Subject to SO 227, no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This standing order shall not be suspended.

Under this Standing Order the *Criminal Code Amendment Bill 1998* was ruled out of order in the Legislative Council as it was deemed to be the same in substance as the *Acts Amendment (Abortion) Bill 1998*, previously debated in that House. It appears that this Standing Order may also apply to the *Gender Reassignment Bill (No 2) 1997*, as it is the same in substance as the *Gender Reassignment Bill 1997*, passed by the Legislative Council but ruled out of order by the Speaker in the Legislative Assembly under section 46 of the *Constitution Acts Amendment Act 1899*.

Legislative Council Standing Order 170 applies to the same questions or amendments being considered “*during the same session*”. This Standing Order will not come into effect in regard to the *Gender Reassignment Bill (No 2) 1997*, from the commencement of the new session of Parliament starting in August this year. Therefore, it is prudent that the Bill not be progressed to the Upper House until some time after that date.

On Wednesday, 12 August 1998, the *Gender Reassignment Bill (No 2) 1997*, was reinstated to the Legislative Assembly Notice Paper.

METROPLAN

683. Dr EDWARDS to the Minister for Planning:

- (1) How many Full Time Equivalents (FTEs) are allocated within the Ministry for Planning for the preparation of Metroplan?
- (2) How many FTEs are currently working on Metroplan?

Mr KIERATH replied:

- (1)-(2) There has been a substantial commitment from the Ministry for Planning and its predecessors to the implementation of METROPLAN since 1990. There have been numerous policies and plans issued including structure plans for the North West Corridor, the foothills, North East Corridor, South West Corridor and South East Corridor. There has also been a number of strategic regional centre plans prepared, including Stirling and Cannington and a number of policies prepared relating to Basic Raw Materials, Urban Expansion, Metropolitan Centres, Metropolitan Rural Planning, and Residential Density Guidelines. A number of these policies have been or are currently under review.

The Metropolitan Development Program has also been prepared since 1991, which provides a 5 year growth and infrastructure coordination process for the Western Australian Planning Commission and government.

The Western Australian Planning Commission is currently considering instigating a review of Perth's strategic planning and this will be initiated during this financial year. At this stage, it is not possible to identify the exact number of FTEs which have been involved in these processes, given the interface between strategic and statutory planning.

SUPERANNUATION

791. Mr BROWN to the Minister representing the Minister for Finance:

- (1) Is the Minister aware that members of superannuation funds regulated by the Commonwealth statute are entitled

to access those funds before attaining fifty five years of age on a number of grounds including severe financial hardship?

- (2) Is the Minister prepared to allow members of the State Superannuation Scheme to access their funds on the same or similar criteria before they turn fifty five years of age?
- (3) If not, why not?
- (4) Will the Minister explain why it is appropriate to treat members of the State Superannuation Scheme differently to members of other schemes who can access their funds earlier in certain dire financial circumstances?

Mr COURT replied:

The Minister for Finance has provided the following response:

- (1) The early payment of superannuation benefits on a restricted number of grounds, including financial hardship, is only permitted if the governing rules of a fund also allow payment on such grounds, and not all regulated funds include such provisions in their governing rules.
- (2) The schemes established under the Government Employees Superannuation Act already provide for access to early payment in limited circumstances but not on the grounds of financial hardship. The Government does not intend to change the provisions in respect of financial hardship.
- (3)-(4) The Government considers superannuation to be a key component in the financial security in retirement of its employees and therefore benefits should be available primarily for that purpose.

LIQUOR LICENSING PERMITS, WYNDHAM

800. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

- (1) Is the Minister aware that occasional permits issued under the Liquor Licensing Act 1988 in Wyndham are stipulating as a condition of the permit that crowd control officers be engaged for the function?
- (2) Does the Minister know why this stipulation is being made?
- (3) Will the Minister investigate why this condition is being imposed when permits are being sought for functions where there has never been a problem?
- (4) Is the Minister aware the imposition of this condition has resulted in a number of functions not being held?
- (5) Will the Minister investigate -
 - (a) why is this condition being imposed in Wyndham;
 - (b) why is a similar condition not generally imposed elsewhere; and
 - (c) what unique circumstances apply in Wyndham to cause this condition to be imposed?
- (6) Will the Minister conduct a review of the way the system operates in Wyndham to ensure local organisations are not disadvantaged by such an imposition?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

- (1) Yes.
- (2) No, however, the reasons are being investigated
- (3) Yes.
- (4) No.
- (5)-(6) Yes.

QUESTIONS WITHOUT NOTICE**AUSTRALIA FIRST****138. Dr GALLOP to the Premier:**

I refer to the Premier's comments to this House on 12 August 1998 that Australia First has policies avowedly to the right of One Nation's policies.

- (1) Can the Premier now explain why he and his party have been unable to meet the standards of decency and probity in political life that he sets for others given his party's decision to give Australia First an advantageous position on Liberal Party how-to-vote cards?
- (2) Is this an example of the approach to principle described by one senior member of the Liberal Party state executive as follows: "We have made one decision on principle tonight; let's not make another"?

Mr COURT replied:

(1)-(2) I am bemused by the last quote. I do not know where the Leader of the Opposition got it from.

Dr Gallop: I got it from a very good source. You can meet him at the Blue Duck and have a chat with him about what is taking place in the Liberal Party. I think you know who I am talking about.

Mr COURT: I have said in this Parliament that the state executive of the Liberal Party would make its decision on preferences when nominations were closed. That was done on Friday afternoon.

Mr Ripper: Do you endorse those decisions?

Mr COURT: Yes, because I am a member of the state executive. The decision on One Nation is public.

Dr Gallop: The question was about Australia First.

Mr COURT: As I understand it, the Labor Party looks like receiving the preferences from One Nation in the key marginal seats.

Several members interjected.

Mr COURT: Look at the smile on the Leader of the Opposition's face!

Dr Gallop: You are hopeless!

Mr COURT: Let us come back to Australia First. The decision was made by our state executive that the biggest issue in the Kalgoorlie electorate was, and still is, native title. The Labor Party in Kalgoorlie -

Several members interjected.

Mr COURT: The Leader of the Opposition asked the question, and I thank him for the forum. The Labor Party in Kalgoorlie has completely abandoned any pretence of trying to make the native title legislation workable.

Dr Gallop: You are a total hypocrite!

Mr COURT: I will talk about hypocrisy in a moment. The state executive -

Dr Gallop: You come into this Parliament, you lecture the Labor Party, and you then go and vote differently. That is called hypocrisy.

Mr COURT: I want to explain - this is important - why it made the decision. The Labor Party has done absolutely nothing to try to make that native title legislation workable. The current federal member for Kalgoorlie has been supportive in trying to make that legislation work. One would hardly call Graeme Campbell anti-Aboriginal.

Dr Gallop: Given his policies on native title, yes, I would.

Mr COURT: I doubt whether the member for Eyre or any other Labor voter in the Kalgoorlie electorate would agree with what the Leader of the Opposition has said.

Dr Gallop: You are wrong.

Mr COURT: If Mr Campbell is anti-Aboriginal, why does he receive so many Aboriginal votes?

Dr Gallop: You are wrong.

Mr COURT: The other issue is immigration policies. As I understand it, Graeme Campbell's immigration policies at this election are exactly the same as his policies at the last election; and at the last election, the Labor Party put Australia First ahead of the Liberal Party. I would be interested to know when the Leader of the Opposition was in Kalgoorlie last.

Dr Gallop: Not so long ago - last year.

Mr COURT: Last year? That would be right!

Ms Warnock: We were all there on Saturday.

Mr COURT: Yes, and a very clear message came through at Kalgoorlie on Saturday; that is, the Labor Party has abandoned the electorate of Kalgoorlie.

Dr Gallop: Absolute rubbish!

Mr COURT: I mentioned native title, but the other issue is tax -

Ms MacTiernan: A gold tax!

Mr COURT: No; income tax.

Ms Anwyl: Let us talk about the gold tax!

Mr COURT: If members opposite want me to talk about the gold tax, I will. The Labor Party introduced the gold tax. The member for Kalgoorlie made an inane interjection about the gold tax. A Labor Government introduced the gold tax.

The other issue that was raised on Saturday was the income tax proposals of the Labor Party. A gentleman came up to me and said he has been a motor mechanic for 20 years, he works hard, he now earns \$55 000 a year, and Kim Beazley says he is rich! That is what he is concerned about. A person identified himself as a Labor voter and said he earns \$75 000 a year working in construction at Murrin Murrin and Kim Beazley tells him he is rich! That is what people are concerned about. The Labor Party is out of touch with its support base.

Dr Gallop: We will see who is out of touch on 3 October.

Mr COURT: The only thing that will help the Labor Party on 3 October is receiving One Nation preferences in those marginal seats. The Leader of the Opposition asked me about Kalgoorlie. The state executive of the Liberal Party made its decision largely on the fact that the Australian Labor Party has abandoned the electorate of Kalgoorlie, particularly on issues such as native title.

Mr Brown: Unbelievable hypocrisy!

Mr COURT: If the Leader of the Opposition last visited Kalgoorlie last year, no wonder the people in that electorate have given up on the Labor Party.

The SPEAKER: Members must realise that they are not meant to impugn people. Past practice has judged that to accuse someone of being a hypocrite it is to impugn him. However, if a member refers to another as behaving in a hypocritical way, or words to that effect, the matter has been allowed to pass through to the keeper. I remind members of that.

ELECTIVE SURGERY

139. Mrs HODSON-THOMAS to the Minister for Health:

Some notice of this question has been given.

Will the minister advise the House what action is being taken to reduce waiting times for elective surgery in Western Australia?

Mr DAY replied:

I thank the member for some notice of this question.

A great deal of attention is being paid to this issue by the Government of Western Australia at the moment.

Mr Ripper: We have a good solution. We will vote for Kim Beazley.

Mr DAY: That will be the Labor Party's first failure. Members will be aware of the agreement reached between the Premier and the Prime Minister several weeks ago to inject an additional \$125m over five years into the public health system in Western Australia. The State Government has decided that all that additional funding will be dedicated to increasing the amount of elective surgery performed in our hospitals. I have convened a task force of senior clinicians, theatre staff, administrators and a representative of the Australian Medical Association to ensure that everything which needs to be done

is approached in a sustained and coordinated manner. It is pleasing that results are starting to be seen. For example, 14 children from the Kalgoorlie region who were on the waiting list for elective surgery procedures at Fremantle Hospital are today being treated in Kalgoorlie Regional Hospital by a paediatric surgeon.

Mr Thomas: How long have they been on the list?

Mr DAY: I will tell the member for Cockburn that in a moment. It is good that this surgery is being provided close to where these children live rather than their having to travel to Perth. I am delighted to inform the House that, at last report, eight of these cases have been completed and all 14 children will have their surgery completed today. These 14 children have been on the waiting list for up to 30 months.

Mr Thomas: Thirty months? That is a disgrace!

Mr DAY: The good thing is that this Government is doing something about the problem.

Mr Thomas: What are you going to do when the \$125m runs out?

The SPEAKER: Order, member for Cockburn!

Mr Thomas: Mr Speaker, we need a lasting solution.

The SPEAKER: Order! The member for Cockburn has interjected at least eight times today. Does he expect me to ignore it when I specifically call him to order and he immediately starts talking back to me? If the member for Cockburn opens his mouth with an interjection again, I will formally call to him to order and I will move quickly through that process.

Mr DAY: The action being taken today will completely clear the waiting list of children from the Kalgoorlie region waiting for surgery at Fremantle Hospital. The second thing I am pleased to advise is that from yesterday the operating theatres at Sir Charles Gairdner Hospital will work on an all-day operating list from 8.00 am to 6.00 pm. This replaces the previous arrangement of two operating sessions per day. I am advised that the change produces the equivalent outcome of approximately three sessions per day.

Mr Kobelke interjected.

Mr DAY: I will come to that in a moment. If the member listened, he would know I talked about procedures being conducted in a coordinated, sustained manner over five years. The changes put in place for procedures at Sir Charles Gairdner Hospital operating theatres will increase substantially the number of surgery procedures that are undertaken at the hospital, in particular the number of hip and knee joint replacements that should be undertaken to reduce the waiting time for surgery. That is very good news for many people who have been waiting in pain for longer than desirable. As I have said, a whole range of other initiatives are being taken on a sustained basis, such as moving more procedures to have them undertaken -

Dr Gallop: You have had long enough.

The SPEAKER: Order!

Dr Gallop: This is a disgrace. He is using the time of question time.

The SPEAKER: Order! I suggest that the minister consider bringing his answer to a quick close. The Leader of the Opposition knows that question time is totally within my power. If ministers give too long an answer, I am at liberty to allow a longer question time. However, if answers are unnecessarily long, let us not prolong them but complete them.

Mr DAY: The Opposition has asked whether this improvement should continue indefinitely. That is exactly what is being put in place through a range of procedures. I have given a couple of examples today which are typical of the sorts of changes that will be made over the forthcoming months.

INTERNATIONAL INVESTIGATION AGENCY

140. Ms MacTIERNAN to the Premier:

On 7 April, Main Roads WA, on receipt of Crown Law Department advice, wrote to International Investigation Agency Pty Ltd to advise that the report into leaked documents would be finalised by another party because of charges laid against investigator, Joel Kuriakose, and because of the legal and procedural difficulties that would be encountered if the investigation continued in its present form.

- (1) Why did the agency remain on Main Roads' payroll for four months after it had been replaced in conducting the investigation?
- (2) What were the legal and procedural difficulties referred to in Main Roads' letter dated 7 April?

- (3) Is the Premier confident that the investigation has not been compromised by the fact that the agency stayed involved in the process?

Mr COURT replied:

I thank the member for some notice of this question.

- (1)-(4) I advised this Parliament last week that I have instructed the director general of the Ministry of the Premier and Cabinet, Mr Mal Wauchope, to conduct a review into these matters. That review commenced on Friday, 11 September under terms of reference which I will table now.

[See paper No 166.]

Mr COURT: The review is to be completed by 9 October. When the review is completed, it will be determined whether any further action is warranted. In answer to this and other questions -

Dr Gallop: You have just put off answering questions by setting up this inquiry, which is not an independent inquiry.

Mr COURT: Why have an inquiry if one is not interested in the results?

MAIN ROADS WESTERN AUSTRALIA

141. Ms MacTIERNAN to the Premier:

As a supplementary question, is the Opposition now to conclude that the Premier is refusing to answer any further questions in relation to this Main Roads debacle?

Mr COURT replied:

I said a moment ago that if the member wants details about these matters, we have established an investigation into them.

Dr Gallop: The Parliament of Western Australia continues and has a job to do, despite the fact that you are trying to evade your responsibilities.

Mr COURT: Far from evading our responsibilities, if the Leader of the Opposition read the terms of reference, he would appreciate that the matter is being thoroughly investigated.

"SENIOR PARTNERS"

142. Mrs van de KLASHORST to the Minister for Family and Children's Services:

Why is the Government initiative "Senior Partners" serviced by Wesley Mission through its Do Care program not available to the East Metropolitan Region?

Mrs PARKER replied:

The Do Care program offers a volunteer visiting service to seniors in the community who have lost their community contacts and have no family support structures. It is presently a pilot program in its first year of operation and, as such, it is available only in certain metropolitan areas. However, it will be assessed at the end of the first year of its operation to determine, first, its success and, second, whether it should be expanded. I am sure that with the due diligence of the member for Swan Hills, her electorate will be considered if the program is to be expanded.

GOODS AND SERVICES TAX - IMPACT ON GAS AND ELECTRICITY TARIFFS

143. Dr GALLOP to the Minister for Energy:

- (1) Can the minister advise the House on the implications of the proposed 10 per cent GST on Western Australian gas and electricity tariffs?
- (2) Can the minister also advise what the increases will be for the average domestic consumer?
- (3) If not, why not?

Mr BARNETT replied:

- (1)-(3) I thank the member for his question. The GST will apply to sales of electricity and gas. A 10 per cent GST is proposed. However, business customers will have the tax refundable under the GST arrangement. Equally, Western Power in particular will make substantial savings through reductions in the excise on fuel. I cannot say what the net effects will be at this stage.

Dr Gallop: You should have done your work on behalf of the people of Western Australia. You have failed! Zero out of 10, minister!

Mr BARNETT: What an extraordinary interjection. I can say that the effect on electricity final consumer prices will be significantly less than 10 per cent. I remind members that electricity prices to businesses have not increased during the term of this Government.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Cockburn for the first time.

Mr BARNETT: Electricity prices will rise by significantly less than 10 per cent if a GST is applied.

UNEMPLOYMENT FIGURES

144. Mr SWEETMAN to the Minister for Employment and Training:

Following the member for Hillarys' question last week about the latest unemployment rates, does the minister have any further details on unemployment in Western Australia?

Mr KIERATH replied:

Last week I quoted Paul Keating in saying that the figures released were "a beautiful set of numbers".

Dr Gallop: We are after a beautiful resignation; that is, we are looking at you, minister!

Mr KIERATH: I thought that even the Leader of the Opposition would support some good news for all Western Australians, particularly those looking for work.

Mr Kobelke: The number of people employed fell in the month. Is that a good figure?

Mr KIERATH: I will come to the member for Nollamara in a moment. The unemployment rate fell by almost half a per cent.

Mr Kobelke: Unemployment fell because people gave up looking for work.

Mr KIERATH: No. Again, this State had the lowest unemployment rate in the country, a situation which the Government considers to be worthwhile. In August of this year, 5 900 additional people found full-time jobs; namely, people who did not have a job in the previous month. The member for Nollamara - I point at him - is the negative spin doctor: He goes through the figures, looks at all aspects, ignores the good parts and places a negative spin on others. In the past he has criticised increases in part-time employment, and I have not heard one word of congratulation from him about the almost 6 000 extra Western Australians who found work last month.

I decided to investigate the situation since the member's Government was in office by looking up the figure for December 1991. Youth unemployment has currently dropped by 2.2 per cent to 20 per cent. However, when members opposite were in government, the figure was 35 per cent. That was more than one in three of our young people who could not find a job under that Administration. It is a disgraceful record. How does the member have the courage to apply his negative spin on the latest figures?

The bottom line, and the good news for the men and woman of this State, and their sons and daughters, is that it is now easier for people to find a job. The member for Nollamara said that job vacancies were decreasing. I checked with the Department of Employment and Training, and the vacancy rate increased by 6.4 per cent during August. However - wait for it - the increase in job vacancies in this State over the last year was 34 per cent.

That is a massive increase despite the gloom and doom peddled by the Opposition to discourage people. It is very positive news, especially for the people who have found jobs and for those seeking jobs. I must admit that part of that is due to the policies of the Federal Government and its role in protecting us from some of the overseas financial mayhem. I congratulate this Government for creating the right business environment for people to employ more people, expand their businesses and prosper. As a result of that, the sons and daughters of all of us in this place are finding jobs in this State.

GOODS AND SERVICES TAX - DISABILITY PENSIONS

145. Mr CARPENTER to the Minister for Disability Services:

- (1) Does the minister agree with the analysis of the Howard Government's GST proposal by the National Council on Intellectual Disabilities which found that people on disability pensions would need to be compensated by \$13.30 a week for a GST and not the \$7 a week promised by the Howard Government?

- (2) If the minister does not agree with the council's figures, what analysis has he done on the impact of a GST on people in WA with a disability?

Mr OMODEI replied:

- (1)-(2) According to our analysis, people with disabilities will be better off. They will receive an increase in disposable income to maintain their standard of living. As the member knows, the pension will be increased by 4 per cent. Financial assistance grants will increase by \$1.24b by 2004-5, which will enable the State to increase its funding for the "count us in" strategy and its five-year package for people with disabilities.

Mr Kobelke: Are you giving a commitment to that now?

Mr OMODEI: In our projections we have already increased the five-year business plan. We are also redoing the next five-year business plan to 2005. The amount of accommodation and respite that people with disabilities will enjoy is increased under this government plan, in stark contrast to what was provided by the previous Government.

All the charitable organisations will be exempt from a GST and the non-government organisations will not be affected. Equipment, aids, wheelchairs, modification of vehicles and retail outlets will be GST free. Exemptions will apply to therapy and other professional services such as counselling, domiciliary nursing and all home and community care services. Services by government non-trading enterprises will be GST free and services provided by the Disability Services Commission will not be subject to a GST.

GOODS AND SERVICES TAX - DISABILITY PENSIONS

146. Mr CARPENTER to the Minister for Disability Services:

If what we have heard is an analysis prepared by the minister's department, can it please be tabled?

Mr OMODEI replied:

I do not have a report in writing, but I can provide the member with a -

Mr Carpenter: You are making it up as you go along. Where is the analysis?

Mr OMODEI: That is not the case. I have been waiting for this question for the past month. I was wondering why it took the Opposition so long to ask it.

REGIONAL YOUTH DEVELOPMENT OFFICER, KALGOORLIE

147. Mr OSBORNE to the Minister for Youth:

I understand the minister recently announced that a regional youth development officer will be located in the Kalgoorlie-Boulder-Coolgardie area.

- (1) Given the high number of young people living in my electorate and surrounding regions, I would like to know the primary purpose of these officers.
- (2) Are there plans to establish other regional youth development officers throughout Western Australia?

Mr BOARD replied:

I thank the member for some notice of this question.

- (1)-(2) One of the functions of the Office of Youth Affairs is coordination of youth programs and initiatives throughout the State. Many government agencies and departments are involved, whether it be in sport and recreation or development of young people in a range of areas such as juvenile justice, etc. Local authorities are involved and commonwealth departments are also running programs.

After some work with the Office of Youth Affairs, I noticed that some areas in which there was a lack of coordination have missed out on various initiatives and programs that have been running across government. With that in mind, and after representation from a range of members, including the members for Kalgoorlie and Roe, I approved the appointment of a youth development officer for the Kalgoorlie-Boulder-Esperance-Kambalda region. We will also trial two programs, and one will be for the south-west. We are yet to determine where the officer will be located. In terms of development, although there are many initiatives and programs that young people can access, sometimes they miss the mark because there are overlaps or because people are unaware of the types of programs that are landing on the ground. From that point of view, we believe that two regions - the south west and Kalgoorlie - will benefit from coordination. We are prepared to fund a youth development officer there for the next couple of years to determine what effect occurs on the ground.

MULTANOVA REVENUE

148. Mrs ROBERTS to the Minister for Police:

- (1) How does the minister justify doubling the revenue taken from Multanovas to \$30m and spending only \$10m of it on road safety?
- (2) Is not the Government's failure to allocate all revenue from Multanovas to road safety and road trauma proof that its priority is to rake in an \$20m extra from kerbside cash registers?
- (3) If the minister's priority is not the \$20m cash-grab, why will he not give a belated commitment to spend all the money on road safety and road trauma?

Mr PRINCE replied:

- (1)-(3) The member might be a little misled on the proportions into which Multanova-generated revenue is divided. I understand that one-third goes to the road trauma trust fund, and that is handled under the aegis of the Road Safety Council.

Mrs Roberts: I said that it was \$30m - \$10m to the road trauma trust fund, and \$20m directly into the state coffers.

Mr PRINCE: As I understand it, one-third of it goes to the road trauma trust fund and the balance goes into the consolidated revenue fund. The Road Safety Council, of which the Ministers for Health, Local Government, Transport and I are members, has been quietly successful in a great many initiatives. That money is being well used. I know -

Mrs Roberts: It is nowhere near as successful as it would be if you did not rake off that \$20m.

Mr PRINCE: Just a second. When I was the Minister for Health, the former Minister for Transport and I agreed that some of the money would go into research into nerve regeneration. It is used for a variety of things as well as practical matters of road safety. With regard to the balance that goes into the consolidated revenue fund, I assure the member that I would like to see more of it going into road safety, but that is a matter for the whole of government to consider in a budgetary context, and I am more than prepared to fight for that to happen in the forthcoming budget round.

WESTRAIL PENSIONER TRAVEL

149. Mr BARRON-SULLIVAN to the minister representing the Minister for Transport:

Will the Minister for Transport reconsider the previous decision, in effect, to abolish free travel for pensioners on Westrail coaches and trains during school holidays?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

The Government has not abolished free travel for pensioners on Westrail's country passenger services during school holidays. Rather, due to the increased demand by paying passengers, restrictions on free travel were imposed to encourage pensioners to take their annual free trip in other than school holiday periods. Pensioners wishing to use their free travel entitlement during school holidays were able to take advantage of a standby arrangement whereby any of the unsold seats 24 hours prior to departure became available for free travel. The 50 per cent fare concession for pensioners was not altered in any way.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: In an endeavour to create a more equitable system, Westrail has now put arrangements in place to trial a quota system for pensioners' free travel during the next school holiday period, from 25 September to 11 October 1998 inclusive. The quota system, which will set aside 20 per cent of available seating for pensioners' free travel, will apply only to Westrail's heavily patronised services.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: Accordingly, the trial quota system will apply to the following services -

The SPEAKER: Order! The member for Mitchell asked a question and he wants to hear the answer. Yet, we have had incessant interjections from members of the Opposition. I am trying to work out why, unless they do not want the answer to be given.

Mr OMODEI: They were -

- Perth terminal - Albany via Kojonup road coach services;
- Perth terminal - Esperance road coach services;
- Perth terminal - Geraldton-Kalbarri via Eneabba road coach services;
- Perth terminal - Albany via Bunbury road coach services;
- Perth terminal - Kalgoorlie *Prospector* services (Friday evening services only).

All other services will not be subject to restrictions or quotas. The 50 per cent fare concession will remain available to pensioners on all services throughout the trial period. If the trial proves successful, consideration will be given to adopting the quota system during all school holiday peak travel times.

ALINTAGAS PRIVATISATION

150. Mr THOMAS to the Minister for Energy:

- (1) Can the minister confirm his intention to privatise AlintaGas?
- (2) If so, did he tell the electorate that this was his intention prior to the last election?
- (3) If not, why does he believe the people of Western Australia support the sale of this asset or does he not care?
- (4) Will he hold off any plans to privatise AlintaGas until after the next election so that his proposals can be subject to the scrutiny of the democratic process?

Mr BARNETT replied:

(1)-(4) I thank the member for Cockburn for the question. I have made no secret about the issue of AlintaGas.

Mr Ripper: Except before the last election.

Mr BARNETT: It was not an issue before the last election.

Dr Gallop: It was not on the agenda.

Mr BARNETT: We went into the last election with the issue of the pipeline, which we have subsequently privatised very successfully.

Dr Gallop: You concealed this one.

Mr BARNETT: I have always said that the next energy asset to be examined would be AlintaGas. As members opposite know, the AlintaGas board has commissioned Deutsche Bank to provide an internal report on the issues facing AlintaGas should the Government decide to privatise it. That report is being concluded and, when it has been, I will have a discussion with the AlintaGas board. Depending on that and the advice I receive from the Office of Energy, Treasury and a few other agencies, I may take a proposal to Cabinet before the end of the year. That proposal will discuss, firstly, whether AlintaGas should be privatised, and, secondly, if it should, how should it be done; and, thirdly, when should it be done.

Dr Gallop: Will you seek a mandate?

Mr BARNETT: The Government will not rush this issue. We will do it properly, if we do it at all.

UNDERGROUND POWER

151. Mr MASTERS to the Minister for Energy:

The Government's underground power scheme is proving very popular in Perth and large regional centres. However, it is possible that small communities such as Peppermint Grove Beach, where I live, are being disadvantaged as it has been reported to me that Western Power requires a minimum of some 400 urban lots before undergrounding is economically attractive. Can the minister advise if this is correct? If yes, is there any way in which a small community can be assisted to achieve underground power without being financially disadvantaged in comparison with larger urban areas?

Mr BARNETT replied:

I thank the member for the question and I agree with his introduction. The underground power project has been extremely popular and is proving extremely successful. When we started this program, about 18 per cent of Perth had underground power. With the announcements made a couple of weeks ago, by the time those projects are completed, over 30 per cent of Perth will have underground power. In the pilot program, an area of Albany around Middleton Beach was addressed.

Out of that pilot program, there was recognition that for many smaller communities there might not be a demand to do a large residential area such as 1 000 lots or so. We introduced what has been called a local enhancement project. About half a dozen of those projects were announced recently. They may consist of undergrounding a main street, a river or an ocean foreshore or an area around a park. There was strong interest from regional centres and it was successful.

A proposal may be received to do an area in a township such as Busselton - the member for Vasse mentioned Peppermint Grove Beach. Proposals for areas of around 400 lots will be considered on their merits. Generally, we look for areas of 1 000 lots or more. Should a country town put in a proposal for a residential area of at least 400 residential units, that would be considered and would be subject to the normal criteria, age of the system and susceptibility to storm damage. There is nothing to preclude that.

ALINTAGAS LITIGATION

152. Mr THOMAS to the Minister for Energy

- (1) Is AlintaGas engaged in litigation with Alinta Construction over the trade name "Alinta"?
- (2) How much has AlintaGas spent on this matter so far?
- (3) How much does the minister propose to let a government-owned monopoly spend persecuting a small Western Australian-owned company?

Mr BARNETT replied:

The member would know that, by convention, if he asks a specific question he should give some prior notice. If the member chooses to place the question on notice, I will answer it.
