WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 19 November 1998

Legislative Assembly
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THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

LEGISLATIVE ASSEMBLY BELLS

Statement by Speaker

THE SPEAKER (Mr Strickland): Yesterday there was some confusion about the bells which were rung for a division. I wish to make it clear that bells are rung as follows: Five minutes before the commencement of the House and five minutes before the end of a meal break. The bells are rung for two minutes, are silent for one minute and are then rung for two minutes until the Chair is taken by the Presiding Officer. The bells are rung for two minutes at any division before the doors are closed. If there is a suspension in business and the member presiding leaves the Chair, the House recommences upon the ringing of one long bell. The bells will not be rung prior to question time for the reason that to do so may cause confusion. All members know that question time commences at 2.00 pm, or shortly thereafter, whether the House has taken a meal break immediately before 2.00 pm or not.

The Standing Orders and Procedure Committee is monitoring the trial sitting times and will make recommendations for the future. We have received a good response to our questionnaire and I encourage members to convey their views to me, the other committee members or the Clerk if they have any further views or suggestions. One further matter is the bell tones. We will ensure that the Assembly and Council bell tones are clearly differentiated in the future and when that has been done, I will advise members accordingly.

HEALTH AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Day (Minister for Health), and read a first time.

Second Reading

MR DAY (Darling Range - Minister for Health) [10.06 am]: I move -

That the Bill be now read a second time.

I am pleased to introduce a Bill for amendments to be made to the Health Act 1911 to provide power to make regulations to control the general public's exposure to environmental tobacco smoke, or ETS as it is known, in enclosed public places. The primary object of the amendment Bill is to promote public health by reducing the general public's exposure to ETS in enclosed public places. The Bill will authorise the making of regulations for the regulation or prohibition of smoking in enclosed public places. The exposure of nonsmokers to ETS has emerged as an issue of increasing priority as the evidence of the harm caused by passive smoking accumulates. Although the detrimental health effects of active smoking have been known for decades, it was not until the mid-1980s that a number of major reviews concluded that passive smoking was harmful to nonsmokers. Currently, over 600 international peer reviewed reports and research studies provide evidence on the health effects of ETS which show that it can cause illness and disease in nonsmokers. It is clear from this evidence that some groups in the community, particularly asthmatics, those with heart disease and children, are more vulnerable to the effects of ETS than the general community.

We are now at the same point with passive smoking as we were with active smoking in the 1970s when the evidence on the health effects of active smoking was vigorously disputed by the tobacco industry and other interest groups. Now there is absolutely no doubt that active smoking is a major cause of illness and death in the Western Australian community. A similar pattern of disease is emerging in relation to ETS. The Government has a responsibility to protect all Western Australians from undue exposure to this public health hazard. The Western Australian Government has long been regarded as a leader nationally and internationally in responding to the epidemic of disease due to smoking. The Quit campaign was established in 1983. This campaign was followed in 1990 by legislation to ban outdoor advertising and promotion of tobacco products in this State.

In addition to the scientific evidence about the health effects of ETS, there is now overwhelming public support for smoke-free enclosed public places in Western Australia. A random sample of nearly 3 000 Western Australians in a 1994 survey by the Australian Bureau of Statistics found that 96 per cent of adults - both smokers and nonsmokers - believed that smoking should be banned or restricted in restaurants. In addition, this survey found that 66 per cent supported some form of restriction in bars and hotels. These results demonstrate overwhelming support for smoking restrictions in enclosed public places.

The Bill and proposed regulations are the result of over two years of background research, debate and public consultation about this important health issue. In 1996 my predecessor, the current Minister for Police, established a task force on passive

smoking in public places. The task force examined both regulatory and non-regulatory strategies designed to minimise the community's exposure to passive smoking in public places. The membership of the task force comprised representatives from peak industry groups including the Australian Hotels Association WA Branch, the Catering Institute of Australia, the Restaurant and Catering Industry Association of Western Australia, health and medical organisations including the Australian Medical Association, the National Heart Foundation of Australia and the Australian Council on Smoking and Health, as well as representatives from WorkSafe and the Health Department. The task force undertook extensive public and industry consultation in developing its final report.

The task force released its report in October 1997 but did not reach a consensus on strategies for minimising the exposure of the community to environmental tobacco smoke. Separate recommendations were made by the health and hospitality industry representatives. The chairman, Hon Ian Taylor, proposed an additional set of recommendations which sought to combine the needs of both groups to bring about change with the support of the community.

In June this year, Cabinet considered the report of the task force and agreed to introduce regulations to give effect to the chairman's recommendations. This Bill is the first step in implementing that Cabinet decision and provides a head of power in the Health Act 1911 to enable regulations to be made to control the exposure of the public to ETS in enclosed public places. Cabinet is united in its view that the harm caused by exposure to ETS in public areas of Western Australia must be eliminated. In the same way that public pressure has brought about significant changes in attitudes to smoking previously, it is inevitable that all enclosed public places throughout Western Australia will eventually become nonsmoking. However, it was recognised that the immediate introduction of bans on smoking in all enclosed public places would cause difficulty for some operators. Therefore, there was a need for a practical approach to be taken to the implementation of restrictions on smoking in enclosed public places which allows for changes to be phased in over time so that the public and occupiers of enclosed public places have an opportunity to adjust.

The proposed regulations are intended to take effect on Monday, 29 March 1999 and will adopt a sensible, realistic and balanced approach to the issue of ETS in enclosed public places throughout Western Australia. The main clause of the Bill, clause 5, seeks to amend the Health Act 1911 by inserting a new part IXB, entitled "Smoking in enclosed public places". Section 289F of the new part allows the making of regulations for the regulation or prohibition of smoking in enclosed public places. The definition of "enclosed public place" in section 289E of the new part is intended to capture all enclosed places to which the public or a section of the public has access. It will not capture private homes, hotel guestrooms and private "by invitation" functions. Section 289G of the new part provides that any proceedings for an offence against the regulations must not be taken without the written consent of the executive director, public health. This section will allow a prosecution policy to be adopted which recognises education as the key objective of the proposed regulations, with prosecution as the last resort. Section 289H of the new part specifies that the regulations do not confer a right on any person to smoke in any enclosed public place. Hence, persons in control of enclosed public places retain their capacity to prohibit smoking in their establishments regardless of eligibility for exemption. Section 289I of the new part requires the minister to carry out a review and prepare a report on the operation and effectiveness of the new part and the proposed regulations as soon as practicable after the expiry of three years from the commencement of the amending legislation.

A national competition policy review in accordance with the Competition Policy Agreement has been completed with respect to the Bill and no anticompetitive concerns were identified. The proposed regulations will prohibit smoking in all enclosed public places throughout Western Australia subject to a limited number of exemptions. These exemptions specify areas in which smoking may occur subject to conditions. Some exemptions will be permitted only for a limited time. The regulations will provide that smoking be permitted in bar or lounge areas of hotels, bars, taverns, licensed clubs or other licensed premises other than restaurants or cafes. All other enclosed areas of these premises, for example lobbies, corridors, foyers and toilets, will be required to be nonsmoking. Smoking will not be permitted in dining areas - that is, areas where the predominant activity is the serving and consumption of food. However, the regulations will allow meals to be served and consumed at the bar counter in bar or lounge areas.

The regulations are flexible enough to cater for areas of licensed premises where the activity of the area may alter during the day. The regulations allow for the smoking status of an area to alter with changes in activity. Therefore, the smoking and nonsmoking status of a multipurpose room in a licensed facility can vary when the main activity undertaken in the room varies over the day. When meals are being served other than those being served at the bar or counter - for example, at lunch and dinner times - the room will be nonsmoking. When the predominant activity of the area is the consumption of alcohol, smoking will be permitted.

A number of hospitality venues will be provided with time limited exemptions for specific areas within these venues. In hotels and taverns smoking will only be permitted in bar or lounge areas located in the same physical space as a dining area until 31 December 1999. After 1 January 2000, these areas will become nonsmoking except for licensed premises which have only one bar or lounge area that adjoins a dining area. In these premises, smoking will be permitted to continue in the bar or lounge area after 1 January 2000. This exemption caters for small licensed premises such as country hotels and taverns. Only those restaurants that hold an extended trading permit issued under liquor licensing laws which allows for the consumption of alcohol without the purchase of a meal will be permitted to allow smoking in those areas set aside primarily

for the consumption of alcohol. However, after 1 January 2000, smoking will not be permitted in an enclosed area of a restaurant on the basis that the restaurant holds such an extended trading permit. Smoking will be permitted in all enclosed public areas of nightclubs and cabarets other than corridors, stairways, lifts, toilets, lobbies or waiting areas. However, from 1 January 2000, 50 per cent of the previously exempt areas of nightclubs and cabarets will be required to be nonsmoking. Similarly, the Burswood Resort Casino will be permitted to allow smoking in bar and lounge areas as well as the main gaming floor. However, from 1 January 2001, 50 per cent of the main gaming area - not including the International Room - will be required to be nonsmoking.

An exemption is also provided for covered "al fresco" and outdoor areas of premises which will allow smoking in these areas when they are not substantially enclosed. For example, when a covered verandah or outdoor area of a premises has moveable and openable walls - whether they are wooden shutter arrangements or plastic sheeting - and these structures are closed, this area will be nonsmoking if there is not access to another exemption. However, when one or more of these structures is open so that the area is not substantially enclosed, no restrictions will apply. In addition, a transitional period will be provided to the Royal Western Australian Institute for the Blind to permit smoking in its enclosed Bingo Centre in Bayswater for a limited time. The institute's Bingo Centre is the largest in the southern hemisphere and has a gross turnover of $4m a year. The institute raised concerns about the potential impact of the new regulations on the revenue raised through the Bingo Centre - the surplus of which is used for their charitable activities - and sought parity with the casino as a gaming facility. The transitional exemption will apply to the Bingo Centre gaming area only and will be for three years. The gaming area will be required to be at least 50 per cent nonsmoking by 29 March 1999 and completely nonsmoking by 1 January 2002. Areas within licensed premises which are eligible for an exemption, the main gaming floor of the casino and the Bingo Centre gaming area are exempt only if adequate ventilation is provided.

In the proposed regulations, the "adequate ventilation" standard which will be adopted as a interim standard is that which is set out in the current Australian Building Standard Code. The code outlines acceptable mechanical and/or natural ventilation requirements. There will be some concern that this standard will not ensure that all the harmful chemicals and particulates in environmental tobacco smoke are removed. Unfortunately, there is no reputable Australian or international body which has developed a practical mechanical ventilation standard which protects the community from exposure to all the detrimental effects of ETS. If this Government took on the task of developing such a standard, the introduction of this Bill and the associated regulations would be delayed. Experience from our New South Wales counterpart illustrates the difficulty of developing a suitable standard in relation to ETS. The implementation of equivalent smoking prohibition legislation in New South Wales is dependent on the development of such a standard. Twelve months of deliberations have passed and the New South Wales Government is still no closer to implementation. This Government will monitor developments in New South Wales and internationally. Thus, it is the intention of the Government that the standard incorporated in the current regulations will act as an interim standard until a more suitable standard is achievable. The proposed regulations will be amended to reflect any new ventilation standard that becomes available and is more effective in dealing with the ETS issue.

The regulations will also include a provision that will place an obligation on the occupier of premises to ensure that people do not smoke in areas which are required by the legislation to be nonsmoking. Occupiers will be provided with a defence if they did not supply anything to facilitate smoking such as ashtrays, lighters, etc, and they were not or could not have reasonably been aware that a contravention of the regulations was occurring, or informed the person concerned that they were committing an offence and requested the person to stop smoking. The regulations will place occupiers under a duty to take reasonable steps to prevent smoke penetrating nonsmoking areas of an enclosed public place, unless the nonsmoking area is provided with adequate ventilation. The regulations will also require occupiers of enclosed public places where smoking is prohibited to display signs indicating that smoking is prohibited. The regulations will also require a person contravening the regulations to obey a direction of an environmental health officer to cease smoking in a smoking prohibited area. The regulations provide for a maximum penalty of $500 where the offence is committed by an individual and a maximum penalty of $5 000 where the offence is committed by a body corporate. To assist in compliance with the regulations, I have agreed to a six-month moratorium on prosecutions from the date of implementation of the regulations.

As mentioned previously, there is wide community support for smoking restrictions in public places. This public support, combined with an education campaign to inform all those affected by the regulations of their responsibilities under the law, will facilitate compliance with the regulations. Section 26 of the Health Act 1911 confers responsibility for monitoring compliance with, and the enforcement of, the legislation regulations on local government. The Health Department, however, will be taking a lead role by providing training, resources and support to local government environmental health officers to enable them to effectively monitor compliance with the regulations with minimal disruption to their other duties. It is anticipated, however, that other mechanisms such as public and industry education, appropriate signage and community support will assist in ensuring widespread compliance with the proposed regulations. The experience of the Australian Capital Territory, which has had legislation restricting smoking in enclosed public places since 1994, suggests that compliance with its legislation has been good. To date, the ACT Government has not had to take any legal action for breaches of its legislation.

The Health Department of Western Australia is planning to conduct a comprehensive education campaign beginning in mid-February 1999 to support the legislation. The campaign will include media advertising and the development and distribution of information resources to all relevant groups affected by the legislation. In addition, resources will be available for the general public. Additional educational resources will be developed as required. This educational campaign is an important part of ensuring overall compliance with the legislation. As I have already mentioned, the Government has a high level of public support for this Bill and proposed regulations. It is supported by the scientific evidence about the health effects of exposure to ETS. Western Australia has built on the experience from its eastern states counterparts and from experience overseas to ensure that this legislation is both practical and effective in dealing with this important issue.

I therefore commend this Bill to the House. I also table, for the information of members and the public, a copy of the proposed regulations, together with a table outlining the effects of the regulations themselves.

[See paper No 437.]

Debate adjourned, on motion by Mr Cunningham.

TRANSFER OF LAND AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Shave (Minister for Lands), and read a first time.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Town of Claremont Tree Preservation Local Law, Report

MR WIESE (Wagin) [10.25 am]: I present the report of the Joint Standing Committee on Delegated Legislation on the "Town of Claremont Tree Preservation Local Law" and I move -

That the report be printed.

I draw to the attention of the House very briefly the material contained in the report and the matters dealt with by the delegated legislation committee in relation to this local law of the Town of Claremont. The purpose of the local law is to preserve trees within the Town of Claremont and prescribe the manner in which ratepayers may make application to remove a tree from their private property. This matter had been handled by way of a policy document but because of pressures within the community, it was felt that a policy document was not sufficient to ensure tree preservation and that a local law was needed. The Town of Claremont went to considerable lengths to hold discussions within the community and with ratepayers prior to introducing this local law. The committee had absolutely no problems with the intent of the local law, and some people expressed the view that it is a very good move to ensure trees are preserved within municipalities. However, having looked at the way in which the local law was drafted and presented, the committee had considerable concerns about the way things were done under the local law which is currently in operation.

First, the committee was concerned that no allowance was made for exemptions from the local law and, second, that the definitions contained in the local law were neither extensive nor precise enough to give guidance to ratepayers and landholders in the Town of Claremont as to the application of that local law. The committee also had concerns about the total lack of guidelines on how the Town of Claremont would make decisions on applications to remove trees. Paragraph 5 contains a deemed refusal clause. I will expand on the lack of guidelines, because the committee called before it representatives from the Town of Claremont and discussed the local law with them. From those discussions it became very clear that, although the intent of the law may have been to ensure that only large trees and trees of some importance or significance were retained, as drafted it could have applied to any and all trees within the Town of Claremont. Although the committee was given assurances by the Town of Claremont that it would not prosecute people for dealing with trees other than those considered important and significant, the local law clearly stated the opposite. Everything done to every tree required the permission of the Town of Claremont. Under this local law, anyone wishing to prune a tree in that municipality would need to seek written permission from the Town of Claremont. The committee had considerable concerns with that. The Town of Claremont was within its power to bring down such a local law. However, the committee expressed strong concerns that, beyond not allowing for pruning, the local law did not differentiate between the various species of trees. That is important because in the application that one must fill in for permission to prune or to remove a tree, one must state the species of tree, and there are no guidelines on whether some tree species are considered to be more important than others. The committee could not ascertain from the guidelines, or from discussions from the representative from the Town of Claremont, the significance of the species of tree, and whether it would allow some tree species to be removed and not others.

I bring to the attention of the House that the local law could be interpreted to mean all trees, not just trees that were over four metres high. The representative from the Town of Claremont admitted that and stated -

. . . this was a slip-up in the definition.

Slip-up it may have been, but it is in the local law and the committee is strongly of the opinion that it should not be.

Another area of concern is that there is no indication of how the town would evaluate an application to remove a tree, and on what basis a removal would be allowed - must the tree be diseased and a danger to people or simply because home owners wanted to change the look of their gardens? The committee's opinion is that the local law amounts to a strong infringement of people's rights over their property.

The final point of concern relates to a paragraph of the local law which provides -

Any application not approved by the Council within 60 days of lodgement shall be deemed to have been refused.

If the council were slack, or for some reasonable did not want to deal with an application, within 60 days, the local law would result in an automatic refusal of a person's application to remove, to prune or to do something with the tree.

Ms MacTiernan: That is standard in local government.

Mr WIESE: I understand that is standard in some town planning matters. However, the committee is of the opinion that, in a matter which has the potential to impact on all ratepayers of the town, it is not acceptable that if the town does not handle the matter expeditiously the application is automatically refused.

Ms MacTiernan: Do they then get a right of appeal?

Mr WIESE: Yes.

Ms MacTiernan: The refusal is to the advantage of applicants, because that allows them to go forward and to appeal. If we knock that part out the town can hold up the appeal forever.

Mr WIESE: Exactly. The committee recommends that process should be reversed, and if a person makes an application and the local authority does not deal with that application expeditiously, the application to remove or to prune should be automatically allowed. Most members would agree with that. As a result of its deliberations, the committee has recommended this local law should be disallowed. The report has been tabled in the upper House. The motion for disallowance is before the other place and will be dealt with by that place within the next couple of days or even today.

For the reasons outlined, the committee is of the view that the local law as drafted unduly trespasses on established rights, freedoms and liberties and makes rights dependent upon administrative and not judicial decisions. It fails to allow for any exemptions. It does not include definitions for matters that should be defined and does not adequately define those matters that are defined. It gives no indication of how the town will decide on applications to remove trees, and it contains a deemed refusal clause which is unfair in its operations. For those reasons the committee recommends disallowance of this Town of Claremont local law. It gives me pleasure to table this report. I hope that members of the Assembly read the report to see the implication of such a report.

The inquiry into this matter brought to the attention of the committee similar provisions in other local governments to ensure the preservation of trees. Many of those are contained in town planning amendments and the town plans of local authorities, and hence do not receive the scrutiny that regulations do. I bring to the attention of Parliament the importance of members taking the opportunity to look at town planning amendments when they are brought before the Parliament to ensure that similar infringements of rights of individual property owners are not included in those amendments. It was brought to the committee's attention that the City of Nedlands has similar inclusions in its town plan.

Question put and passed.

[See paper No 438.]

DANGEROUS GOODS (TRANSPORT) BILL

Cognate Debate

On motion by Mr Barnett (Leader of the House), resolved -

That the Dangerous Goods (Transport) Bill and the Dangerous Goods (Transport) (Consequential Provisions) Bill be considered cognately, and that the Dangerous Goods (Transport) Bill be considered the principal Bill.

Second Reading

Resumed from 11 November.

MR GRILL (Eyre) [10.38 am]: The Opposition has no objection to the Bills being dealt with cognately; in fact, it is the appropriate way to deal with them. I will speak predominantly to the Dangerous Goods (Transport) Bill. The Bill gives

effect to uniform requirements in the transport of dangerous goods. It brings about consistent provisions and regulations with those that will be and are being applied in other States of Australia. It is interesting to note that the legislation appears to come within the ambit and jurisdiction of the Minister for Mines rather than the Minister for Transport. I am not criticising that. Both Bills refer to the transport of dangerous goods and when these matters were dealt with on a state and commonwealth basis, they were dealt with by meetings and agencies of both transport ministers and transport officials. I could be wrong about that, but that is the way it appears to have occurred. It was interesting that it caused confusion within the Opposition. Our shadow spokesperson for transport originally thought she was handling the legislation and was prepared for a while at least to assert that it was her responsibility and not my responsibility to speak on it.

In Western Australia, historically, nearly all issues relating to dangerous goods, including their transport, have been handled by the Department of Minerals and Energy. I suppose that is because of the repository of expertise within the department in relation to dangerous goods and explosives which would have begun with explosives. The jurisdiction no doubt continued from that basis.

Mr Barnett: Their control over explosives comes from a history of explosives being used exclusively in the mining industry.

Mr GRILL: I was surmising, but it has now been confirmed. Federally and in the other States the matter is handled by the Ministers for Transport and the bureaucracies under their jurisdiction.

The Bill emanated from the Ministerial Council on Road Transport. It is highly unlikely that the Minister for Mines represented Western Australia at that council meeting. I presume therefore, that the provisions of this Bill, as agreed at that meeting, were debated and agreed to by the Minister for Transport. I do not know how it would have occurred any other way. I also presume there has been a fair amount of contact between the Minister for Transport and the Minister for Mines on the subject. Appropriately, the Bill emanated in the upper House where it was first debated. After a quick examination of the debates I note that none of them is very long, nor did it put the Bill to a great amount of scrutiny.

Mr Barnett: That is not unusual.

Mr GRILL: The Minister for Mines said in his second reading speech that there were no revenue implications for the legislation and the Government did not move any amendments in the upper House. The Opposition moved no amendments and indicated its support. As I think was referred to in the second reading speech, this Bill and the regulations that in due course will be promulgated as a result of it, are part of the microeconomic reform strategy put in place at a federal level. Microeconomic reform and national competition policy are coming under greater scrutiny, especially in Western Australia, particularly in country areas. Large numbers of people in the country concede that it militates against their best interests. They see a range of services being centralised in the Perth metropolitan area. There are also many examples of services and bureaucracies being centralised in Sydney and Melbourne.

One of the commissioners from the National Competition Commission, who visited Kalgoorlie recently, delivered an address with a couple of his officers at the Hannan's Club. I was one of the people asked to give a response. I outlined a range of areas in which national competition policy had not meant greater efficiency in country areas, but had stripped away from them authority, as well as officers and expertise, which should reside there. I wonder whether this legislation may not do the same. There is no doubt that this legislation has been influenced by the National Competition Council. It was subject to agreement of all the States and the Federal Government.

Since 1992, the National Road Transport Commission has been developing national uniform road transport laws. They form the basis of this legislation and, I understand, the regulations to be promulgated pursuant to it. That was all done pursuant to an agreement - the heavy vehicle agreement - entered into by the State and Federal Governments. I am not against consistent and comprehensive policies and regulations for the whole of Australia. However, I do not want to see authority stripped away from State Governments as occurs in many instances as a result of national legislation. I am pleased that in this instance we have gone ahead with our own legislation over which we appear to have kept control. In some respects, we have gone further than the Federal Government. The most outstanding aspect of that is that we have extended this legislation to cover rail, which was brought about because of the national uniform road transport law. We appear to have a consistent set of laws and regulations that cover not only road but also rail and presumably other forms of transport. I am reasonably happy with that. However, I am at times astounded by the arrogance of people who live in Melbourne, Sydney or Canberra with respect to state and federal arrangements and even State Governments.

I was at the national Labor Party conference in Hobart last January. At a breakfast forum for business people, Dr Lindsay Tanner said that the sooner we abolished the States the better and that he would work towards that as vigorously as he possibly could. I thought that it was particularly arrogant to say that in a forum where he knew that several state leaders were present, but he said it and he said it very forthrightly. I challenged him and said, "It's all right for you, Lindsay; you live close to Canberra - like people in Melbourne and Sydney. Canberra is in your backyard; you have some influence over what happens in Canberra, but we in Western Australia have a completely different perspective." It is almost impossible to deal with bureaucrats on an effective basis. In many instances it is very hard for Western Australian ministers to deal with their counterparts at a federal level. In many instances, they behave in a very high-handed fashion. They are not all that

punctilious about returning telephone calls or including Western Australian ministers in dialogue. I have been to many conferences of state and federal ministers in various parts of Australia where the federal minister, especially from the Labor Party, simply lines up support from New South Wales and Victoria and as far as he is concerned that solves any problem that comes up at that conference.

I recently went to a Western Australian Municipal Association conference on taxation and there was a guest speaker from Melbourne University. I cannot remember his name - it might have been Kellaway - but he spoke persuasively about a goods and services tax. He said very arrogantly, in a forum in which he thought he would get a good hearing - that is, in a local government forum - that the States should be done away with posthaste. I challenged him on the subject and brought up several arguments. On every argument that I brought up he conceded that I was right and that there was a completely different perspective on the issue from this side of the country. I guarantee that when he goes back to Victoria he will still say in the same forthright, arrogant way that the States should be done away with. One has a different perspective of the issue if one lives in Melbourne or Sydney from that held in Western Australia. To some extent, I applaud the fact that the legislation retains within the hands of the State Government some control over the transport of dangerous goods and that we have taken the initiative to extend it to railways.

There are specific problems in Western Australia relating to the transport of dangerous goods, and we transport dangerous goods over long distances. As the Minister for Resources Development said, we have a long history of transporting explosives such as ampho. Huge amounts of ampho used to go from the Perth metropolitan area on the railway line to Meekatharra, and then it was transported from Meekatharra to Port Hedland. It goes a different way now, but huge amounts of explosives are still transported around the State to cater for the mining industry - not only to the goldfields and the Pilbara but also to the south west. Many of our colleagues do not realise that the south west is now an immense mining province. In many respects it rivals the Pilbara and the eastern goldfields, but that is not the perspective that people have. On many of those roads and much of the rail track in the south west we are carting large amounts of explosives. We are certainly carting huge amounts of caustic soda. We transport large amounts of cyanide to the eastern goldfields and in the south west and we transport large amounts of volatile fuels and liquefied natural gases and petroleum gases. We transport over long distances a range and sometimes huge amounts of very volatile, dangerous substances.

Other things that we transport around, of course, are intractable wastes. We have a waste dump in Western Australia which will take a large proportion of the intractable waste generated in this State. We have been mature enough to do that. We are way ahead of the other States. We have a site. People spoke about a national repository for intractable wastes somewhere in Australia. The green movement actually argued for that a long time, and frankly I think that it is right. We are better off having repositories in the various States where possible. We might not need one in Victoria, but I do not think that we want to transport waste from the west coast across to the east coast for storage, burial or destruction.

Mr Barnett: I think that the argument would be for particularly dangerous materials. A very small volume of items need high security. I agree that they should be dealt with close to the source.

Mr GRILL: Yes. We have been reasonable and mature. I was quite happy to have an intractable waste disposal site within my electorate. As far as I know, I was the only member of Parliament who was prepared to do that.

Mr Barnett: You have a bit of space.

Mr GRILL: We had the space. There was some objection, of course, as one would imagine. People in Coolgardie and other places were paranoid about it for a while, but it is a long way away. A couple of years ago, I went to Southampton to see intractable waste being disposed of there within a kilometre or so of a built-up area. At Mt Walton we have an intractable waste disposal site and storage site which is miles from anywhere and in fairly stable country. The point is that wastes, and large amounts of waste sometimes, are being created in Western Australia, especially by the mineral sands industry, that must be transported to Mt Walton over fairly long distances - about 400 kilometres. We need good regulation and we need to keep control of it. By and large we are doing that.

A query was raised in the other place by my friend and colleague Hon Mark Nevill in relation to authorised officers. Part 3 of the Bill deals with the appointment of authorised officers and competent authorities and it sets out the various powers of those authorised offices and competent authorities. They are extensive powers and they go well beyond the normal powers that would be extended to, say, a police officer. I have no problems with that, quite frankly; it has been accepted in the other place and apparently it has been accepted Australia-wide.

Mr Barnett: I imagine the explanation for those powers is the necessity to act in an emergency or a threatening situation. They are not for general use.

Mr GRILL: They are extensive powers, and I accept the minister's explanation. That leads me to the point that was made by Hon Mark Nevill in the other place. In his briefing with officers he was told that all the authorised officers would be centralised in the Perth metropolitan area. That harks back to the centralisation to which we referred earlier. Hon Mark Nevill questioned whether that was the right way to go, and I question whether it is the right way to go. Much expertise in

the handling of explosives, for instance, resides in the eastern goldfields, so why should an authorised officer not be appointed in the eastern goldfields? Why should there not be one in the Pilbara and in the Kimberley, for that matter? The Kimberley is becoming a fairly important mineral area, too.

Mr Barnett: That suggestion has much merit. I do not see why the Department of Minerals and Energy could not have that classification as well in those areas, given that there is a significant number of staff in the area. I will consider that matter.

Mr GRILL: I thank the minister and accept his suggestion. It is not set out clearly, and it was an ancillary point made by Hon Mark Nevill that there needs to be a quick way of appointing people in remote areas. He was talking about, say, appointing the head of the State Emergency Service or a police officer in a remote area to act fairly quickly in an emergency. Again, he indicated that at his briefings with departmental officers they maintained that they could get to a certain site within 24 hours. No doubt that is true, but they might need to go to a particular site within an hour or two or even less. I do not know whether the delegation powers in clause 14 allow that to be done. Perhaps the minister can ascertain that and advise me when he responds, and we can dispose of the question. If the minister can clear up those points in relation to authorised officers, I see no necessity to go into committee.

MR BARNETT (Cottesloe - Minister for Resources Development) [11.00 am]: I thank the member for Eyre for his comments and the Opposition for its support of this legislation. I do not need to reiterate the major points - they have been outlined by the member. This legislation has been agreed at the federal and state level and, I stress, between industry and the respective Governments. As the member pointed out, the legislative power remains in Western Australia. The regulations will cover important issues. I agree that we transport very large volumes of chemicals, some of which are dangerous to a greater or lesser degree. The people of Perth would be surprised if they knew how many chemicals are transported through Perth streets. However, that is done with extensive experience and great care, and the safety record is outstanding. The regulations will cover the classification of dangerous goods, packaging for transport purposes, how bulk containers are handled, the marking of containers and the procedures to be followed in the case of an emergency.

I responded by way of interjection to some of the comments made by the member for Eyre, but I note the point he made about having authorised officers in obvious areas such as the goldfields, the Pilbara and presumably the south west. I have been advised by the departmental representative that that process is under way; authorised officers are being appointed to operate in those areas. I am surprised that the appointee may not be an officer of the Department of Minerals and Energy; it could be a police officer or an SES officer. I will undertake to provide written advice to the member because I know he is interested in what is being done in that regard in the goldfields region.

Mr Grill: The other question related to an ability under clause 14 to authorise an officer in a remote area by fax or telephone.

Mr BARNETT: I will need to confirm that. People are being trained in those areas. That is the point about timeliness the member has made.

Mr Grill: A situation might blow up and someone might need to go to a site to make decisions very rapidly.

Mr BARNETT: I cannot answer that now, but authorised officers are being appointed for those areas. I will obtain that information for the member. I imagine there is a mechanism, but I do not know what it is. I thank members opposite for their support of this Bill.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

DANGEROUS GOODS (TRANSPORT) (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 11 November.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

ROAD TRAFFIC AMENDMENT BILL

Second Reading

Resumed from 12 November.

MS MacTIERNAN (Armadale) [11.06 am]: I seek some clarification from the Leader of the House. I wish to ask a number of questions, but the representative minister is not present.

Mr Barnett: I will handle the Bill initially and when the minister arrives we will adjourn for a period following the member's second reading contribution. We will listen to the member's comments and respond when the minister returns.

Ms MacTIERNAN: I thank the Leader of the House for that.

This Bill is enabling legislation. It will give the Government the power to make regulations in relation to the compulsory inclusion of security devices in vehicles. The Government has flagged an intention to introduce a regulation to make the installation of vehicle immobilisers compulsory. The Government's argument is that the theft of motor vehicles can be substantially overcome by the installation of immobilisers.

The theft of vehicles is a safety hazard. It is not simply a question of the person whose vehicle is stolen suffering a loss. Because those vehicles are often then used in high-speed car chases, it is important that we do what we can to stop vehicles being stolen and thereby reduce the risk of other associated crimes. Some evidence exists to support the notion that the installation of vehicle immobilisers has reduced the rate of theft of cars that have those devices. However, this community must come to terms with the fact that each time we take steps designed to reduce the incidence of a particular crime but do not address the underlying issue of criminality, we simply move the crime to another area. A classic example of that is the tightening of the pawnbrokers' legislation, which reduced the capacity of pawnbrokers to receive and move stolen goods. That approach appears to have been successful. However, while we can say it might have had some impact on the rate of theft of goods, it has resulted in a change in the behaviour of those committing such crimes. They no longer break into houses and take the proceeds to the pawnbroker but have moved to crimes that give them greater liquidity, such as bag snatching.

Therefore, one has to ask whether it has been an overall positive. One squeezes the balloon at one end to stop a particular form of criminal behaviour and, sure enough, one finds it bulges out elsewhere. This trend will continue unless we come to terms with the underlying problem, that of criminality, and why people engage in crime to such an extent. We need to come to terms with the lack of employment opportunities for young people and the fact that many young people are growing up in highly dysfunctional families. These young people have never formed a sense of secure attachment and, therefore, will go through life in a vastly alienated state. Unless we are prepared to provide the resources to identify these problems in the early stages and assist parents who are having difficulty providing the proper emotional wherewithal for their children, we will not be successful in dealing with crime. As I said, we will have compulsory immobilisers, but all it will do is lead to the manifestation of another type of crime. I have given the example of what happened when the pawnbrokers' legislation was introduced. In the case of increased security patrols, when the Perth City Council requested the police to upgrade its patrols in the Northbridge area, all it did was move the prostitution, the drug dealing and various other offences further north of Newcastle Street. Therefore, these types of measures are not solving the problem.

The Government has been a little cavalier in its assessment of the financial consequences of the compulsory immobilisers proposal. For many people who are struggling to pay their vehicle registrations and keep their cars on the road, an extra $85 impost is a substantial cost. That might not be the case for people in this place, or for 70 per cent of the community; however, another 30 per cent of people will find it tough going to come up with $85 to comply with this legislation. Initially the Government indicated that vehicles worth less than $2 000 would be exempt. However, for some reason it decided to change that and make the scheme compulsory. That was a foolish move and it will be highly unpopular. It is also unfair. Many people, particularly those on low incomes, drive old vehicles, and they are struggling to keep them on the road. To put this impost on them -

Mr Wiese: Is the member aware that they do not have to do it until the vehicle changes hands? There is no compulsion on them.

Ms MacTIERNAN: Has the member read the Bill?

Mr Wiese: Yes.

Ms MacTIERNAN: Where in the Bill does it say that? Can the member point me to the clause? I would be very interested to see that clause in the Bill, because it is important.

Mr Wiese: It is proposed section 24A.

Ms MacTIERNAN: The same principle applies. If a student is buying a vehicle -

Mr Bloffwitch: If one bought a car from a car dealer, it would already be done.

Ms MacTIERNAN: If one is not buying it from a car dealer -

Mr Bloffwitch: The person who is selling the car would have to do it, so the student would not be affected.

Ms MacTIERNAN: No. Obviously it will impact on the price of the vehicle.

Mr Wiese interjected.

Ms MacTIERNAN: As I said, for probably 70 per cent of the community, that would not be a problem.

Mr Bloffwitch: For a young girl, the most devastating thing would be that somebody would steal her car, because the older model cars are so easy to start. This at least is giving her some protection.

Ms MacTIERNAN: There is no suggestion on our part that we would ban people from placing immobilisers on their vehicles if their vehicles were worth less than $3 000. We are not suggesting that they be banned. If this young friend of the member for Geraldton felt so deeply concerned about having an immobiliser, we would love her to get one of the member for Geraldton's friends from the Motor Trade Association of Western Australia to pop an immobiliser into the vehicle. We have no difficulty with that at all. We are dealing with this question of compulsion and whether or not people with low-cost vehicles should be compelled to do this.

Mr Osborne interjected.

Ms MacTIERNAN: That is right. As the member for Bunbury knows, one can contract cancer from passive smoking whether one is sitting in a restaurant or a bar. Whether one is sitting in a restaurant or the front bar of a hotel, the quality of the smoke will not change, nor will the health impact.

Mr Osborne: I do not go into bars.

Ms MacTIERNAN: The member does not go into bars because he has a choice. That is okay. However, the Government here today has made a pragmatic response. It has recognised that there are problems in being entirely consistent in this area because practical considerations must be taken into account. Exactly the same logic applies here. Practical considerations need to be taken into account. If a person on a low income with a low-cost vehicle believes that an immobiliser is an important way to protect his vehicle, by all means we should encourage him to install it. However, we should not be going down the road of compulsion.

The Government has used far too much of the stick and far too little of the carrot in dealing with this problem. The Government said that it would allocate approximately $18m in subsidies for vehicle immobilisers. First of all, the idea was to try to encourage people to install immobilisers. I understand that, unfortunately, less than 10 per cent of that sum of money has been allocated. I seek clarification from the Government -

Mrs Roberts: How much did the member say the Government had allocated?

Ms MacTIERNAN: $600 000.

Mrs Roberts: I think the member said $18m.

Ms MacTIERNAN: Yes, I did. I do not know where I got that figure. We need to look at that. I seek clarification from the Government as to how much it has set aside for this rebate, and how much has been paid. The figure might be higher than the member for Midland thinks it is. However, that is one issue on which we seek clarification. From the advice I have received from the RAC of WA, less than 10 per cent of the allocated sum has been spent so far. Would it not be wiser to enhance the value of the subsidy to encourage more people to embrace the legislation so that there is less need to go down the road of compulsion?

The other point I wish to make is a constitutional one. What advice has the Government received and consideration has it given to the potential conflict between this legislation and the Motor Vehicle Standards Act 1989? That is a federal Act which was cooperatively enacted which prescribes all kinds of standards for motor vehicles including, most importantly in this debate, standards to secure road vehicles against theft. It is possible that the Motor Vehicle Standards Act sets the standard for the security of road vehicles against theft. It may be that under this Act it is not possible for the Government to regulate vehicles owned by corporations and new vehicles. Under section 109 of the Constitution, and possibly specific provisions of the Act, the State Government is precluded from setting standards for new vehicles and vehicles owned by corporations. The reason that this legislation is limited to new vehicles and vehicles owned by corporations arises out of constitutional limitations imposed by the Federal Government. I asked the Government for clarification some months ago on that point; none has been forthcoming. Unless I can get a satisfactory answer, it will be my intention to move this debate into committee so that the matter can be dealt with more fully.

Mr Barnett: We shall endeavour to answer that before we conclude the second reading debate.

Ms MacTIERNAN: I wrote to the minister seeking advice on this matter on 22 October and still have not received a response.

Mr Barnett: We will adjourn the second reading debate when all speakers have concluded. The minister will respond later in the day.

Ms MacTIERNAN: I wish to clarify the matter because I thought that we may have been sold a puppy on this. There may be anger in the community if people find out that the attempt at compulsion will not apply to a vehicle registered in the name of a corporation. The primary point is that although there is no doubt that the introduction of immobilisers will reduce the level of car theft, we must look at our experiences elsewhere when we have focused solely on specific acts of crime without

dealing with the fundamental issue of criminality. All that we have seen is the movement of crime from one area to another, be it geographic or the nature of the offences committed. It does not improve the overall security of our community. If we want to deal with the crime problem, which is serious, we must address the reasons so many people are increasingly engaging in violent and unacceptable behaviour.

MR SWEETMAN (Ningaloo) [11.23 am]: I rise to speak against the legislation. I am not comfortable with it and I relayed that view to people within my party. I relay concerns on behalf of people in my electorate, who have been forthright in the way they have passed on their concerns to me in my electorate office in Carnarvon. The first irritation in this matter is that people feel they are being held responsible for someone else's criminal actions. There will be a cost to the motorist. It is a noble gesture of the Government's to increase the subsidy; there is no doubt about that. My preference in this amendment to the legislation is for immobilisers to be made compulsory on all new vehicles but that it be voluntary for people who already own vehicles that do not have immobilisers fitted to them. That is one of the annoyances to members of my electorate; that they will have to dip into their pockets to secure their property even more against criminal activity.

My other concern is that I checked with the Royal Automobile Club of WA and was advised that problems with immobilisers account for 2 per cent of its call-outs. Therefore, it is obviously not yet a perfect technology. Not many older cars are fitted with immobilisers so most of those call-outs relate to immobilisers fitted in new cars. It is not a pretty story already. When the subsidy of $30 was made available 12 to 18 months ago, some people rushed to have immobilisers fitted. It was worth their while if they had their car insured because they received a rebate from their insurance company. However, the first wave of immobilisers had two main wires and anyone in the know could just cut the two main wires and bypass the immobiliser. They cost about $380 but it did not take much work or ingenuity to bypass them. The new wave of immobilisers have about nine decoy wires fitted to them. In other words, there are many combinations to go through before one may happen to jag the right combination to be able to hot wire the car.

Another problem is that there are no 24-volt immobilisers. A person from Carnarvon came into my office the other day and said, "I have come in as I want to get an immobiliser fitted because I am going to trade my car within the next 12 months, but they are telling me they won't fit one to my car because they don't believe that it will work properly if it has to go through a transformer." The transformer and the immobiliser was going to cost him in excess of $800. He is not impressed that we are foisting this compulsion on him. However, he cannot buy the goods yet to fit one on his car as 24-volt immobilisers are not yet on the market.

Mr Wiese: What sort of car?

Mr SWEETMAN: It is a Hilux; a king cabin, four door, whatever it is, something like that.

Mr Bloffwitch: A 24-volt car would be a rarity.

Mr SWEETMAN: It is a rarity. It is a rarity also for people who live on stations and plantations to travel into town. They think it is unnecessary to have an immobiliser fitted to their passenger vehicles for their occasional visits into town. What will we do next? If someone makes a mistake and leaves his keys in the car, could he be charged, tried and found guilty of being negligent? I wonder if that is the final extrapolation of legislation that we are trying to draft, like this Bill.

Mr Wiese: It is an offence to leave keys in the car.

Mr SWEETMAN: There we go! It passes on the responsibility to someone else. There are many cheap cars on the road that parents buy for their kids; many are valued at between $1 000 and $3 000. An insurance rebate is of no advantage to those people because many of those cars are not insured. That means that those people will install the cheapest possible immobilisers in their cars. They may be able to get one for between $90 and $120 and receive the government rebate of $40. However, that is not satisfactory. The RAC says that there is an increased risk of breakdown or fire in cars fitted with immobilisers. The Department of Transport and the police are saying that they will have to conduct inspections or audits of the immobilisers fitted to cars. This could get out of control. We could be developing another bureaucracy to inspect immobilisers to ensure that they are fitted correctly. If people have to comply with legislation, their overwhelming drive is to do so at the least cost to themselves. Therefore, if they have to pay $100 for an immobiliser, they will be out of pocket by $60 by the time they get the cheapest possible immobiliser fitted; and it may not be one that complies with SGIO Insurance or RAC conditions or whatever. There will be ongoing problems.

Another concern I have is that one of my two automotive electricians in Carnarvon has conducted half a dozen immobiliser bypasses on the road in just over 12 months because cars have broken down due to a failure in the immobiliser which required the automotive electrician to bypass the immobiliser to get the cars going.

The other electrician said he had done about half a dozen such jobs. With people increasingly taking holidays at more odd times of the year, particularly European tourists who like to travel through the northern deserts to experience a West Aussie summer holiday, I wonder about the terrible prospect of cars breaking down on out-back roads. Local people know that one should not travel during days when temperatures will reach 50 degrees. The State will not look flash if somebody perishes as a result of a vehicle breakdown linked to an immobiliser.

Experience in South Africa is that the pattern of crime changed when immobilisers were fitted. South Africa was the car theft capital of the world, and a change occurred in the way that cars were stolen there. Cars were hijacked at traffic lights or car parks, or people would break into homes to steal goods and keys, so hot-wiring the car was unnecessary. Offending patterns changed. We had an early glimpse of what might happen here the other day: A mother was lucky to get her two children out of her car before it was hijacked by a chap who proceeded to wreck the car and himself. That is an insight into what might be now known as "car theft". No-one agrees with car theft, and penalties should be increased to deter people from stealing cars in the first instance. Already, an understanding is developing in some perverted minds in our community that there is a 50:50 chance that any car approached will have an immobiliser fitted. We are starting to see a change in the mind-set of some thieves already. As they will not be able to hot-wire a car, they will hijack it.

Although the Bill is presented with the best intentions, and committees and agencies around Western Australia meet and claim they have produced a noble initiative, I see it another way. It is dipping into the pockets of the community. Immobilisers should be compulsory in new cars, but voluntary in all cars currently on the road.

MR NICHOLLS (Mandurah) [11.32 am]: I express my concern about the repercussions of this legislation. This enabling Bill will provide regulations to require cars which change ownership to be fitted with a government-approved immobiliser before receiving registration. I do not support the notion that government makes it mandatory for some cars to be fitted with immobilisers, while others remain non-fitted simply because some vehicles change ownership. We are led to believe that this legislation and the mandatory installation of immobilisers is required because once a car is fitted with an immobiliser, it is impossible to steal. We are being fed a furphy. Sure, cars fitted with an immobiliser are harder to steal, and undoubtedly immobilisers play a positive role in acting as a deterrent. However, it is an absolute furphy to claim that immobilisers will guarantee that cars will not be stolen.

I draw the attention of the House to two media articles. On 10 September *The West Australian* contained a headline "Immobilisers slash car theft rate to nil: Police". A police spokesman said in this article that immobilisers will prevent car theft, and that cars are near on impossible to steal when fitted with an immobiliser. Six days later, on 16 September, lo and behold, an article in *The West Australian* headed "Immobilised cars stolen" outlined that two cars fitted with immobilisers had been stolen. I am extremely suspicious about any type of guarantee or suggestion that by fitting an immobiliser device to a car, it cannot be stolen. I am concerned by comments in the media attributed to some people in the industry - who I add have a vested interest in supporting this legislation as they make profit from fitting immobilisers - suggesting that one must be an electrician or somebody in the industry gone rotten to override immobilisers, and that it takes 20 to 30 minutes to do so. That information is a furphy. Certain immobilisers may be of such sophistication that such effort and time is required to override them. However, the information I have received - I cannot vouch for its factual intent as I am not an expert in the area - is that a number of cars have immobilisers fitted which are overridden either because of mechanical fault or theft. As a Government, we must think hard about changes in technology. Although we may believe suggestions from police and other parties that immobilisers make cars near on impossible to steal, technology will provide alternatives to circumvent that protection quickly and easily if people want to steal cars and immobilisers will supposedly prevent them from doing so.

I now concentrate on my philosophical objection to this type of legislation. If we believe that immobilisers are extremely important to prevent vehicles being stolen in our community, we should require all vehicles to be fitted, whether ownership is transferred or not. I do not support that proposal - nevertheless, it would happen if we were dinkum about this matter. If someone bought a vehicle that was the same make and model as the vehicle I owned, and both were 15 years old but not fitted with an immobiliser, and if I retained ownership of my vehicle for the next 10 years, I would not be required to fit an immobiliser. However, if someone else bought the same type of vehicle following proclamation of the regulations, that person would be prevented from registering the vehicle because it was not fitted with a government-approved immobiliser. What is the difference between the two vehicles? Nothing except that the ownership happened to be transferred following the enactment of these regulations. That is not a fair and reasonable process. It will impact greatly on people less able to afford the cost involved. If I have interpreted the minister's speech correctly, and the intent of the Government's legislation, a vehicle changing hands at no cost - that is, simply transferring ownership - will still require the fitting of a government-approved immobiliser prior to the transfer of registration of that vehicle. I may own a vehicle which is roadworthy, worth only $500 or $1 000 and have nine months' valid registration remaining. I want to transfer the ownership of the vehicle to my son and daughter. If this legislation is passed, they will then be required to fit an immobiliser prior to driving that vehicle. Nothing will have changed because if the vehicle remained in my ownership and they drove it the Government would say that was fine. However, when ownership is transferred, this impost will be applied because the Government wants to perpetuate the nanny-State process, whereby the Government tells people what is right rather than their making up their own minds. People should be encouraged to fit immobilisers. They play an effective role in reducing the risk of car theft. However, I object to the notion of making it mandatory for some vehicles and not others. The impetus for this legislation is that some new cars are still being imported into Western Australia that do not have immobilisers or adequate immobilisers fitted. I fully support government moves to require all new vehicles to be fitted with immobilisers.

I compare this move with the seatbelt issue. When the wearing of seatbelts was made compulsory, the legislation included a provision that if a car was not fitted with seatbelts people were not required to fit them. Any new cars were required to

have seatbelts installed and people had to wear them. The Government does not take that approach with immobilisers, because if the ownership of a car is transferred an immobiliser must be fitted. At no time has anybody indicated that it will be mandatory to ensure immobilisers are activated when people leave their vehicles. I understand no move has been made in that direction yet, but no doubt the nanny State will roll on and that will happen in due course.

Again, I question the intent of this move. I have no doubt that the Government has good intentions and the aim is to encourage people to fit immobilisers. However, I suggest it could be done in a different way. Instead of introducing legislation making it mandatory in some vehicles but not others, the Government could provide an ongoing incentive for people to fit them in their vehicles. We are told through the media that in the first year of the program 47 000 immobilisers were fitted, and another 30 000 are being processed. The campaign began in March last year, so a considerable number of vehicle owners have fitted immobilisers in their vehicles on a voluntary basis. The Government spent $1.1m on last year's pilot program, and had spent $1.15m to the end of August this year. I understand from statements by the Deputy Premier that the Government budgeted $4m for subsidies in the first year and $3m next year but not enough people had applied for the subsidy. The solution is not to make the fitting of immobilisers compulsory. The Government should consider what it is asking people to do and the impact of that, and it should give consideration to the way the incentive is structured. Instead of making it compulsory, the Government could provide people with a rebate on their vehicle registration fee. It need not be a large rebate, but it would mean that no matter whether a person had a car worth $500 or one worth $50 000, the benefit would be the same. For example, people could be given a flat rebate of $10 a year if they fitted an immobiliser, in addition to the subsidy for fitting that immobiliser. Those who did not fit an immobiliser would pay the full registration fee. The suggestion that people will get a return of their money because insurance companies will reduce the cost of comprehensive insurance may be true for those who have vehicles in the higher price bracket. However, it will not apply to the battlers who drive the car they can afford in the lower price bracket. I refer to university students who, by and large, buy cheap cars because they do not have a sufficient income to buy a better car, and young people who buy their first car just to transport them to and from work. These people will not benefit from the suggested cuts in comprehensive insurance because they are likely to have only third party property insurance on their vehicles rather than comprehensive insurance.

A government member: If you are lucky.

Mr NICHOLLS: The member is right. Somebody who owns a Ferrari, fits a car immobiliser, and pays insurance premiums in the order of $10 000 a year, will get a far better reduction in insurance premiums, simply because of the value of their vehicle, than a person who has a comprehensive insurance policy on a car worth $3 000. The real question is whether the Government is doing something that is right. Is it necessary for the Government to make it mandatory or are alternative methods available to encourage people to fit immobilisers?

I do not support this legislation. Although the intent of the Government is honourable, in that it wants to reduce the number of car thefts, I do not support the process whereby it will apply to some vehicles and not others. I do not believe it should be applied across the board. The Government can achieve the same end without using its might and keep people on side without taking this very dramatic and autocratic step. I urge the Government to rethink this strategy. The Premier and the minister should re-evaluate the information they have been given, particularly that suggesting that cars fitted with immobilisers cannot or will not be stolen. I have been informed that that is not correct. I look forward to the day when the police, the Royal Automobile Club of WA and others can provide details of cars that are impossible to steal. I suggest to the House that one of the unfortunate repercussions of this legislation is that people will be put into a situation in which they will not register their cars or will make false declarations, neither of which I condone. People in the immobiliser industry may take advantage of this situation and increase their prices simply to make an additional profit. I am concerned that immobilisers will not prevent car theft but will add another impost on those already finding it difficult to meet the day-to-day running costs of their vehicles and households. I urge the Government with all my heart to rethink this strategy and to look for incentives to encourage people, rather than bludgeoning them, to fit immobilisers in vehicles with little value or where they do not believe it is necessary.

MR BAKER (Joondalup) [11.49 am]: I support this Bill; it is a step in the right direction towards ensuring we have a safer Western Australia. Other speakers have made disparaging remarks about the Bill and its impact on people who own motor vehicles, particularly those who for whatever reason, be they students or unemployed, are in the lower socioeconomic groups of the community. We must always remember that the object of the legislation is not to eliminate - we must be realistic - but to reduce the level of motor vehicle thefts in Western Australia. We are trying to do it because we are concerned not only about someone's vehicle being damaged but also about the danger of stolen vehicles being driven by irresponsible people.

Motor vehicles can be used in the same way as many other things depending on the occasion. They can be used, in effect, as weapons. They can cause injuries to persons or damage to property and can be used in the commission of serious offences, for example robberies or burglaries. It is not simply a matter of the vehicle being damaged or the owner losing proprietary rights to his vehicle. Myriad ramifications flow from the theft of motor vehicles. No-one is saying this legislation will result in vehicles not being stolen. As I said, we are trying to reduce the likelihood of vehicles being stolen.

Since the early 1960s myriad other steps have been taken to ensure vehicles are more secure when left unattended. For example locks on car doors have improved greatly since the early 1960s. Another example is the various steering wheel locks ranging from simply a lock to a locking steering wheel brace. Another example is the various handbrake locks. No-one is saying it is unwise to use these items because they do not guarantee the vehicle will not be stolen. However, their use is a step in the right direction to reduce the risk of vehicles being stolen. For example, no-one says that the installation of smoke detectors mean a house will not burn down or that the detector will not activate at an inappropriate time.

Mr Johnson interjected.

Mr BAKER: Yes, they do; batteries should be included! That again is simply a step in the right direction. The Bill makes it mandatory to install immobilisers, but with exemptions, although they are not as broad-ranging as some members would like. A motor vehicle worth $300 can cause just as much damage as a Ferrari.

MS WARNOCK (Perth) [11.53 am]: Although this is a small Bill, it is proving to be unexpectedly interesting. I am intrigued that I have had to ask my colleagues, and even colleagues on the other side of the House, what stand they are taking on this Bill.

Mr Osborne interjected.

Ms WARNOCK: I intend to support it; nonetheless the debate has become a great deal more interesting in the past half hour or so. It is an unusual situation in which to find oneself.

I have a long interest in road safety and therefore would like to comment on any matter connected with it. There is no doubt that in this State we have a terrible problem with traffic accidents. Unexpectedly, we have had a very bad year. As a former member of the Select Committee on Road Safety, I am shocked to see that, despite the implementation of at least some of the excellent recommendations the committee made, the rate of death and injury from accidents this year is extraordinarily high. We also continue to have a serious problem with car theft. Any one of us opening a paper on any day or watching television at night will see various instances of that. It is a matter of concern to all of us.

I am therefore pleased to support any move, however small, to reduce the number of deaths on the roads and the very maddening and impoverishing crime of car theft. There is no doubt that, as a member from the other side of the House said, people who do not have much money at the start of their careers or when they are students, or who simply have low incomes, are likely to buy cars which do not cost much and as a result they may not be in very good condition. They are also less likely to be able to afford to insure their vehicles. If a person's vehicle is not insured, when it is stolen, as happened to a friend of mine, he will find himself without a car for a long time or struggling to buy another, no doubt, cheap car. We are faced with a dilemma in deciding whether to compel people to install immobilisers in an attempt to solve the problem of car theft.

Like my colleague, the member for Armadale - others have also mentioned this - I am concerned about the unintended consequences. It is peculiar that when introducing legislation, however well thought out or well intentioned, unintended consequences can occur. Some of us have already noticed that, as a result of the injunction to all of us to fit immobilisers to our cars so they are much more difficult to steal, people have taken to hijacking them. That is not only unfortunate but also frightening for those involved. I always urge people to have immobilisers installed in their cars if they can afford them, the Government's having provided a useful rebate. I tell them they are mad if they do not take that action. However, as I said, some people are finding it a great struggle to do that. That is why I have some hesitation about making something like this compulsory.

Mr Nicholls interjected.

Ms WARNOCK: I know; I do hesitate about that. However, as is so often the case in life, we must weigh up the issues. Is it better in the long run to compel people to do this because, as one of the other members said, it is a step in the right direction? Alternatively should we simply avoid compelling people to do it for the reasons people such as the member for Mandurah have mentioned?

Mr Nicholls: Why make it a policy for everyone?

Ms WARNOCK: The member for Mandurah referred to seat belts. I remember the owners of older cars not being compelled to install seat belts pre-1967. However, the clear safety advantages demonstrated by the use of seat belts means that most people with those old cars have seat belts fitted by now, if indeed that regulation remains. I am not suggesting that people should not get immobilisers. However, I recall vividly that after we changed the pawnbroking legislation a new series of crimes developed as a result of the frustration felt by people who needed money quickly. They decided to take the easy way out and stole directly from other people. That created a range of thefts different from the standard burglary. As I said, this is not a warning against immobilisers; it is merely a reminder to the Government to be aware of the possible consequences and to prepare for them so that we will not be caught out again.

Although, I have some hesitation about compelling people to do things, I do not feel that way about seat belts which are a

safety measure and which have not only repeatedly saved lives and terrible injuries but also money. The cost of rehabilitation from terrible road injuries is immense. I am also concerned about people who buy cheap cars because they cannot afford expensive ones and therefore have trouble paying for the insurance and immobilisers. On balance I support this legislation because it is a step in the right direction.

To briefly digress - it is a matter concerning road safety - in view of the Government's strong stand on this matter I am surprised that it has not seen fit to insist on only no-hands mobile phones being used in cars.

I believe, in common with other members of the road safety committee, that using mobile telephones in cars - which all of us have done from time to time - can be distracting. I foresee a time when we will have only hands-free telephones in cars because of that distraction. That is an important safety measure. I am surprised that the Government has not seen fit to take a strong stand on that issue. I suspect that, under pressure from the road safety community, the Government will eventually revisit that issue. An education campaign may make drivers more thoughtful and I hope that it will. However, the Government's very vigorous attempts in an education campaign about speeding and drink-driving has, unfortunately, seen a large number of accidents take place on the road this year. It has been a bad year for road safety generally. Without being a researcher in the area, I could not say, nor could anyone else, what the cause would have been. I am always supportive of any measures which I think are likely to improve road safety. That is why I will support the move to ban mobile telephones in cars, if it is made. I am not suggesting no mobile telephones; I am suggesting only hands-free mobile telephones in cars because of the distraction involved. I have no doubt that eventually it will be proved that they have caused some accidents.

I have often said that all of the money from speeding fines - from the road trauma trust fund - should go into road safety education. Presently only a small portion of that money - about $7m out of the $20m raised in the last measured year - is spent on education. Hon Barbara Scott, a very independent member of the Government, has suggested that two-thirds of that money should be spent on road safety. I say spend the lot. It is not a new view of mine, but I seize the opportunity to once again make the point.

Mr Johnson: So you do not think it should go into hospitals.

Ms WARNOCK: It should go into road safety measures, not into internal revenue.

MRS ROBERTS (Midland) [12.02 pm]: There is one clear point of agreement between the Opposition and the Government about the Road Traffic Amendment Bill. We agree that the amount of vehicle theft in Western Australia is far too high. That is why we are tempted to embrace a move towards requiring the installation of more immobilisers in cars. We are in the awful situation of leading the nation in the amount of vehicle theft. So far very little that has been done has reduced the number of cars which are stolen. The particular crime protection strategy that has been used in this instance, given that the crime we want to prevent is the theft of vehicles, is to target-harden; that is, to make it more difficult for cars to be stolen. Target-hardening is an accepted crime prevention strategy. People use it in many ways to prevent other types of crimes; for example, in the case of home burglaries, people make their homes more secure and harden their target. They install window and door locks, security screens and, in some cases, more people are installing security systems. Little by little, homes, as targets for criminals, are becoming harder for those criminals to break into. The intelligence is that the housebreakers are more likely to aim for those softer targets. There are always exceptions: The professional criminals will, if the potential reward is great enough, seek to get around those hard targets. We have seen high profile instances of this in which people with elaborate home security systems have found themselves to be the victims of crime and home burglary. Unfortunately, in those circumstances we find that when those people become victims of crime, they become victims of far more serious crimes. Rather than goods being stolen while they are not at home, they can find themselves held up in their own home. There has also been some publicity surrounding a number of cases in which the individuals involved have been required to unlock safes, and criminals in disguise have lain in wait in people's home and have threatened those people with violence and death to access safes containing more expensive goods. Members should look at the way in which some target-hardening is occurring in other areas; for example, the pawnbrokers legislation which was introduced into this House made it harder for criminals to pawn goods at pawn shops. Several years ago there was a great deal of community concern about the number of televisions, videos and stereo systems which were stolen from people's homes and hocked at pawn shops with no consequence. That pawnbrokers legislation made it more difficult for those types of goods to be stolen. Unfortunately, in that instance there was a transference of crime. The Police Service's annual report for 1998, which was released last week, referred to that fact. It is no longer only my opinion; it is also the opinion which is listed in the Police Service's annual report. It claims that the pawnbrokers legislation has led to an increase in armed robbery and other crimes. If the need is still there for criminals or drug addicts to obtain cash, which is essentially what they want to do when they pawn goods, they will look at other ways of obtaining that cash. In the past couple of years, the incidence of armed robbery in this State has dramatically increased. According to the Police Service's annual report, armed robbery offences increased last year by 28 per cent and unarmed robbery offences increased by 24 per cent. That comes on top of substantial increases in armed robbery offences for the past couple of years. Those statistics will not surprise members because, more and more in the media, we have heard reports of delicatessens, pharmacies, video stores, banks and other businesses which have been held up at knife point or with other weapons so that these criminals, some of whom are drug addicts, can obtain that cash.

In the case of target-hardening vehicle theft by the use of immobilisers, one of the unintended consequences - I call it an unintended consequence because I am sure it was an unintended consequence of the Pawnbrokers and Second-hand Dealers Act to bring about an increase in armed robbery; a far more serious crime - which has been alluded to in the debate today and which I have alluded to in previous press releases on this topic, is that people may become victims of the far more violent and serious crime of car-jacking rather than just having the car stolen while the owner is not present. Again we may see a transference of crime. The member for Ningaloo referred to the trend in South Africa for criminals to break into people's homes, take their car keys and steal their cars or assault or threaten people with violence or death to wrest their car keys from them to steal a car. The impact of this type of crime on an individual is far more significant than just having the car stolen when that person is not present. That concerns me.

I have had an enormous number of telephone calls at my office on this issue, especially when it was first publicised by the Government. It is one of half a dozen issues which has had the telephone in my office ringing constantly this year. Interestingly, fewer than half - perhaps one-third - were calls from my constituents and probably more than half of the calls were from people in country areas. I can advise the Government that this is a big loser in country areas. Some reasons for that have already been raised in this House. People on farms in remote locations do not see the need for this additional cost burden on them. They do not believe their vehicles are at risk of theft, and I am sure statistics will indicate that. Yet there does not seem to be any move by the Government to exempt any of those persons.

People in country areas are also concerned that they do not have easy access to the installation of immobilisers. They have highlighted to me the things that can go wrong with the immobilisers. If that happens at a remote location, how do they get the immobilisers fixed? A person might find himself in a remote location with his car completely immobilised because of some problem within the electrical system. He may find himself stranded and at risk of injury or death. If the electrical system in the car goes haywire and the immobiliser needs to be fixed, a person may not be able to access easily an appropriate facility to have that done within the immediate vicinity.

Mr Wiese: Does that mean country people should never buy immobilisers?

Mrs ROBERTS: I am merely raising the concerns that many of the member's country constituents have put to me.

Mr Osborne: Just let us look after the country members.

Mr Barnett: The Deputy Speaker nearly collapsed in the Chair!

Mrs ROBERTS: That is very interesting, coming from the member for Bunbury. I am sure he will enjoy some special publicity in his electorate for his full support for the car immobiliser scheme for all people in the country. I can tell members opposite that that support does not exist. Other concerns, which I endorse, have come from low income people and those who will have difficulty finding the money to have immobilisers installed. The Government is not meeting the full cost; it is not even meeting half of it.

I agree with the member for Armadale that the Government should have tried more of the carrot approach rather than the stick. The budget allocation for the immobiliser incentive scheme was well and truly underspent, because the incentive scheme was not good enough. It was not as great an incentive as it could have been for people to fit immobilisers. One way to improve the situation would be to offer a greater subsidy so that people could voluntarily have immobilisers fitted. It will mean a substantial cost; as I understand it, about $80. I was most interested to hear the member for Ningaloo talk about 24-volt cars and other practicalities which may mean that some cars will need transformers, which could cost up to $800, before immobilisers can be fitted. That is yet another consequence of this decision which I do not think the Government has contemplated.

Mr Wiese: Find out how many cars have 24-volt systems.

Mrs ROBERTS: It does not justify treating anyone unfairly. There are much cheaper ways of making cars difficult to steal - that is, target-hardening vehicles - than by using immobilisers. I know people who have fitted what is commonly called a "kill switch" to their cars.

Mr Wiese: They could take the wheels off.

Mrs ROBERTS: I do not know what the member's problem is. He has made one inane interjection after another. Suggesting that people take the wheels off cars to prevent the cars from being stolen is one of the most ridiculous suggestions I have heard in this House all year. Some government members are under the hammer on this. They are toeing the party line. We have seen that the feeling within the coalition ranks is very mixed on this Bill. Two backbenchers have taken the extraordinary step of opposing the legislation and this government initiative. I can understand that has brought tension to the coalition ranks.

An interesting contrast is arising in road safety. It seems that this Government is more concerned with reducing vehicle theft statistics than with saving lives. It is more concerned about the protection of property than the protection of life. I say that because, as we well know, in Western Australia the Police Service and the Road Safety Council have put forward some excellent measures to save lives and reduce injuries to persons; yet those suggestions have fallen on deaf ears. This

Government is not interested in taking up the issue of saving lives, or reducing injury by prohibiting the use of hand-held mobile phones, or by banning radar detectors which I note are banned in other States of Australia. The only initiatives it is taking up relate to the reduction of car theft and protection of property. In doing so, it is showing this House, once again, that it has its priorities wrong. Those opposite are putting the emphasis on property, rather than lives.

As I have said, low income families will be adversely affected by this measure. Members of a family with a couple of vehicles will find it very difficult to find the extra money to pay for immobilisers. It is awful to recollect the dreadful comments by the Minister for Police that if someone cannot afford an immobiliser, he should not have a car. It shows how out of touch some ministers are with the ordinary people in Western Australia. Another issue that has been highlighted to me relates to elderly people who rarely use their cars and who take their own safety measures to protect their cars. It may be that elderly people, perhaps in their seventies or eighties, who still hold drivers' licences and occasionally drive their cars, keep them securely locked in garages at night, travel maybe only once or twice a week to a friend's house or to a doctor's surgery, or take out their cars very little. When they do, they park their cars in secure places. They may already have steering wheel locks or some other safety devices with which they are more than comfortable, which they believe protect their vehicles to the extent they feel is necessary; yet we are inflicting another cost burden on those people.

What I object to most strongly is the compulsion that is involved. I am certainly not opposed to immobilisers - it is a good idea for people to have them on their car - but we have taken away from people the choice. If we want to direct people to fit immobilisers, we should be providing people with a greater choice and incentive and making it cheaper for people to be able to fit the immobilisers, not forcing them on people who do not want them. I know of people who have spent $5 purchasing a kill-switch for the fuel system. They have installed and fitted the devices themselves. They are very happy with them. In many cases they tell me that the switches have been effective in preventing their cars from being stolen.

I also mentioned at the commencement of my speech in the context of home burglaries that when people make the target particularly hard they can be subjected to more violent crime. Although I have mentioned carjacking as one of the more violent crimes, one of the other consequences is that car thieves must become more sophisticated and find their way around the various security systems. One member opposite said that a basic immobiliser system was easily got around. Now the immobiliser systems are being made more complex. I am sure that every member in this House would agree that professional car thieves will steal vehicles no matter what is fitted to them.

In conclusion, the two things badly wrong with this legislation are the compulsion of removing choice from people and compelling everyone to undertake this cost burden; and that we are imposing this cost burden on people in the community who can least afford it. I certainly do not support people with vehicles of a value of less than $3 000 being forced to fit immobilisers to their cars. It is interesting to note that there has been a lot of talk about the cost of insurance and the like. Many people who own cheaper cars do not insure those cars because they cannot afford it. In many cases they take out third party insurance in case they run into an expensive car or are at fault in an accident; but because their car is valued at $1 500 or less, they may decide that insurance is not worth the expense. Sometimes people elect not to insure because it is the second vehicle in a family, and sometimes it is because the vehicle is all that people can afford and they cannot afford the ongoing cost and so take the risk. The Government needs to seriously rethink this legislation, because it could produce an enormous number of unintended consequences. I hope the Government will consider all of those points of view put forward by the Opposition and its own backbenchers in opposition to this Bill.

MR GRAHAM (Pilbara) [12.25 pm]: I will try my damnedest not to get sidetracked into speed trials in the north west but remain with the question of car thefts and immobilisers. Two things need saying about this Bill. We all know that when Parliament was reconvened this year the set piece of the Government's initiatives, as announced by the Governor, was the cabinet subcommittee on crime through which the Government was going to deal with, what the Governor called at the time, urban terrorists in Western Australia. The net effect of the cabinet subcommittee deliberations until this piece of legislation was an announcement that it would require all Western Australians to place immobilisers on their cars. When one takes into account that, unless it has done so very recently, that same cabinet subcommittee has not met and discussed the question of the drug wars between the rival motorcycle gangs, it is a less than overwhelming response from the Government to the outbreak of crime that is occurring in Western Australia. There is no argument from the Government that we have a virtually unprecedented outbreak of crime in this State. There is something of a defence.

During the federal election a press release was put out by the new Minister for Police, the member for Albany, having a go at Paul Filing, who had raised matters of law and order in the northern suburbs and said that Western Australia topped the crime list and that the Government should be doing more about it. The Minister for Police refuted those allegations that we topped the crime list. One wonders whether the Minister for Police had read the State Government's submission to the Commonwealth Grants Commission which laboured for nearly two chapters on the increasing level of crime in Western Australia and how Western Australia was in the top category of nearly every crime, including vehicle thefts.

Mr Nicholls interjected.

Mr GRAHAM: We are now, but we were not when we made the submission. Incidentally, we went down one place without vehicle immobilisers.

Mr Nicholls interjected.

Mr GRAHAM: I accept that. If the member attributes the drop to that, he is somewhat more optimistic than I am. On that basis, if we made it compulsory, no cars would be stolen. There is a pretty interesting line of logic there.

Mr Nicholls interjected.

Mr GRAHAM: I do not think the bravest would profess that.

The attempt by the Minister for Police to say that we do not have a crime problem in Western Australia was a rather naive and silly response at the height of the federal election. Any thinking person understands that we have an unacceptable level of crime in this State. One can discount the public perception for what is loosely called redneck radio and sensationalist journalism, but every member in this place will know someone who in the past year has had something stolen out of his house, or had his car stolen. I have been here for 10 years. The level of complaints to me in my personal and public life about matters of law and order is unprecedented. The level of crime is higher in this State by whatever measure than it has ever been. One must start attributing some responsibility. The prime organisation in fighting crime in this State is the Police Force. I disagree with the previous and the current ministers. Western Australians do not want a Police Service; they want a Police Force that deals with criminals forcefully. We want criminals dealt with fairly, legitimately and with due recognition of all their rights, but we want them dealt with forcefully. The occupational risk from breaking and entering is higher than the mining industry. One is more in danger of being damaged or injured by being involved in breaking and entering than one is at work.

Our clearance rate as the member for South Perth said is about 11 per cent in the city. In places such as Port Hedland it is about 16 per cent. There is no point in the police, the Government, or members of Parliament saying that the penalties for breaking and entering must be increased in this State, because we do not catch anyone.

Mr Nicholls interjected.

Mr GRAHAM: I said breaking and entering.

Mr Baker interjected.

Mr GRAHAM: The clearance rate was 11 per cent and it has gone to 12 per cent, and I am happy about that. It is 16 per cent in Port Hedland. We do not catch people breaking into houses. The penalty is an academic argument. Over the past decade we have made it tougher for people to sell the goods that they steal. Other people have argued that the consequence of tightening up that situation is that we now have more crimes of violence aimed at getting cash. Be that as it may, the penalties for crimes of violence should be significantly increased in this State. We will be having that debate in the next couple of weeks. The only people who should be in gaol in Western Australia are people who commit crimes of violence. As I said in a previous debate, it is a truism that whether it helps them, hinders them or rehabilitates them is not the argument. The one thing that is absolutely certain is that if a violent criminal is in gaol, he is not committing acts of violence against normal citizens. That is a desirable outcome. In the case of breaking and entering, there is no point talking about tougher penalties because the offenders are not caught, which is the point I am making.

That is the first point. The second point is the blind faith of politicians that a technical improvement will solve the problem. Car immobilisers will not stop theft. I could go on at length, but I will not. Throughout Europe and the United States, the real money in car theft is in the luxury car market. All those cars are fitted with an immobiliser. The sophistication of the crime has gone up significantly because a market exists to steal those cars in, say, France, or Great Britain where Rolls Royces and Jaguars are stolen. The cars are changed and put on a ship and sent to the United States and sold effectively as new cars in that country. They are all fitted with immobilisers and they are stolen at unbelievable rates.

I have listened to the debate about car thefts. I remember distinctly the debate in this State when vehicle steering locks were introduced. We lobbied the Federal Government, and were successful, to bring in vehicle steering locks because they would stop cars from being stolen.

Mr Baker interjected.

Mr GRAHAM: No; stop, but they did not. If the argument is that the steering locks were designed to reduce the number of cars being stolen, they did not. They had a temporary effect until people found out how to deal with steering locks; and the answer is simple - one pulls out the dipstick and puts it in the steering lock, twists it and away one goes. It did not work. The other design rule that was changed to reduce the incidence of vehicle theft in this State and this country was to change the automatic locking system from one in which the people used to pull out the top of the door, put a coat hanger in and lift the knobs.

Mr Baker interjected.

Mr GRAHAM: It did not. The member is dead right. Electronic car locking and single key entry recently introduced were about reducing the incidence of vehicle theft in this State and nation. For about $15 or $20 an item can be bought over the

counter from motor accessory shops that emits a random frequency which unlocks the car when a button is pushed. Electronic car locking did not reduce the incidence of car theft. I finish on that note because this process will lead to a temporary reduction in the level of vehicle theft, and in five years, we will look back on it as the nonsense that it is.

Debate adjourned until a later stage, on motion by Mr Barnett (Leader of the House).

[Continued on page 3898.]

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from 17 November.

MR RIEBELING (Burrup) [12.35 pm]: I welcome the opportunity to speak in this debate on a number of issues which impact on my electorate. The first issue is a matter which greatly concerned me yesterday, and arose from a dorothy dix question to the Minister for Employment and Training, when he revealed his pathological hatred of the union movement. He said that companies such as Woodside Petroleum were about to locate their work force overseas because of a problem with employing local people through that project. I was disappointed because I have had discussions with Woodside Petroleum in recent months and have a letter that completely contradicts what the minister said about Woodside Petroleum's endeavour to employ locals. The company agreed with me and is keen to share with me a system by which the employment of locals can be maximised in any construction phase that might occur through Woodside Petroleum. I do not think it is very helpful when a minister in this State makes such statements. It is disappointing and I am sure it is disappointing to companies such as Woodside Petroleum that are striving and trying to do the right thing to maximise the benefits for an area such as Karratha-Dampier. I hope the minister takes the opportunity to have another dorothy dixer asked and corrects the impression he gave, at least to me, that Woodside Petroleum was looking offshore to staff its projects.

Mr Wiese: Will you be prepared to circulate and table the letter that supports what you are saying?

Mr RIEBELING: I can definitely show the member. I am more than happy to table that part of the letter which contains information on the company's endeavours to secure local employment content. Is it possible to table that, Mr Acting Speaker?

The ACTING SPEAKER (Mr Osborne): The member is able lay the document on the Table for the rest of this day's sitting, but it be cannot tabled.

Mr RIEBELING: I do not have the document with me; I will table it within the next hour.

The other issue in relation to Woodside Petroleum is that the Labor Party currently is being attacked in the Press about native title. The two companies which deal effectively with native title in my area are Hamersley Iron and Woodside Petroleum. I do not think either of those two companies would have any fears about what will happen with native title because they are doing more than the legislation requires them to do. The advertising campaign by the Chamber of Minerals and Energy of Western Australia is somewhat premature, particularly when the Government has indicated that it will agree to some amendments to that legislation. Hamersley Iron and Woodside are outstanding examples of what can be done if a company has the good intent to fix the problem on a long-term basis. Those two companies are leading examples for the mining industry of how these matters can be progressed positively for both the company and the Aboriginal people involved. I am sure those two companies do not share the huge fear of some other mining companies about the impact of native title. I have never met an Aboriginal person who does not want to settle a claim, because if the claim is not settled, no benefit will flow to the Aboriginal people involved. I made those comments to set the record straight about the outstanding performance of those two major resource-based companies in this State. Hamersley Iron is probably Australia's leading proponent of reaching settlement in the native title arena, and I congratulate it for its endeavours.

I turn now to the provision of services in my area and urge the Government to look seriously at what is happening there and why people are packing up and leaving. The Karratha area has been targeted by this Government in trying to attract resources development. The building industry is one of the major businesses in that area. A lady by the name of Mrs Kim Cox contacted my office recently. She and her husband are the proprietors of a very successful building company in Karratha. However, they now intend to leave the area, not because of a downturn in business, not because it is not profitable, and not because they do not like the area, but because of the lack of health services in the region. That is a sad indictment of the types of services that are available to people in my area. People in my area expect to be able to access high quality health services, particularly for their children; and if their children cannot access high quality health services promptly, they become very upset. Some people who are based in Perth may think that people who live in the bush must accept some sort of reduction in service and standards. However, the argument that is often put in my area is that the huge wealth that is generated in that area at both the federal and state levels is not reflected in the services that are provided.

Mrs Kim Cox has four children, aged three, seven, 12 and 15. A culmination of events has led to her decision to go to the metropolitan area. Three years ago, when Kim Cox was pregnant with her son, she was diagnosed as having diabetes. I am

not a medical expert - the member for Collie probably knows a lot more about this matter - but I understand that if this condition is not properly treated in pregnancy, the child may be physically large at birth, and problems may be associated with the pregnancy. The doctor who was looking after her pregnancy wrongly diagnosed that she did not have diabetes. However, late in her pregnancy, she attended a medical establishment in Perth, because of other problems, and when she was asked what treatment she was undergoing for her diabetes, she said, "My doctor has told me that I do not have diabetes and do not need to worry about that." She was then told that she did have diabetes and did have to worry about that, and a treatment regime was put in place. Fortunately, no damage was caused to the child, and the mother survived that incorrect diagnosis. However, she gave that as one of the reasons that she has made the difficult decision to leave the area.

She stated also that recently her three-year-old son had been bitten on the face by an insect and was in exceptional pain, and that she had tried to get him to a private health clinic in the area, because no government-paid doctors are based in Nickol Bay Hospital, even though it is a multi-million dollar hospital -

Dr Turnbull: That is the case in all regional areas.

Mr RIEBELING: I do not know the reason for that interjection. The member for Collie may be trying to emphasise that other small centres in the south west have similar problems. I do not know that that is a reason that there should not be government-paid doctors in that hospital. Karratha is some 270 kilometres from the nearest hospital which is staffed by government-paid doctors. I do not think that sort of distance is involved anywhere in the south west.

Dr Turnbull: There are no government-paid doctors in Bunbury Hospital.

Mr RIEBELING: That surprises me. It may be that the level of service provided in that hospital is adequate. There are government-paid doctors in Port Hedland, which is where the specialist services are provided -

Dr Turnbull: Those doctors are there to support the specialist services.

Mr RIEBELING: Yes. That hospital is 270 kilometres from Karratha. The member for Collie may not think that is a problem, but it is a huge problem for the people who live in Karratha.

Kim Cox was told that it would be three days before she could get an appointment with a general practitioner. Therefore, because she determined that it was an emergency, she went to Nickol Bay Hospital. She was told by the nursing staff at that hospital that it was not an emergency and she should give her child a locally purchased pain killer, such as Panadol. Kim Cox saw that a doctor was in the emergency room and asked whether that doctor could have a quick look at her son. However, that request was refused, and she was sent home. She was not very happy about that.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 3874.]

WELLINGTON FOREST

Statement by Member for Collie

DR TURNBULL (Collie) [12.50 pm]: Yesterday at Parliament House a group of people from the Shires of Collie and Dardanup met with the Minister for Water Resources, the Minister for the Environment, and the Premier and Treasurer, Hon Richard Court, to ask the Government to buy the Wellington forest. That is an area of 6 500 hectares of freehold land surrounding the Wellington Dam and comprises 90 kilometres of foreshore. The group is supported by the shire of Donnybrook-Balingup, the Bunbury City Council and many other groups. They want the Government to buy the land because they feel it is important for the environment, water storage, recreation and ecotourism. The protection of the waterway of the Wellington Dam is important and the group is encouraged because the ministers indicated they also see the Wellington forest as an important resource to the State. I urge the Government to make this decision rapidly.

CANNING RIVER REGIONAL PARK

Statement by Leader of the Opposition

DR GALLOP (Victoria Park - Leader of the Opposition) [12.51 pm]: The Canning River Regional Park was established in 1989. In 1992 an agreement was entered into between the City of Canning and the Department of Conservation and Land Management to jointly manage the park. This agreement has since lapsed and new management structures and plans must be put in place. The recently published Canning River Regional Park Management Plan 1997-2007 seeks to provide a framework for this to happen.

One of the issues to be addressed is land tenure. Some of the land within the park's boundary - about 10 hectares, or 5 per cent of the park - is still in private ownership, including the Castledare estate. Along with earlier reports, the 1997-2007 management plan recommends the purchase of the private land as soon as possible and preferably within 12 months. Given

that the local community is concerned to see that the park can be managed properly I call on the Government to follow through on that recommendation and to start negotiations to purchase that land. To this end I have prepared a petition to give members of the community a chance to have their say on the future of this land. I call upon the Government to follow through on the many recommendations that have been put to it to purchase the remaining part of the Canning River Regional Park that is still in private ownership, so the park can be managed properly and effectively.

WATER RESTRICTIONS IN GERALDTON

Statement by Member for Geraldton

MR BLOFFWITCH (Geraldton) [12.53 pm]: The people of Geraldton have, for the first time, been subject to water restrictions. The Minister for Water Resources has decided on blanket water restrictions across the State. Why must we have a blanket ban when Geraldton taps into one of the biggest aquifers of fresh water in the world? It is seven times the size of Sydney Harbour. We have so much water that we should not have to worry about water restrictions. However, because other parts of the State have troubles with their dams and catchments we must have water restrictions.

I visited my dentist to get a tooth filled recently and she said that the restrictions were awkward for her. She starts work at 8.00 am, so she has only one hour in which to do the watering at her practice. I looked around and most of her lawn was dead or dying. I urge the Government to move away from the folly of a statewide ban on the use of water which penalises those areas that are self-sufficient in water. I see no need to penalise the whole State because certain areas have water shortages.

APPRENTICESHIPS

Statement by Member for Nollamara

MR KOBELKE (Nollamara) [12.54 pm]: I am concerned at the decline in the number of apprenticeships available for young Western Australians. That decline was highlighted last Monday night at a public meeting at Collie which about 400 people attended to express their concern that, for the second year in a row, Griffin Coal Mining will offer no apprenticeships to young people in Collie and the south west. Other coal companies which have contracts with the State Government are continuing to offer apprenticeships, and for that they should be commended. In the past the Government was a major provider of apprenticeships, whether they were through the Westrail Midland Workshops, the old Building Management Authority or the old Water Authority. With the outsourcing and downsizing of those agencies, much work has been contracted out and the Government is no longer a major provider of apprenticeships. Therefore, opportunities for young people to have a trade and steady employment are declining, and that needs to be turned around. The Government should carefully consider ensuring that companies that have major contracts with the State Government have an obligation to provide apprenticeships and training for young Western Australians to ensure that they can get work and that we have skilled labour in this State and do not need to import it and thereby pass to people from other countries jobs that should go to Western Australians.

GOSNELLS BUSHFIRE BRIGADE

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.56 pm]: During the recent school holidays, as part of the City of Gosnells school holiday program, the Gosnells bushfire brigade visited Kenwick, Thornlie and Gosnells libraries to give children of the area hands-on learning experience of what it is like to use equipment that firefighters use and what the brigade must undergo in its efforts to stop fires and save lives. The children had a chance to use the radio communications system and firehoses. They were also told about the dangers of fire and what actions they should take to prevent bushfires. That initiative is yet another shining example of the efforts and dedication of the Gosnells bushfire brigade. Mrs Rhonda Popperwell, who is the brigade's communications officer, was among the members who freely gave up their time to help to educate the children of the area in that important aspect of community life and safety.

With the fire season again closing in on us, I am sure that the children who took part in that activity are now far more aware of the dangers of fire and of what our volunteer firefighters undergo to ensure our safety. I highly commend the actions of the Gosnells bushfire brigade on taking that program to children who will be part of our future and who will ensure our safety.

SAFETY BAY SENIOR HIGH SCHOOL ARMY CADET UNIT

Statement by Member for Rockingham

MR McGOWAN (Rockingham) [12.58 pm]: I take this opportunity to place on the record my congratulations for the Safety Bay Senior High School army cadet unit. The other morning I had the privilege to be involved in a presentation ceremony for the Safety Bay Senior High School army cadet unit, which received an award for being the best army cadet unit in the State. I have had some involvement with that cadet unit over the past two years. It is always excellently presented and it

is full of students who want to participate, and there is no shortage of volunteers who want to become involved in that excellent organisation. The unit has existed for only 18 months to two years, and in that time it has gone from commencing operation to being the best unit in the State. I was shown the trophy that is presented to successful army cadet units and on it are engraved the names of schools such as Guildford and Christ Church Grammar Schools. In particular, I congratulate Mr Les Anderson, who is the teacher in charge, and the officer in charge, Ms Pam Hayes. Most of all, I congratulate the students who have been involved in the exercise and I wish them the best for the next year.

Sitting suspended from 1.00 to 1.30 pm

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from an earlier stage of the sitting.

MR RIEBELING (Burrup) [1.30 pm]: I was previously discussing the Cox family's plight in respect of medical services in the Karratha area. Unfortunately the mother, who was pregnant, was wrongly diagnosed as not being a diabetic when in fact she was. That created some complications and concerns at the birth of her child three years ago. Over the past few weeks the level of stress, especially about the medical treatment required by the children, has got to the point at which the family is intending to relocate to the metropolitan area.

As I said, one young child was bitten on the face by an insect. After trying to get an appointment with a GP and failing to do so, the mother took the child to the hospital. After waiting 45 minutes, a nurse told her the problem was not serious enough for her son to see a doctor, even though the doctor was on the premises and could easily have seen the child.

Two of the Cox children have recently required hospitalisation in Port Hedland. One case was a tonsillectomy and the other was an appendectomy. The latter operation required the mother to be with the child for six days. Because that operation is done in Port Hedland and not Karratha, Mrs Cox had to be housed at a hostel, and that accommodation was made available. However, on the first night she was accosted by a drunken Aboriginal man in the hostel, and as a result she moved out. The whole episode reinforced the problems she has had obtaining acceptable health services in the Pilbara. The unfortunate result of those problems - not problems with work, heat or anything other than health-related issues - is that this family has decided that enough is enough and it will leave the region in the near future. It is sad to report that story to this House.

As the member for Collie said, many places in the State do not have doctors based in their government-run hospitals. However, I emphasise the difference between an isolated community in the Pilbara region and some of the better served areas. It was stated that Bunbury does not have a government doctor. Health services in Bunbury would be far superior to those in Port Hedland. That is a silly example. Karratha is an isolated community about 270 kilometres from Port Hedland and the regional hospital, and because of that major problems occur.

The Tom Price to Karratha road was an important issue during the last election campaign and promises were made. Recently the Shire of Ashburton and the community have been advised that the third stage of the construction program - the sealing of the road - will not commence until at least 2008. The Government is embarking on a 10-year construction phase, the major part of which will occur after the next election. This Government and its candidate at the last election made a lot of mileage about the fact that the road was unsealed; the Government had realised the great need for the road to be sealed and promised the earth. That was backed up by the then Minister for Transport, Hon Eric Charlton, who said on radio that the road would be built within four years. That promise won a huge amount of support from people in the area. I knew the issue was important and I fully supported the Government's stance. However, once the election was over, that commitment disappeared, along with the rhetoric about appointing a doctor for the Nickol Bay Hospital.

The State Government has finally come clean with the Shire of Ashburton and has told it about the plans for this much-wanted road between Tom Price and Karratha. The shire is particularly annoyed about the lengthy timetable for completion of that road. It is now obvious that this Government has absolutely no commitment to the project and that it will be seeking another mandate before it starts construction of that road. If members opposite think that the people of the area will have anything but contempt for these continuing promises, they are sillier than I thought. The minister is now putting this commitment firmly on the record, which will probably disappoint the next candidate it runs - I have no doubt that he or she will want the road completed much more quickly. This is a real worry. The much-publicised "Roads 2020" document, which contains a development strategy for roads in this State, did not mention this vital road. The then minister backpedalled from that omission. He said that it was a mistake in the printing and that the Government had an ongoing and real commitment to the road. In truth, it should not have been put in here. The commitment to that road was false. Now the announcement of the timetable proves it to be false. I urge the Government to look again at the priority of the Tom Price to Karratha road and to do what it promised the people of Tom Price it would do; that is, to make sure the road is constructed as quickly as possible.

Another local issue which is slowly starting to pick up relates to the soon-to-be welcomed expansion of the television

services to Karratha by GWN television, which will also bring SBS Television into the town. That is a positive move and one most people welcome; however, it comes with a slight complication. The current problem with television reception in Karratha is that one end of the town is in the shadow of the hills; this is the area known as Baynton, which is the newest suburb or Karratha. The television aerial which receives and disseminates the signal is located such that parts of that suburb are in the shadow of the hills and either receive no reception or very poor reception, to the point where the local caravan park is now losing trade at a great rate of knots because the caravans, which are brought to the Pilbara region by visitors throughout the cold months in the south, are fitted with television.

Mr Court: Which caravan park is that?

Mr RIEBELING: It is the one at Baynton.

Mr Court: It cannot pick up the signal?

Mr RIEBELING: No.

Mr Court: Can it be readjusted? We have found on some of these that do not do whatever they are supposed to, it is because they have not been pointed in the right direction. The same occurs with mobile phones.

Mr RIEBELING: As the Premier is obviously aware, that suburb goes around the hill, and is opposite the Catholic college. The positioning of the aerial was done when the town was much newer. It covers Nickol Bay and all those areas, and no hills are in between them and the aerial. The caravan park is located farthest around the corner.

Mr Court: Has someone provided a solution?

Mr RIEBELING: The hope is that another transmitting station will be located further down the hill for GWN television, which could then transmit the other signals on an ongoing booster-type basis. Fleetwood Parks Pty Ltd is trying to -

Mr Graham: The Government might put in another station. The member for Burrup would appreciate that.

Mr Court: It could be part of our marginal seat election campaign!

Mr RIEBELING: I will welcome that. I wrote to the Fleetwood company, GWN and the Australian Broadcasting Corporation in relation to the problems with television reception in that suburb. The existing carriers showed no interest in trying to solve the problem; however, being a new player in the game, WIN appears to be somewhat more receptive to sorting it out.

The manager of the Rosemary Road Caravan Park is vitally interested in competing with the two other caravan parks in the Karratha area. It is strange that people who go to the north of the State to experience wilderness will chose to stay in a caravan park, based on whether it has good television reception. The Rosemary Road Caravan Park is a small business in the area. A caravan park is no different from any other small business. It does not need to be up against an inhibiter like poor television reception. This caravan park has looked at providing booster aerials for its site, but the cost has been prohibitive in the extreme. For a small amount of money - about $100 000 - the problem can be solved. We are going to the council about the matter. I am glad the Premier heard part of what was said because his office will be getting a suggestion in writing in the near future that, in an endeavour to remove a Labor member, the Government could generously fix the problem. I look forward to the Premier contributing to the solution of this problem.

MS WARNOCK (Perth) [1.45 pm]: I will canvass a number of concerns of the people in my electorate. I have mentioned prostitution several times before, and no doubt will mention it again. A number of brothels are located near to my office. As I have said before, there have been absolutely no complaints about those establishments in the six years my office has been in the Northbridge area; however, I have had many complaints about street soliciting in the residential area just south of Hyde Park. Those residents continue to call my office and remain angry about the continuing soliciting that goes on outside their houses at various times of the day and night. There are historical reasons that that is occurring in that area. At one time prostitutes and their clients were to be found a little south, around Russell Square; however, that area became gentrified and people who occupied the area near the square moved up to Palmerston Street and now find themselves in those residential areas south of the Hyde Park.

Many people are extremely annoyed and, in the case of the women, frightened mainly by the clients of the prostitutes, the kerb crawlers who frequent the area. The residents have repeatedly asked the police and the Government to assist them in this matter. I do not pretend it is simple matter to solve. Governments all over the world have tried to deal with it in various ways, as have Governments in this country in relatively recent times. I am not in favour of street soliciting. I am worried because it is very dangerous for women. I do my best in various ways, such as contacting the police or the Minister for Police, to discourage it in an inner city residential area, such as the one I am referring to, where there are young people. It is, therefore, with some disappointment that I notice the Government has seen fit to shelve the prostitution legislation once again.

As I have said, I do not deny that this is a very difficult matter to deal with. The police have often told me that they need

more legislative support to act on street soliciting, and I would like to see them get that support. I would also like them to have greater resources to act when complaints are laid. People repeatedly tell me that when they ring the police telephone number they have been given, they get a recording which tells them to ring back after nine o'clock in the morning, which is not terribly helpful for people who have a problem there and then. When police come around to move the prostitutes and their clients on, those people soon return. For the sake of the residents, the safety of those women and the comfort of the police, I suspect we need some legislation and a firm stand to be taken on this issue.

Another matter of interest in my electorate is the residents of the new East Perth Redevelopment Authority area. They have contacted the Opposition to make it clear that they are unhappy about not having enough involvement in the community affairs of the area, even though there is an East Perth Precinct Committee of the Perth City Council.

They want to establish a dialogue on issues concerning that particular area. In fact, they want to have regular contact with the East Perth Redevelopment Authority through the city's representatives on that board. That beautiful new area has been skilfully developed from an old, inner-city suburb and a decaying industrial area into an elegant and pleasant residential place with a great deal of open space. My only criticism has been a regular one - members of this House would have heard it before - in that the Government has not fulfilled its commitment and its contract with the former Federal Government that it should provide a reasonable amount of affordable housing. I will continue to complain about that, despite the 50 units that we are told will be made available under that contract.

However, that is not what I am talking about on this occasion. On this occasion I must ask whether the East Perth Redevelopment Authority is doing such a good job running the new development. Although it is allegedly reverting to Perth City Council control, at present it is effectively still run by the East Perth Redevelopment Authority, and there is no mechanism for electors to feel that they can take part in the running of their local area. One might ask about the local precinct committee that has been mentioned already. There is one, but its membership is already established, and the new residents feel that they cannot make their presence felt there. They have asked the council for a special electors' meeting, which, after apparent resistance, the council is taking into account at its annual general meeting this evening. The residents will presumably raise all these issues that they have been drawing to my attention when they attend that annual general meeting tonight.

The residents believe that there has been no genuine public consultation by the Government on the issues concerning the area. Although they admire the building of the public utilities there, they believe that the running of the area is a different thing altogether. I spoke to the Perth City Council about who should be doing what down there. A spokesman admitted that the legal structure governing who is responsible for what is a mess. The East Perth Redevelopment Authority has been responsible for planning. However, as each portion is sold privately, it becomes the responsibility of the council. This is an unusual structure; it is an interesting structure. However, it is apparently a new one, and there is some question about how well it is working. As perhaps could have been guessed, this is more difficult to do than it might at first have been envisaged, and matters are falling between the cracks down there. The council says EPRA is handballing, and I am sure that EPRA would say the same thing about the council. When I rang the East Perth Redevelopment Authority this morning, I was told that it believes it is running the area very well. However, it admits that there is no direct consultation and contact with the residents, and that is what the residents have been speaking to me about.

I hope some of the matters raised with me will be raised at that Perth City Council AGM tonight and that those residents will have a chance to be heard. As a ratepayer of any local government area, one certainly has a right and an obligation, if one wants to be active in one's area, to become involved in issues concerning that area. If something is worrying any resident there, it is up to that resident to take up that matter with local elected representatives. In their turn, these representatives have an obligation to listen to their residents. Better relations between the council, the residents and the East Perth Redevelopment Authority would certainly be welcome. I do not suggest any hostility exists; I am simply suggesting that the structure that was set up some time ago is having some teething problems. I bring that to the attention of the House on behalf of those residents in this area.

I want to speak about another subject which again I have raised from time to time in this House because I believe it is extremely important. I want to address it again. I have often spoken about an excellent organisation called the Perth Inner City Housing Association, which has taken on the task of providing cheap, inner-city housing for people who want or need accommodation near the inner city but who have strictly limited resources. It does not take much imagination to see that there will always be a group of people who fall into that category and who will need the assistance of a group like the Perth Inner City Housing Association. This group does a good job. The organisation is providing something like 130-plus units of accommodation around the inner city. However, it cannot deal with the growing problem of homelessness in Perth.

Demolitions relating to the tunnel and the new road and gentrification have inevitably led to a decline in the amount of housing stock of modest accommodation units, such as lodging houses, for example, which are available to people in that area. If one asks any organisation, such as the Perth Inner City Housing Association or the Salvation Army, which provides similarly modestly priced rooms and accommodation, one will be told the same thing: There is a homeless crisis and something needs to be done about it badly. This type of partly supported accommodation is absolutely vital. It is a part of

the city's infrastructure. Any city in the world needs this kind of accommodation. If the Government does not play its part, the community will be poorer for that, and holes will develop in our safety net, as it is called.

I spoke to the Salvation Army about this matter. I was told that it is turning away about 100 men a month from its male single accommodation, and it rarely has a vacant bed these days. The closure of psychiatric wards is another thing that the Salvation Army told me has caused the problem to arise whereby people who cannot otherwise find accommodation have come into the inner city and are seeking help from people like the Salvation Army. The register of those seeking accommodation has increased by 20 per cent in the last two months. When I asked what happened to those people if they could not find was the kind of accommodation they were seeking, a senior member of the Salvation Army team told me that under the bridge was the next step, but that even those desperate enough to seek accommodation under a bridge were afraid to do so these days because it had become far too dangerous. That is regrettable in many ways. I regret that there is anybody in our city who needs to sleep under a bridge, but I regret just as much that somebody who might seek to do that would find it so dangerous that he cannot possibly do it any more. It is a worrying thing about our society. As a community, we should provide more of this kind of accommodation and fund more generously groups like the Perth Inner City Housing Association and the Salvation Army to do this important work that they do. At the moment they are getting catchup money only. They need more facilities and more staff to look after those facilities.

I am sure that many members of this House go to Northbridge for entertainment and leisure from time to time. If they do not, they certainly should! I am equally sure that members will have noticed that in Northbridge, particularly at weekends, pedestrians and traffic have a very intimate relationship. Northbridge can become very crowded on weekend evenings, and when many people are walking around or sitting in outdoor cafes, it is not a place for speeding cars or buses. It might be recalled that within the last fortnight there was an accident between a CAT bus - one of those big, silver, free inner-city buses which ply the area - and a car. Unfortunately, several people were injured in that collision. This is an event that restaurateurs, bar and cafe owners have feared for some time. There has been talk for some time of seeking a 40 kilometre zoning for that area. The cars and buses frequently move too fast for the build-up of traffic and the number of pedestrians who stroll around the area enjoying the various attractions of Northbridge. I wrote to the Minister for Transport some time ago, and I have spoken to the Perth City Council. I understand there is a long-delayed plan to put up those 40 kilometre signs in Northbridge and that that will be done before Christmas.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Questions without notice taken.]

NATIVE TITLE (STATE PROVISIONS) BILL

Committee

Resumed from 18 November. The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Court (Premier) in charge of the Bill.

Progress was reported after clause 1.3 had been agreed to.

Clause 1.4: Interpretation -

Dr GALLOP: I seek clarification from the Premier on the meaning of the words "recommendation" and "determination". I preface my question with some comment. This legislation effectively contains two procedures dealing with future acts. One of them simply takes what we call the commonwealth right to negotiate and applies it to areas like vacant crown land where an act would be proposed. Also, where various leases are issued and a coexistence of various interests, one of which is native title interest, is involved, a consultation procedure is established. In the right to negotiate areas, if there is no agreement after negotiation, the matter will go to the Native Title Commission which can make determinations. It is possible for the minister to overturn those determinations. However, in the consultation area, where there is co-existence of different interests, the developer or mining interest has an obligation to consult with the various native title interests. If that does not result in an agreement the matter is referred to the Native Title Commission. It can make recommendations, and they can be overruled by a determination of the minister. The whole thrust of the Bill bothers me in terms of its compliance with the federal legislation. The federal legislation sets down certain requirements that must be met if the state Bill is to be acceptable. One of those requirements is that any tribunals or bodies set up in Western Australia must have equivalent status to the National Native Title Tribunal. That is defined in various ways, one of which is that the tribunal should have the ability to make determinations. When the question of determination arises, under the alternative consultation procedures there is no reference to determinations by the commission but there is reference to determinations by the minister. This difference between the two, interests and puzzles me. Why does the commission make recommendations and not determinations in the consultation procedures?

There could be a great deal of significance in this but, before getting to the issue of significance, there must be clear understanding of the terminology. In the interpretation clause the meaning of "recommendation" is a recommendation of

the commission under proposed sections 3.34 or 5.28, as the case may require. No definition is given for "determination". Determination is referred to in the Native Title Act which states that it includes recommendation. This point must be clarified. What does the Government understand by the words "recommendation" and "determination"? Once those definitions have been clarified, we can establish why the Government of Western Australia has provided in part 3 of the Bill that the Native Title Commission cannot make determinations. In fact, it is specifically precluded from making determinations. I would like a clearer definition from the Premier on the difference between the two. Is the difference simply that the Government has used one term in one area and another in another area, or is there a substantial difference between the two terms that will have implications for any future judicial interpretation of this legislation?

Mr COURT: I am advised that there is no substantial difference. It is stated at page 122 of the Native Title Act that "determination includes recommendation". There is no practical difference. The terminology is different in parts 3 and 4 because different processes are followed.

Mr RIPPER: Therefore, what is the practical or legal impact of substituting the word "determination" for "recommendation" in the section which deals with part 3 consultation procedures?

Mr COURT: It would make no difference because of the way the definition is described in the main Act.

Dr GALLOP: The committee needs to explore this further because the phrase in the Native Title Act - "determination includes recommendation" - could mean a number of things. It could mean that one of the definitions of "recommendation" is determination. Alternatively, it could mean that "determination" may include recommendation; in other words, the body set up to make determinations can also make recommendations. It could make two categories of decisions. It could be that the body makes a recommendation for somebody else to consider, or makes a determination. The concept of a determination has a lot more force and strength to it. However, if that determination is to be overruled, much clearer rules must be established to justify that overruling.

I go to the heart of the reason for raising this issue: I am concerned that the Government's legislation is deficient for a very important reason. In part 3 of the Bill, if a proponent wants to do something on some land, he has an obligation to consult with the native title interests - later on we will debate what consultation means and whether it should be in good faith - and that consultation may resolve the matter. It may not resolve the matter, in which case eventually it will go to the Native Title Commission. Under the provisions of the Bill, the commission will make a recommendation to a minister and the minister will make a determination. That looks very much like a process that has a destination at a ministerial decision, rather than a process which has a destination at a tribunal determination. There is an important difference in those two approaches. That difference relates to the independence of the process and the semi-judicial nature of the process in the case of a determination, and the Executive and government-based nature of the process in the case of a recommendation. The Government's legislation is seriously deficient in the impression it gives about the process.

I refer to a claim made in *The Wik Debate* by Father Frank Brennan, which has recently been published by the University of New South Wales Press. Frank Brennan has analysed the history of the Wik debate and looked at what happened in the Federal Parliament when the legislation went through, on the basis of the Harradine compromise. Early in 1998 a similar effort was made to compromise with respect to the 10-point plan of the Federal Government. The proposal which went through later that year was similar to one put to the Federal Government by Senator Harradine and his legal advisers. According to the book by Frank Brennan, this idea was quashed by the Queensland Government, led by the coalition, and the Western Australian Government, led by the coalition, on the grounds that they would accept only a process by which a recommendation was made by the state tribunals that went to a Minister for Mines. In other words, the end of the process was a minister and a ministerial decision and not a genuinely independent process of determination. It was interesting that that was exactly what came out in the Government's legislation, and that led me to ask: If it was not good enough for John Howard and Brian Harradine in early 1998, because it did not meet the requirements that they were setting, why would it be good enough now? What is the difference between "recommendation" and "determination"? Why is the term "recommendation" used in one section and "determination" used in another section? It implies a different status and a different quality. It implies also that the Government wants to send a different message about part 3 from that which it sends about part 4, and that bothers me.

Mr COURT: I do not know what is the issue. The Leader of the Opposition's history about negotiations is right; the end result was a compromise. It is a binding recommendation, but in effect it is a determination. It has the binding characteristics of a determination.

Mr RIPPER: Will the Premier confirm that the Minister for Mines will decide whether to overturn a recommendation under part 3? Will there be the same rate of acceptance of Native Title Commission recommendations under part 3 as the rate of acceptance of Native Title Commission determinations under part 4?

Mr COURT: For a start, it is the commission that makes the recommendations, not the minister.

Mr Ripper: The commission makes the recommendation to the minister.

Mr COURT: But if it were overruled, we would have the Minister for Mines on a mining matter and the Minister for Lands on a lands matter, and the ministerial overrule provisions are the same.

Mr Ripper: Would you expect the same rate of ministerial override in part 3 as in part 4?

Mr COURT: I am advised that, because the minister can override only in the interests of the State in both cases, it would be the same.

Dr GALLOP: This could be a very important issue for the fate of the legislation because it would go to the heart of what the Commonwealth Government and Parliament might say about its equivalent status to its legislation. Has the Commonwealth commented on the distinction that is made and the way in which the Government has applied it and whether it believes there could be a difficulty?

Mr COURT: I am advised that commonwealth officials are entirely happy with the terminology that is being used.

Mr RIPPER: Again I want to pursue the possibility of any practical or legal impact arising from the difference in the terminology in parts 3 and 4. Is there a legal opinion or case law which determines the definition of "determination" which would require certain processes to be adhered to in arriving at a determination which might not be required to be adhered to in arriving at a recommendation?

Mr COURT: There is no legal precedent because no-one has one in place under the legislation. The definitions on page 122 make very clear the meaning of a determination.

Dr GALLOP: Given what the Premier has said thus far, and if I correctly interpret what he said, in essence there is no difference between "recommendation" and "determination" and the Commonwealth does not have any difficulties with the way in which the two words have been applied. Therefore, why has the Government of Western Australia made that distinction and applied the word "recommendation" rather than "determination"? I still believe that such things are done for reasons. I am yet to have an answer from the Government about why it has chosen to use those words. There could be a simple reason; that is, in the one case a recommendation is being made to the minister, and the minister is the ultimate arbiter in native title matters, whereas under the national Native Title Act the tribunal is the ultimate arbiter, but with a correction built in that can lead to a ministerial override. There is an importance difference between the two cases. In one case the end point is the ministerial determination and in the other case the end point is the tribunal determination. That sends out all sorts of signals about the status and quality of the consultation process as opposed to the right-to-negotiate process. If there are no differences between those two words, I cannot understand why the Government has chosen to use one set of words in one part and another set in another part. That has not been done in the national Act, so why has it been done in the state legislation? Such things are not done without reasons.

Mr COURT: It is simple. Opposition members must understand that we are talking about only part of the approval process for a land or mining title to be granted. What the commission does is in relation to native title, but many other matters are taken into account. We have recommendations from wardens in relation to environmental processes and we have recommendations on the environment and the like. If we use "determination" it could imply that the commission has made the final decision on an approval, whereas it is only part of a number of recommendations that will come through before a title is granted. I can see it standing out a mile that opposition members will want to change the consultation process to a right-to-negotiate process. That is the end result of what they are trying to achieve.

Mr Ripper: You can allege that, but the two processes will remain different.

Mr COURT: I am not alleging anything. I am saying that the Opposition has provided its amendments, so we know what the situation is. In answer to the question, the minister must consider advice from several different areas before a final decision on a title will be made.

Mr CARPENTER: In our discussion about the interpretation of the words "recommendation" and "determination" as they would apply in part 3, the Premier said that the two terms are interchangeable and that there is no difference in meaning. In his last response he pointed out that they are not interchangeable and that conceivably they have different meanings.

Mr Court: I am talking about other approvals that are required.

Mr CARPENTER: The Premier is not talking about the matter that we are addressing. We are talking about whether "determination" and "recommendation" are interchangeable. Initially, the Premier said that they were interchangeable, but in his final response he said that they could not be interchangeable because other matters came into play. They are either interchangeable or they are not interchangeable. If they are interchangeable and the Premier has no problem with "determination" rather than "recommendation", I invite him to move an amendment to replace "recommendation" with "determination".

Dr GALLOP: The Premier's last contribution to the debate was, as the member for Willagee said, quite different from his earlier contributions. That leads me to raise a question. His defence of the difference was to say that, in respect of the

consultation process set up under part 3 of the legislation, other recommendations will be coming in as well. Let us pass over to the vacant crown land situation with the right to negotiate, which is also an issue where the native title commission will play a role. Will other matters come into play for that land as well; and, if so, how does that have anything to do with the distinction between a recommendation and a determination?

Mr COURT: In answer to that question, part 4 of the Native Title Act uses the term "determination". It does not use the term "recommendation".

Dr Gallop: You said that in the case of part 3, the difference is that in making the final decision, the minister must consider other issues as well as the native title issues. Surely for vacant crown land the same position applies. There will be environmental, heritage and social issues to consider.

Mr COURT: I am saying that the native title legislation uses the word "determination".

Dr GALLOP: The argument used by the Premier is not relevant to the case. The same argument could be applied to the right-to-negotiate clause which deals with determinations. It may very well be an interesting argument, but it has absolutely nothing to do with what the Opposition is saying. We think the Government's intention is this: Under the alternative consultation procedures established in part 3 of the Bill, the minister, who is part of the executive arm of government, is the controller of the process; whereas in the right-to-negotiate section, the National Native Title Tribunal makes the determinations. That is the pole of attraction, the centre of authority and status for the issue, and that is what we think should be in part 3. If it is not, this legislation is severely deficient in terms of what the Commonwealth Parliament said we could, and could not, do. It is a very significant issue.

The fact that other issues must be dealt with by other processes has nothing to do with the native title issues which must be dealt with according to this law subject to the requirements laid down in the Native Title Act. Bringing in environmental, heritage and other issues has nothing to do with it, unless it is the Premier's view that in these pastoral lease situations, ultimately the Government is in control of the situation, is managing the situation and making decisions about it. That is totally and utterly contradictory to the whole purpose of native title legislation.

Mr COURT: After this debate, I cannot understand the position of the Leader of the Opposition. The Native Title Act allows for the use of the term "recommendation" in part 3 . It is being used. It specifies quite clearly in the Native Title Act that that is the case. What are we debating here?

Mr Ripper: For what purpose do you use the two different terms?

Mr COURT: We are using that terminology in part 3. I have said that it does not make any practical difference because of the way the Native Title Act is written. It is allowed for in the legislation and it is being used.

Dr GALLOP: We have raised a very important issue. We probably are not in a position to take the matter much further. I have indicated the Opposition's view of native title and the requirement that we in this Parliament must pass equivalent legislation; that is, we must set up a system, be it under vacant crown land which rewrites the right-to-negotiate clauses of the Native Title Act, or under what are called the alternative provision areas which set up the consultation. We must have a tribunal in Western Australia - it will be called the native title commission - which has independence and status as a body that makes determinations on the basis of certain criteria, which we will discuss in later parts of legislation, and which is seen to be independent from the executive arm of government in making those determinations. It is our view that that is a very important principle. We certainly hold the view that unless that principle is met, this legislation will be deficient. I emphasis that we do not regard this as a minor issue, rather as a very important issue, in this legislation, and we will continue to press this point throughout the debate.

Mr BROWN: I have listened with interest to this debate. One issue did not strike me before when I was going through this legislation. On reading this definition, both in the draft Bill and this one, and the commission's powers, it seems that the commission is a fairly limp organisation. It simply makes recommendations under part 3; that is, it is a recommendatory body, not a determinative body. In that context, it is a poor cousin to its federal counterpart, and it cannot be conceived as having any independence. It has no determinative powers; it simply makes recommendations. Indeed, one could probably argue that the term "recommendation" is carefully used, because the minister of the day does not want to be seen to be overriding, as the minister can in accordance with this legislation, the determinations of the commission. These decisions are couched in the inferior light of simply being recommendations that may, or may not, be complied with.

It is important for the record to show that once this clause is adopted with that phraseology, ultimately that will lead to a decision in this Chamber as to the nature of the commission being established. Most commissions, if they operate at a senior level, will make independent determinations, and those determinations will be of some considerable substance. This commission will simply make recommendations. They will not even hold the status of being determinations, rather they will be recommendations which one may, or may not, depending on which way the wind is blowing, agree to accept. The importance of this definition should not be underestimated in terms of the stature of the commission that is being created in this Bill. In looking at the degree of independence, it is important to recognise that we are talking about a commission

that will have very limited power to recommend. It is almost as though it could be set up as a subdepartment of a normal bureaucracy, in the same way as bureaucrats put up recommendations and the minister of the day simply agrees or disagrees with them. The commission does not hold much more power than that, expect that it is contained in legislation. As it is currently proposed, it is a fairly inept body in terms of the powers and independence it will exercise. To some extent, all of that relates to its ultimate powers, which are only to recommend. That will not instill a great deal of confidence in a body that should be and should be seen to be independent.

Mr COURT: That is a nice speech, but the member has got it wrong. It is a binding recommendation. It is exactly the same as occurs in the national Native Title Tribunal, remembering that it cannot grant a mining lease; that is done by the State after certain processes. It is not optional whether it may or may not be adhered to.

Mr CARPENTER: It may be that the Premier is correct; nonetheless, the legal advice we have is that there may be a significant difference between the meaning of the word "recommendation" and that of "determination" in this Act. When the Premier was asked whether legal precedent existed, he said there had not been a previous case. One certain way to eliminate all uncertainty would be, where necessary, to replace the word "recommendation" with "determination", taking the Premier at his word when he says there is no difference in the meaning.

Mr COURT: It is not necessary because the legislation allows specifically for that terminology to be used.

Mr BROWN: There is an interesting argument about terminology used in legislation. Chief Justices of the Supreme Court do not say that they now make a binding recommendation. Everyone would ask, "What does that mean; is that a recommendation or is it binding?" If courts made a determination, people would understand it; it would be a judgment. It would be independent and would mean that something had to be done. That is a determination. Everyone knows what it is; it is not a binding recommendation. What planet are we on with this contortion of the English language? A recommendation in the ordinary English language means I recommend to the Premier that he does X to which he might say,"Thank you very much for your recommendation, but I do not agree and I will not do it." A tribunal should say that it determines something, and unless someone overrides it, that is its decision.

Mr Court: According to your argument we would have to change all our planning and environmental legislation.

Mr BROWN: The Premier can put it in those terms if he likes. I am saying that if this tribunal is to be independent and is to be seen to be independent like other tribunals or courts, it should make determinations. They might be low level determinations such as those made by a local court or some other low level tribunal, but they should be determinations. They might be able to be overridden by superior courts or ministers, but they should be determinations; they do not make binding recommendations.

Mr Court: A mining warden makes a recommendation and an independent magistrate makes a recommendation. What is the difference?

Mr BROWN: The Commercial Tribunal and various other tribunals do not make recommendations; they make determinations. One could ask: What is in a word?

Mr Court: You want a process, which through your amendments we will deal with later, because you cannot accept a minister's being able to overrule at the end of the process regarding part 3. You cannot accept that is what works in environment, planning and the like, but by the time it reaches that stage many processes must be undertaken. This native title legislation has not been working practically because of the changes members opposite make. They want to make changes that will make it impossible for it to work.

Mr BROWN: The Premier is making certain assumptions.

Mr Court: I am going by experience.

Mr BROWN: The fact that a tribunal or commission has made a determination does not make that determination sacrosanct. Bodies make determinations that are overturned every day of the week. However, at least they very clearly make determinations. Others may not agree. Ministers may care to override them. However, at that stage they are overriding a determination, not a simple recommendation. That is a very important distinction. Recommendations are much less in the ordinary character than determinations. Recommendations are simply put up by bureaucrats of the day that ministers may or may not accept. There is no odium involved in rejecting a recommendation. Overturning a determination has a different connotation altogether.

Mr RIPPER: In response to the objection and arguments of the Opposition the Government has relied on the provisions of section 43A of the commonwealth Native Title Act which under subsection (5) reads -

> In paragraph (4)(g)
>
> *determination* includes recommendation.

Did the Premier argue to the Commonwealth for the phrase "*determination* includes recommendation"?

Mr COURT: It was a universal argument by all States because many other bodies are involved in title processes that make recommendations.

Mr Ripper: So did you lobby?

Mr COURT: I am saying all States, including those with Labor Governments. I move -

That further consideration of the clause be postponed.

Mr CARPENTER: We do not oppose this motion. However, we have been urged consistently by various parties, including the mining lobby, to pass this original piece of legislation unamended. We have been roundly criticised by the Government for wanting to delay the passage of the Bill then, on the first day that this 100-page Bill arrives in the Parliament, the Government produces 30 pages of amendments. That is a substantial point that needs to be made, given the criticism that has been levelled at the Labor Party and the attempts that we have made to ensure that this is good legislation and legislation that will not result in further uncertainty. The only position that the Labor Party has ever taken is not that we oppose the legislation but that we seek to amend it to improve it. We have been hammered day in and day out by the Government and groups like the mining lobby for taking that very responsible position. Before we discuss the amendments point by point, that point should be made and put on the public record.

Mr COURT: I said yesterday that there are two lots of amendments - those put forward by the Labor Party which are now on the Notice Paper, and those put forward by the Government. I said yesterday that normally in a debate on a Bill we have a to and fro between the parties. However, there is a third component in this Bill, the Federal Parliament. Basically we have conformity with its original legislation. I made the point yesterday that our amendments clarify a number of minor technical areas. We do not believe they are necessary. However, for the sake of conformity with the federal legislation, we have gone along with it.

Yesterday, I made inquiries of the federal officials in Queensland. They put forward 164 similar changes to the legislation, mostly small drafting amendments. We have never gone through this process of having to ensure that our legislation conforms in this way. I outlined two issues yesterday. One was on the question of judicial review. As I said, we do not believe that the legislation needed to be changed. However, for the sake of trying to expedite the matter when it is dealt with in Canberra, we are prepared to change the wording as has been suggested. Similarly with changes to the independence of the body, the Labor Party has suggested amendments and we have suggested amendments. We believe our amendments will achieve conformity. However, we do not support the format of the Labor Party's amendments. We will come to that debate at a later stage in this Bill.

Mr Ripper: The Premier has been prepared to say that the Queensland Government was asked for 164 amendments.

Mr COURT: I think it was 164 amendments.

Mr Ripper: The Queensland Government was asked for 164 amendments by the federal authorities. Is the Premier prepared to indicate how many of these amendments that were given to us last night, which we have wrestled with this morning in preparation for the debate this afternoon, have been suggested by the commonwealth authorities? If he can provide a total of commonwealth suggestions to Queensland, what is the total of the commonwealth suggestions to Western Australia?

Mr COURT: All of the amendments the member has before him; the amendments that we have put forward.

Mr Ripper: What is the total?

Mr COURT: What is the number of these amendments here?

Mr Ripper: These amendments have all come from the Commonwealth.

Mr COURT: As I said, these are amendments. The Commonwealth put forward its view. This judicial review is a classic case. We say it is not necessary. The federal authorities say they want a specific section written into the Act; and we will come to that debate shortly. We have said that we do not want an argument about that. We have achieved the same result and it is not a policy issue.

Mr Ripper: Premier, could you tell us how many suggestions were made to Queensland and how many to Western Australia?

Mr COURT: I have just said, all of our amendments that we have brought in. Has the member added up the clauses? It is not 164.

Mr CARPENTER: I want to underline the point that I do not accept what the Premier says about these being minor amendments. We have had time to go through about one-fiftieth of them. Some of the ones we looked at are not minor; they are important amendments. That underscores the point that we are making. We have every right to improve the legislation and we agree that some of the amendments do improve the legislation. However, it appears to us that a situation is emerging in which the Commonwealth is insisting upon a raft of amendments to the Government's legislation to ensure that it meets

the tests required of it; that is, that it meets the tests of the federal legislation. The original legislation does not meet those tests. The Premier said we could have an argument about it. That is the point: We could have an argument with the Commonwealth about whether this Government's legislation meets the required standards for 100 years. However, in the end the Commonwealth Parliament has the right to say that it does not. This Government has had to substantially amend its legislation which has resulted in what we are doing now with 30-odd pages of amendments.

Mr Court: I am saying that it does not change the operations.

Mr CARPENTER: These are substantial amendments and we believe some are very important, not just minor drafting amendments to legislation. They need to be examined closely and their impact needs to be understood before we pass them, or otherwise, in the Parliament.

Mr Court: Let us get on with it.

Mr CARPENTER: Let us get on with it?

Mr Court: Yes, let us get on with debating it.

Mr CARPENTER: It is the Government's legislation. We have been waiting for the legislation to arrive before the Parliament. In the meantime, we have been criticised by the Premier, his Government and the mining lobby for wanting to hold up the process and being urged to pass the original legislation unamended.

Mr Court: You can't have it both ways. You have said we were dragging our feet. Let us get on with it.

Mr CARPENTER: What would have happened if we had sat back and allowed the passage of the unamended legislation? The Commonwealth Parliament would have sent it back and said, "This is not up to it. This is not good enough. Do it again." That is exactly what it has done to this Government.

Mr Court: No, they did not say that. We can have that debate. We are not saying it all conforms. I am saying that in order not to have an argument, we will not be pedantic about it. If that is the wording you want for different areas, you can have it. Queensland put up 164 suggestions and suggested supporting them.

Mr CARPENTER: I accept what the Premier says. However, his Government says it all conforms. The commonwealth officials have told the Premier that it does not conform and he did not want to have an argument with them.

Mr Court: No, they have not said it does not conform. They said that they prefer this terminology.

Mr CARPENTER: Therefore, the Premier has produced 30 pages of amendments to a 100-page Bill. The Premier should ask anybody whether that is a substantial development in the passage of the legislation. Of course it is. I am not criticising the Government for having produced amendments because it had to in order for the legislation to meet the federal tests. The point we make is that we wanted to improve the legislation to ensure its acceptance in the Federal Parliament and to install some guarantees and rights for some of the parties and stakeholders involved.

It is quite outrageous for the Government and the mining lobby to criticise us for that. That has been demonstrated by the fact that the Premier had to come up with 30 pages of amendments to the legislation on the first day that it came into Parliament.

Dr GALLOP: We must remember that ultimately a federal minister must make a decision on this matter and that decision will be subject to judicial review. The federal minister must be very careful that the process which he has followed on this issue is absolutely spot on and that the final result to which he will agree is also spot on according to the commonwealth legislation. Therefore, the position taken by the Opposition from the beginning is that there is no alternative but to look very carefully at every clause, line them up against the commonwealth legislation, work out what are the interpretations and ensure that they will survive that test. The fact that the Commonwealth, to this very day, is still communicating with the State Government about ways and means by which it wants this legislation changed, leads us to conclude that we must be super careful. If it is going on today, and it was going on only last Friday, as sure as anything it will be going on next week. It is very important that we get it right on this occasion.

The Opposition's position has been confirmed on this matter. The responsible course that we have chosen to take is the correct course and those who criticised us were simply wrong. That has been confirmed by what the Government has done thus far. We must remember that, because the Government is making changes, we must be more than careful in reaching the conclusion that those changes will be enough. We were told last night that the Government has had seven drafts and on the seventh draft it was not up to scratch. Why would it be up to scratch on the eighth draft? Every time the Government of Western Australia touches native title it looks for a short cut. Therefore, we have the responsibility to ensure that the final result -

Mr Court: We have rushed it through in six years. It has been six years and we have not had workable legislation. It is an absolute disgrace!

Dr Gallop: The Premier should ponder this simple fact: The Native Title (State Provisions) Bill which was presented to Parliament a couple of weeks ago was the seventh draft. Within one week of its being introduced into Parliament, we have had pages of amendments. That leads me to conclude that we now have the eighth draft. The Government will need a ninth draft and that is the draft that will be written by the Opposition because we have done our homework.

Mr MARLBOROUGH: What we are seeing with this voluminous document of amendments is the real battle that has been taking place with a State Government that is out of step with the rest of Australia on native title. It has been particularly out of step with its federal counterparts. As late as last week, senior bureaucrats from this State were meeting for hours upon hours with bureaucrats in Canberra trying to determine whether this state legislation could reflect, in any shape or form, where the federal legislation was heading. That is the reality of it. That is why these amendments are before us now. It has been recorded in *Hansard* - and the media should take note - that in the last 10 minutes the Premier referred to the amendments as totally those of the Commonwealth. When asked by the Deputy Leader of the Opposition whether he could tell us how many amendments were drafted by the Queensland Government to reflect the commonwealth legislation, he said that all of these recommendations reflect the commonwealth legislation. We now know that they reflect the commonwealth legislation because the Premier said so. We also know that meetings took place with the Commonwealth until the end of last week. The Premier was then asked whether he could tell us how many amendments are before us. The reason that the Premier could not tell us the number is because the ink on the document is as wet for him as it is for us. That is the reality. This is not a matter of a Labor Party, unlike the Premier, trying to convince the people of Western Australia and the gullible mining companies that the Opposition has withheld important legislation or has impeded it in any way. We know the truth of these amendments which have been brought to the table by the Government: It is out of step with its federal counterparts. These conservative thinkers, at both a federal and state level, set out to build a ship called "Land Rights". The only trouble was that they had two different designs in mind. At a state level, they wanted to make something that looked like a ship, hopefully did not take on water and maybe, with some effort, moved. However, they did not. They built a ship which had holes throughout it and which did not move anywhere. The High Court decision proved that - 7:0.

Dr Gallop: That ship was call the *Titanic*.

Mr MARLBOROUGH: It will sink very rapidly. The Federal Government was going through the same contortions. However, in the end it was forced, by the federal opposition, to build a ship that did not leak. Until months ago, the Premier was trying to get that ship that did not leak to at least move in one direction. He now wants - having moved in a direction by the other States' agreement to a view of the model which he has put together - the rest of the flotilla to come along with him. He is the boat that is left behind. He is tied to the mooring, is leaking like a sieve and has had engineers working on the ship until last Friday trying to fix it. He is still trying to put the rivets in the plates. That is what these amendments are about. All the rivets are missing. The Premier has the plates on because he knows that a ship needs plates to look like a ship, float like a ship and move like a ship, but bugger me dead, someone forgot the rivets. Let us go back to Canberra and see what we must do to put these rivets in place. That is what we are faced with.

The position of this legislation on this day in this Parliament has nothing to do with any inaction on behalf of the Opposition. It has to do with a State Government that is out of touch with its federal counterparts who have had to be dragged kicking and screaming to the point of reality. We need workable legislation by which Aboriginal people can know that their land rights will be protected and by which mining companies can invest and ensure that they create jobs for Western Australians. We are trying to make sure that we build a vessel in Western Australia that will head in both directions.

Mr COURT: The member for Peel has the analogy wrong: The ship sank and we are trying to pump some air into it to raise it above the surface so we can make it work again.

Mr Ripper: Said the builder of the *Titanic*.

Mr COURT: The Federal Labor Government built the ship that sank. We are trying to pump some air into it to raise it to the surface again and try to make it move.

The CHAIRMAN: I ask all members to direct their comments to clause 1.4. It has nothing to do with ships sinking and nothing to do with general debate. It deals with interpretation. We are in a committee stage and as such we must concentrate on the clauses.

Question put and passed; further consideration of the clause postponed.

Clause 2.1 put and passed.

Clause 2.2: Commission can be a recognised body under section 207A(1) of the NTA -

Mr RIPPER: Section 207A(1) of the NTA reads -

> The Commonwealth Minister may, in writing, determine that a court, office, tribunal or body . . . established by or under a law of a State or Territory is ***a recognised State/Territory body*** if the State Minister for the State, or Territory Minister for the Territory, nominates the body to the Commonwealth Minister for the purposes of this section.

What are the purposes of this clause which refers to section 207A? I understand that the commission will be for almost all of its purposes and functions an equivalent body under section 207B(1) of the commonwealth Act. I am not clear why the Government feels it might need to be determined to be a recognised body under section 207A(1).

Mr COURT: As I mentioned yesterday when commenting in this area, we are taking advantage of only one part of the commonwealth Act. We are interested in section 207A(2)(aa), which reads -

> any procedures under the law of the State or Territory for determinations whether acts affecting native title may be done will be consistent with those set out in the Act;

We are including the provision as some practical advantages may arise in having the commission recognised to operate in those areas.

Mr RIPPER: Please outline the practical advantages for the State of being recognised under section 207A for the purposes of subsection (2)(aa)?

Mr COURT: I am advised that it relates to having National Native Title Tribunal members as members of the state commission. In some cases, the tribunal members must be present on the commission. If the state commission member can have the same authority as tribunal members through this provision, that requirement will not apply.

Mr RIPPER: Does this mean that the Government need not appoint a member of the National Native Title Tribunal as a member of the state commission; that is, if the Premier can get commonwealth approval for recognition under this provision?

Mr COURT: No. I am advised that under part 4 of the Bill, every time a determination is made, a member of the tribunal must be present.

Mr Ripper: Is it a matter of on some occasions the commission being able to act if it is a recognised body under this provision?

Mr COURT: Yes, but not under part 4.

Clause put and passed.

Clause 2.3: Nominations by State Minister for purposes of section 207B(1) of the NTA -

Mr RIPPER: This provision provides for a nomination by the state minister for the purposes of section 207B of the NTA - that is, the provision which allows the State to nominate bodies as equivalent bodies. What is the purpose of this provision in the Bill? What functions will the Native Title Commission have, and in particular, will the State have its own registry for receiving native title claims?

Mr COURT: I am advised that the clause provides a statutory basis for the state minister to request a determination from the federal body.

Mr RIPPER: I understand that. Why will the state minister be seeking that determination? What function will the Native Title Commission have under the determination it seeks? Will the state Native Title Commission have its own registry for receiving claims? I have heard comments to the effect that this may be a difficult operation for the State if a state court is not accepted as a recognised body for the purposes of the NTA. There is no intention, I understand, on the part of the State Government to seek to have a state court as a recognised body under the NTA. That is a surprise given the Premier's normal preference for handling these matters; namely, to have as much responsibility and authority at the state level as can be achieved. However, despite the opportunity to have the Supreme Court of Western Australia involved in native title matters, the Government will not have the Supreme Court involved. It will leave a number of matters up to the Federal Court. I understand that the close involvement of the court is required in the acceptance of native title claims. In fact, they must be lodged with the Federal Court. I would like the Premier's elucidations of the Native Title Commission's functions which will require nomination by the state minister for acceptance as an equivalent body under section 207B of the NTA and clause 2.3 of this Bill.

Mr COURT: The battle for the State to handle these issues was lost some time ago. The State has no option but to accept that it must work under federal legislation. The functions are all the administrative functions currently undertaken by the National Native Title Tribunal and the registrar of the tribunal. More than 100 individual functions are involved, but the major ones cover the registration test, mediation of claims and registration of indigenous land use agreements.

Mr Ripper: Will the State have its own registry for receiving claims?

Mr COURT: There will be a state register but the Bill also contains provisions for that to be incorporated into a federal register.

Mr RIPPER: Clause 2.3.(2) states that a nomination may be made from time to time and may be in such terms as the state minister thinks expedient. That is a fairly broad power. What terms are envisaged by the State Government for the

nomination, and have discussions taken place between the Federal and State Governments about the terms and conditions of such a nomination? What is the substance of those discussions?

Mr COURT: There have been extensive discussions in relation to this matter but it is hoped that the Government need make only one nomination. That may not be the case when handling some of the different parts.

Mr RIPPER: I am not clear in my mind about the registry for receiving claims. There will be a state register, which will be coordinated with the federal register. However, will there be a state registrar and registry for receiving claims? How will the work of the commission be integrated with the work of the Federal Court with regard to these matters?

Mr Court: There will be a state registrar and a state register.

Mr RIPPER: And a registry?

Mr COURT: Yes, and a registry. Under this legislation, the commission will interact directly with the Federal Court. That is important. It is one of the problems when dealing with federal legislation and when federal legislation is being used for a number of functions, including determination of claims.

Mr RIPPER: Why has the Government decided not to go down the path of seeking recognition for the Supreme Court as an authorised body? Why are these matters to be left to the Federal Court? I understand that the State could seek to have the Supreme Court determined as a recognised body for the purposes of the NTA, in which case the Western Australian Supreme Court would handle matters such as compensation that now must be handled by the Federal Court. Given the normal predilection of the State Government to keep as much in its own control and authority as it can and to give as little away to Canberra as is necessary, why on this occasion has the Government not seized the opportunity for a Western Australian court to deal with these matters?

Mr COURT: First, there is the question of duplication. South Australia established a separate body, but not one person in that State has used that option. The Western Australian Government made a decision that as the Federal Court will develop the expertise and body of law in relation to native title and, because of the interaction between the State and Federal Governments on this matter, there is no reason to do it differently. The Government could take the path suggested by the Deputy Leader of the Opposition. However, in the one State that has established a separate body, not one person has taken that option. The claimants have a choice about which court they use.

Dr GALLOP: This whole question of equivalence under sections 207A and 207B of the Native Title Act is very important. At the moment we are dealing with equivalence under section 207B. One of the issues I raise with the Premier is the attitude the Western Australian Government will take towards its proposed Native Title Commission, which is one of the bodies that will be set up as an equivalent to the National Native Title Tribunal. A whole range of issues must be looked at. The first is the way the Government proposes to structure the Native Title Commission. Later, we shall debate amendments to improve the status of that body. Secondly, issues will arise relating to the resources given to that body and whether they will be adequate for it to fulfil its functions properly. The third issue relates to the specific powers the commission is given to carry out its functions and whether they are adequate for this task. The fourth issue is the context within which the Native Ttitle Commission will operate; that is, its power in relation to other bodies, such as the Government, and the ministerial override. Many issues will come into play in this matter.

I seek some clarification from the Government about the attitude it will take towards the proposed Native Title Commission. Equivalence must be established. From time to time the Government of Western Australia seems to have the attitude that the National Native Title Tribunal somehow or other does not represent the best interests of this State with regard to the way native title is handled. The implication by the Government seems to be that there is a problem with the NNTT. It may be the usual state-based prejudice against a federal body and it may not amount to much. However, it could indicate that the Government has a problem with establishing a proper tribunal that is separate from the Executive and will do its job separately. If that independence requires it to do something that is perhaps inconvenient to the Government of the day, it will go ahead and do it. If the Parliament of Western Australia is to set up a Native Title Commission, as an equivalent to the National Native Title Tribunal, it should have this status and authority.

One of the issues that is raised by section 207B of the Native Title Act is that the commission must have adequate resources to enable it to perform those functions or exercise those powers. Can the Premier assure us that the body he will set up in Western Australia will be properly resourced, so that it will be able to function as a truly independent body with authority within the system in Western Australia? If that does not occur we will not be able to meet the requirements of the national Native Title Act. In setting up alternatives under sections 207A and 207B will the Premier guarantee that he will provide these bodies with resources and they will perform their functions along the lines of the National Native Title Tribunal so that everyone involved in the area is assured that the commission will not be an agent of the Executive? I say that because from time to time the Government has given the impression that the National Native Title Tribunal is a foreign body that does not act in the interests of all stakeholders.

Mr COURT: The Government understands the importance of a body being properly resourced and independent, and we

must satisfy the federal Attorney General in that regard. One of the biggest frustrations of this Government in the past six years has been its inability to deliver positive results in some areas of Aboriginal deliberations, because we have not had a workable legislative framework. Even though the legislation is complex and it is not our preferred path we are totally committed to making it work.

Dr Gallop: What is your attitude to the National Native Title Tribunal?

Mr COURT: If the national tribunal had workable legislation it would not be in the position that it is in today. The first thing that is said by the tribunal at its meetings is, "Don't shoot us; we are operating under the law as provided by the Parliament." The tribunal has no other option; unfortunately, that law is unworkable. The Government has stated publicly that it wants to make this system work, so it is in our interests to ensure that we have the best possible people and it is properly resourced, so that we can start getting the runs on the board.

Western Australia had a reputation for having one of the most efficient land and resource title approvals processes in the world. Since 1994 we have had a blow-out, because we no longer have the ability for quick turnaround times through the unworkability of the legislation. Our goal is to try to incorporate the native title approvals process with the other expertise we have developed over the years in our land and resource titles and, for the future good of this State, we will make a system work. The Government will ensure that it has the people and the resources to achieve that goal.

Dr Gallop: Is it the Premier's desire to set up a system in which the results come out quickly or in which the results reflect a community standard of fairness?

Mr COURT: Under these changes, someone can still engage in a lengthy process and go through the legal avenues available. However, we hope that these changes will make it more attractive for people to want to go straight to some form of negotiated or mediated settlement. Many Aboriginal communities which have not seen benefits flowing through are keen to commit to a process in which they can negotiate an outcome knowing that when they complete the negotiation they will not be gazumped by another group with another claim.

Dr Gallop: That is a different issue.

Mr COURT: Even with the changed registration test there will still be difficulties. Our preferred position is to develop a culture that encourages more negotiation or mediation rather than getting bogged down in the legalities. The Leader of the Opposition knows, having gone through the federal legislation and this legislation, how complex the processes still are. That is why the second reading speech made it clear that this will not be a panacea to make native title processes work. The Government will do everything it can to get some practical results.

Mr RIPPER: Part 2 is titled "Vesting of NTA functions in agencies of the State". Presently these functions are resourced by the Commonwealth and the State will take them over as a result of this legislation. What are the cost implications for the State to take over these functions and the implications for the need for staff?

Mr COURT: The Commonwealth will reimburse the State 50 per cent of the cost. I expect that will be an interesting negotiation.

Mr Ripper: What will be the overall cost?

Mr COURT: We will negotiate on all costs associated with the operations.

Mr Ripper: What do you expect the operation in Western Australia will cost the State?

Mr COURT: It is hard to put a figure on it. It will not be established overnight, so the cost will build up. In the initial years the running costs will be around $10m a year with staff of around 40 people .

Mr Ripper: It will be an additional cost to the State of around $5m, if the Commonwealth accepts $10m as the cost?

Mr COURT: If we get the processes moving quickly it could be a good investment to build up the operations, so we can have more expedited hearings on the claims.

Mr Ripper: Do you envisage spending more?

Mr COURT: If it works, it will be a good investment.

Clause put and passed.

Clause 2.4 put and passed.

Clause 2.5: Transitional provisions -

Mr RIPPER: This clause relates to regulations that may be made in connection with the making or revocation of determinations by the commonwealth minister. What type of regulations will be made under this clause?

Mr COURT: When the state commission takes over the administrative functions some claims will have been only partially dealt with, and these transitional arrangements will allow partially dealt with claims to be transferred across to the State.

Mr Ripper: What arrangements will apply?

Mr COURT: A similar procedure is part of the Native Title Act and we will have to negotiate to tie up those loose ends.

Mr Ripper: It is my understanding that it will use the retrospective application of the new registration test for the claims with which it is currently dealing. Will we then take up the new claims?

Mr COURT: It has an obligation to do that. However, when we take over responsibility, it may not have completed those processes and they will come across to the state commission.

Mr Ripper: The state commission may well apply the new registration retrospectively.

Mr COURT: Yes, if it has not been done by the federal tribunal.

Mr RIPPER: When does the Premier think the state commission will take over the functions of the National Native Title Tribunal? Is there a target date?

Mr COURT: That is a good question. It depends entirely on when we get legislation through this Parliament and when the approvals come from the Federal Government. That in itself is a long lead time after we have passed legislation. In an ideal world, if this legislation is passed by the Parliament prior to Christmas and we get the approval of the Federal Parliament - which would take about six months - the commission will be up and running in about 12 months.

Mr Ripper: That is optimistic.

Mr COURT: That is the best case scenario. I will be optimistic: I hope it is operating this time next year.

Clause put and passed.

Clause 3.1: Definitions -

Mr RIPPER: I move -

Page 9, line 12 - To insert after "extinguished;" the following -

or

(c) that is current vacant Crown land; or

(d) in relation to which section 12J of the *Titles Validation Amendment Act 1998* applies;

"current vacant Crown land" means Crown land that -

(a) is vacant as at; and

(b) in relation to which any tenure of non-exclusive possession had ceased to have any effect on or before,

the 23 December 1996;

This clause defines the areas that will be covered by the part 3 consultation procedures rather than by the part 4 right-to-negotiate procedures under this legislation. Clause 3.1 states in part -

"**alternative provision area**" has the meaning given by section 43A(2) of the NTA . . .

Section 43A(2) of the NTA includes -

An ***alternative provision area*** is:

(a) an area:

(i) that is or was (whether before or after this Act commenced), covered by the freehold estate in fee simple or by a lease (other than a mining lease); and

(ii) over which all native title rights and interests have not been extinguished . . .

I am concerned by the words "or by a lease". Many areas of this State would appear to be vacant crown land. In some areas the only current, non-transitory interests are those of the Crown and potential native title holders. There might be transitory mining interests but, from the point of view of non-transitory interests, we have the Crown and potential native title holders. The land looks like vacant crown land and most people would assume it is. Most people would also assume that that would

be the type of land on which a proposed future act would activate the right-to-negotiate procedures of either the federal Native Title Act or the state legislation.

However, the way in which this legislation and the commonwealth Native Title Act are constructed will allow that in all cases in which the crown land is as I have described. I say that because of this proviso, which states that if the land were covered by a lease in the past, it is part of the alternative provision area subject to consultation procedures rather than right-to-negotiate procedures. Some land in Western Australia will look like vacant crown land, but there will have been some historic tenure over it. Perhaps between 1911 and 1912 someone had a lease on that land for a particular purpose. That lease might never have been acted upon; it might have been issued, but the lessee might never have used the land for the purpose for which he received the lease. Nevertheless, these historic tenures, which might have operated for only a short period and which might be long defunct, will act to throw land out of the part 4 right-to-negotiate procedures and into the part 3 consultation procedures, which are not as beneficial to indigenous people.

There is a related issue. When people feel they have been unfairly deprived of their rights, they are inclined to use other means at their disposal to advance those rights. There is the potential of what lawyers refer to as "arid litigation", revolving around land to be included in the part 3 consultation procedures and land included in the part 4 right-to-negotiate procedures. People will go back into the dusty records of the Lands Department of 1910 to find out the position with regard to these historic tenures.

Mr COURT: I will make some general comments in relation to this clause. It will follow through to some other amendments that the Opposition has tabled. There were two main difficulties with the Federal legislation -

Mr Ripper: You have had hundreds of difficulties with the commonwealth legislation.

Mr COURT: I am talking about the practical operations. There were problems with the threshold test for the registrations and because a right to negotiate was available on pastoral leases. It was very easy to put in a claim and to start using right-to-negotiate procedures. Some people tried to buy their way through the system and were embarrassed because they paid money to different claimants to get approvals and as soon as that was done other people became claimants. We all know about the examples of multiple claims over one piece of land in the goldfields area.

We do not need to repeat history. I have had this discussion face to face with a Labor Prime Minister. He made it clear, and said that he made it very clear to the Aboriginal groups, that leasehold land extinguished native title.

Mr Ripper: That is not what the High Court said.

Mr COURT: No. We were locked out of the original debate because we were seen to be asking too many difficult questions about how it would work. Infamous deals were done in the last days of the debate with representatives of the pastoral industry, and assurances were given in relation to the leasehold land. Remember that in that legislation, native title had been extinguished on properties, including pastoral leases -

Mr Ripper: Post-1975.

Mr COURT: No, pastoral leases that were seen to have a question on their legality. They were made legal.

Mr Ripper: Post-1975 pastoral leases.

Mr COURT: No, leases about which there was some question of legality. They were made legal and native title was extinguished. Even the Deputy Leader of the Opposition would agree that the Labor Government made it clear that there would not be this problem on pastoral leases.

Dr Gallop: That is not true. I can take the Premier to the second reading debate in the House of Representatives when the then Prime Minister said that there was a court action which may change the interpretation of that.

Mr COURT: It is on the public record on many occasions. As I said, during the meetings I had with the Labor Prime Minister at the time, he made it clear that that was the situation. However, this is one of the areas in which we have had the major debate. The amended federal legislation allows a state regime to replace that right to negotiate with a consultation process. There are key elements to that consultation process. The native title parties must be notified. There is a right to object; there is a right to be consulted about the ways of minimising the impact on native title rights. When consultation fails, there is a right to be heard by the commissioner. The commissioner makes a binding recommendation, unless the minister overrules. The minister can overrule only in the interests of the State, and before doing so, he must consult and consider any advice given by the Aboriginal Affairs minister. If he overrules, he must table that fact in Parliament, along with the reasons for doing so. What we have been trying to achieve in the past couple of years is to get some workability back into the legislation to resolve the practical problems that have arisen with the right-to-negotiate provisions on the pastoral leases. Those amendments have gone through the Parliament.

Mr RIPPER: I have some more points to argue on this matter. However, as a matter of courtesy, I will allow the Premier to conclude his remarks.

Mr COURT: I appreciate that cooperation. The point I was making is that this has been central to the debate that has been taking place. All we are saying is that there has been the right to negotiate on pastoral leases. We all know the problems that have been associated with it. Let us now work with these new processes and see if we can get some positive benefits flowing through, remembering that what is being provided for the Aboriginal claimants in this case is much more than is provided for the pastoralists themselves. One talks about equality and rights. Under these revised processes, Aboriginal claimants have greater entitlements than do the pastoralists. Under this amendment, every time the Government takes back land for any purpose, the right to negotiate applies. That is the effect.

Mr Ripper: If it is vacant crown land.

Mr COURT: When the Government takes it back, it becomes vacant crown land. Therefore, we have a situation that before the Government did anything to it, before we progressed on something, the right-to-negotiate provisions would cut in, and we would be in a situation where, although a lease had been granted over the lands, it would revert to being vacant crown land with the right-to-negotiate provisions on it. We cannot accept that, because we are going back to the problem that has existed. We are trying to get around that problem and get that level of workability into the legislation.

Mr RIPPER: The Premier argues against our amendment on the basis of workability. What our amendment does is shift some land from part 3, the consultation procedures, to part 4, the right-to-negotiate procedures. I hope the Premier is not arguing that the Government's part 4 right-to-negotiate procedures are unworkable, because that seems to be the only conclusion one can draw from the remarks he has just made. Surely the Premier will defend the Government's part 4 right-to-negotiate procedures as being workable. This Opposition amendment does not change the right-to-negotiate procedures in part 4, or change the right-to- negotiate procedures in part 3; what it does is shift some land from the part 3 consultation procedures over to land that is subject to part 4 right-to-negotiate procedures.

The Premier made reference to the former Prime Minister's views on the survival of native title on pastoral leasehold land. The Premier needs to accept the separation of powers. What are important in this matter, when we are dealing with the recognition of pre-existing rights, are not the views of a Prime Minister; what is important is the determination of the High Court of Australia as to what people's rights are. The Prime Minister cannot direct the High Court to make a determination. As part of the arrangement between indigenous people and others, the Federal Parliament extinguished native title on pastoral leases issued after 1975. However, the matter of the survival of native title on pastoral leases issued prior to 1975 was deliberately left for the courts to resolve. Many people assumed that the courts would make a decision that native title had not survived on those pastoral leasehold lands. However, in the Wik decision, the court confounded the views of those people by ruling four to three that native title did survive on those pastoral leasehold lands.

It is not appropriate for the Premier to imply that the Labor Prime Minister somehow misled people, broke a promise or dishonoured an undertaking. The Prime Minister had a view. However, although the legislation extinguished native title on post-1975 pastoral leases, it did not extinguish native title on pre-1975 pastoral leases. That matter was left to the court, and the court ruled that native title had survived on those pastoral leasehold lands.

The 10-point plan of the Prime Minister was in part based on the proposition that the rights of native title holders and claimants on pastoral leasehold land should be on a basis of parity with the rights of the pastoralists. That was part of the 10-point plan. When that matter came before the Commonwealth Parliament, my understanding is that there was a compromise between Brian Harradine and John Howard. The compromise was that native title holders on pastoral leasehold lands would have access to an independent tribunal, with capacity for a state minister to override the determination/recommendation of that tribunal. However, I want to make this point clear: The Opposition amendment is not about lands where there is a current pastoralist and a current native title holder whose rights perhaps ought to be given some parity; the Opposition amendment is about land where there is no current private interest other than potential native title.

Dr GALLOP: The issue is very important for the Opposition. The current meaning of "alternative provision area" in clause 3(1) includes land over which there existed some historical, non-exclusive possession tenures. In practical terms such land is vacant crown land. However, native title holders only have a right to be consulted about such land. Under the Bill vacant crown land is dealt with in part 4. Native title holders retain a right to negotiate in relation to such land. The amendment's effect is to remove current vacant crown land as defined in the amendment from part 3 coverage. Objection to the doing of acts over such land would now fall under part 4 where the right to negotiate applies. Proposed paragraph (b) also ensures that exclusive possession tenures which contain a reservation or condition for the benefit of Aboriginal people are subject to part 4 procedures rather than part 3, thus ensuring the right to negotiate over such land. What we are trying to do here is to make sure that the line between the consultation process and the right-to-negotiate process is drawn in a relevant way according to the situation that exists on the ground. We are saying -

> **"current vacant crown land"** means Crown land that -
>
> (a) is vacant as at; and

(b) in relation to which any tenure of non-exclusive possession had ceased to have any effect on or before,

the 23 December 1996;

There is an important reason for this. When Aboriginal people have made representations to us on the issue, one of the points that they have made is that the way the Government has drawn the distinction is to reduce the amount of land that is available for the right to negotiate. Many situations have been referred to that seem to us to be quite reasonable; that is, in the nineteenth and early twentieth centuries, leases may have been created by the Parliament and it may have been that no land was leased out under the terms of those leases. It may be that there is no evidence of some leases having resulted in any lease holding in any part of the State, or some leases may have been issued for some period of time, used for some period of time and then become redundant for one reason or another. There are lots of these leases around the State on land which we would normally conceive as vacant crown land.

The issue is not whether native title is or is not extinguished on those areas because that is not what we are debating. The issue we are debating is that if someone wants to do something on that land, will they do it under the consultation process or under the right-to-negotiate process. There is a philosophical and a practical reason that our amendment is a good one. The philosophical reason is that if there were a historical tenure that was no longer current - there was no current interest, person or corporation one could point to as using that lease - that should not become the basis on which a person loses the right to negotiate. There is also a practical reason. Mr Deputy Chairman, as you are a lawyer, I think you would see this reason. Because we are setting up state legislation, we are setting up a state process of consultation and negotiation. When a mining company comes along and says that it wants to mine in a particular area, it may be that some of that area is vacant crown land and some of it may have one of these historical tenures on it. The mining company must go through two legal processes in one area. With this amendment, we are reducing the chances of that duplication. That is a very important reason that we should give it serious consideration. For those philosophical and practical reasons, we believe the amendment should be passed.

Mr COURT: I want the Chamber to understand what this amendment means. I will give members the practical example of the Ord River scheme. I do not refer to the new extensions but to the existing scheme under which land was compulsorily acquired but has not been developed because it needs other infrastructure. Under the Opposition's proposed amendment it would be classed as vacant crown land, and a development of that land would have to go through the right-to-negotiate processes. Basically the Opposition is saying that the native title is revived on that land because it has been brought back from compulsorily acquired leasehold land. I shall quote to members the High Court case of Fejo v Northern Territory. The case was concerned with freehold but it also applied to other forms of tenure. On the subject of the revival of native title it reads -

> Native title to the land was not, and could not be, revived when the land came to be held again (as it was) by the Crown . . .
>
> The rights created by the exercise of sovereign power being inconsistent with native title, the rights and interests that together make up that native title were necessarily at an end. There can be no question, then, of those rights springing forth again when the land came to be held again by the Crown. Their recognition has been overtaken by the exercise of "the power to create and extinguish private rights and interest in land within the Sovereign's territory".

Where there has already been a tenure of those properties, the Opposition is saying that it wants the land to go back to being vacant crown land, which it is, as it has been compulsorily acquired and has changed from leasehold back to vacant crown land, and the Opposition now wants to start the right-to-negotiate processes on that land.

Dr GALLOP: The Premier is confused. We are talking about whether the consultation processes or the right-to-negotiate processes will apply to native title interests. We are not arguing whether native title interests exist. The Premier seemed to imply that when one of those tenures was issued, native title was abolished. I am afraid that it is not abolished at all. Interests may very well still be there. If someone wants to do something on that land, will those interests have available to them the full right-to-negotiate processes or will they have available to them the consultation processes? That is the issue we are debating here.

Mr Court: You are putting the right to negotiate into part 4.

Dr GALLOP: That is right. There is an important practical reason that this is a good suggestion to make. The State of Western Australia has decided to have its own native title processes separate from the commonwealth processes. That means we will have a dual system. Under the federal law which is still operating today there is only one system. I would have thought some practical issues would arise out of having another system. We accept that, because we think that it is important that the State of Western Australia has its own regime. We accept that there will be a dual system. However, let us try to minimise the extent to which the dual system causes complications.

I will go back to my example. If a mining company comes along and wants to buy in an area where there is vacant crown land, it may find some historical tenures of the sort we are talking about. That mining company must confront the native title interests in that area. The native title interests say they want to negotiate over the processes. The legal requirements under part 3 will be different from the legal requirements under part 4. That will be happening all over the State because we are setting up a state regime. Let us try to reduce that degree of complication. This is one way to do it. We are not talking about whether native title is extinguished; it is not extinguished. We are only talking about whether the right to negotiate is available to people. The Opposition's view is that, philosophically, if it looks, smells or is treated like vacant crown land, let us call it vacant crown land and allow Aboriginal interests that may still be there to have the right to negotiate. However, if they do not have that, we will not take away their interests or rights because they still have, under the Premier's legislation, consultation. We are trying to clear up an anomaly and at the same time do something for the Aboriginal interests, which I believe is very defensible and most people would understand it to be an acceptable and reasonable thing to do.

Mr COURT: The Leader of the Opposition is proposing something that has the exact opposite effect to what he said he was trying to achieve. Every time someone wants to do some development on a piece of land that has already been brought back into the State - there are literally thousands of pieces of land in that situation - or the Government wants to sell it or whatever, we must go back through this right-to-negotiate process. The exact opposite effect of what the Leader of the Opposition said he is trying to achieve will be achieved.

Dr GALLOP: The Premier does not seem to understand. The interest of the indigenous people is not evaporated, does not vanish, and is not abolished; it is still there. We are only talking about that process under which that interest will be able to be dealt with if someone wants to do something on that land. They will either have the right to negotiate or the right of consultation. Let us ensure that the right to negotiate applies when most people would understand it should apply. However, if the Government does not accept this amendment, the rights of consultation will still be available to Aboriginal people in those areas.

Mr RIPPER: This amendment is about justice and workability. The basic scheme of the legislation is this: On vacant crown land, one has the right-to-negotiate procedures; on leasehold land, one has the consultation procedures. The problem with the Government's scheme is that on former leasehold land, when the lease has expired and when there is no longer any current private interest, apart from the potential private interest of native title, the Government wants to apply the leasehold procedures, the consultation procedures, rather than the right-to-negotiate procedures. I regard it as simply unfair and unjust to indigenous people to exclude them from the right-to-negotiate procedures simply because of some long-expired, temporary, non-exclusive use of the land that once occurred. It is not right when land looks like vacant crown land to have indigenous people excluded from the right to negotiate because someone studies the dusty records of the Department of Land Administration or the Department of Minerals and Energy or goes into the Battye Library and finds a licence that applied over the land for six months between 1903 and 1905. That does not seem to be a fair way to approach the rights of indigenous people.

Mr Court: Did you mention licences?

Mr RIPPER: I did.

Mr Court: It must be a lease.

Mr RIPPER: It must be a lease, so I stand corrected.

I do not think it is fair to do that to indigenous people. In order to keep land in the inferior consultation processes, rather than the right to negotiate processes, people with an interest in the use of the land will embark on searches to find these historic uses. They will be poring through all of the records they can to find a reason that what looks like vacant crown land is not vacant crown land for the purposes of this legislation, therefore necessitating that it be dealt with under the right-to-consult rather than the right-to-negotiate procedures. There will be some difficulties in determining the facts of these long defunct, long ago, temporary, non-exclusive uses of the land, which is when we come to the second issue I raise; the question of workability.

Obviously there will be some considerable interest on both the part of indigenous parties and others whether the land had some historic non-exclusive tenure on it. If the indigenous interests can prove that there has not been any such historic tenure, the land falls into the right-to-negotiate procedures. If, on the other hand, the third parties who wish to use the land can prove there was in some dusty tomb evidence of a non-exclusive historic tenure, the right-to-consult procedures will apply. What will happen? People will go to court on these matters, opening up a range of litigation. I have heard a lawyer refer to it as "arid litigation". Instead of people arguing over substantive issues, they will be arguing over which set of processes will apply to the land.

Although the Premier thinks he has workable legislation, he is introducing an area of unnecessary conflict and unnecessary litigation, because what looks like vacant crown land will not be vacant crown land for the purposes of this legislation. The

whole workability argument of the Premier is a furphy. It stands up only if the Premier concedes that his own right-to-negotiate procedures will not be workable. After all, there is plenty of other land that will be subjected to the right-to-negotiate procedures. It is only when we talk about adding this vacant crown land into the scheme that he starts to talk about workability. If they are workable with regard to the other lands they are applied to, surely they are workable with regard to lands that we think in terms of justice and workability should be added to the right-to-negotiate procedures under this legislation.

Mr COURT: The member wants to shift these lands into the part 4 processes. It is much more onerous and takes longer to go through that process. Let us strip away the rhetoric. The member is saying, with this amendment, that native title expands back to the equivalent of full beneficial ownership on those lands. We are trying to get back to some workability; the part 3 consultation processes remain.

Dr Gallop: You do not understand it.

Mr COURT: I understand the practical difficulties because we are talking about thousands and thousands of pieces of land.

Dr Gallop: You do not understand.

Mr COURT: The Leader of the Opposition is saying that instead of going through the part 3 consultation processes, he wants them to go through a full right-to- negotiate process. He is saying that there is revival of native title rights on those lands where there has been a certain tenure.

Dr Gallop: They have never been taken away.

Mr COURT: No, but they are changing because they now become the equivalent of full beneficial ownership. That is what the Leader of the Opposition is saying.

Dr Gallop: You do not understand native title. You have just hit the nail on the head. When you sit down, I will tell you why.

Mr COURT: Tell me now.

Dr Gallop: Because native title rights in a particular area of land will vary according to the circumstances, and it means in that area; not whether the land happens to be vacant crown land or pastoral lease.

Mr COURT: It makes a big difference because -

Dr Gallop: It makes a big difference in your head.

Mr COURT: No, it does not, because the partial extinguishment of native title has already taken place when it was leasehold land. The Leader of the Opposition is saying that when it comes back to being vacant crown land, they then have a full right to negotiate as if it were full beneficial ownership rights. That is what members opposite are doing with this amendment, and they know it. They know that it will do the exact opposite of what they say it will do.

Mr CARPENTER: The Premier said earlier when we were discussing part 2 that the State has had an excellent reputation with regard to land tenure management and speedy turnaround, but that has changed since 1994. One of the reasons that Western Australia has enjoyed that reputation is that a substantial stakeholder group - the indigenous people - has been ignored, and its rights and interests have been brushed aside. From the middle of 1992, the landscape changed, and after the passage of the 1993 legislation, the landscape changed considerably, because these historic rights could no longer be brushed aside but had to be taken into consideration. One unfortunate element of the way the debate has unfolded in Western Australia is that it has taken a long time for that reality to sink in.

What the Premier is doing here is perpetuating that problem. We are dealing here with whether land that appears to be vacant crown land, but that has had some historic lease or tenure over it, is not really vacant crown land and, therefore, the rights that will normally append to a native title group in that area have been diminished. We are seeking to have the legislation reflect the reality; that is, that vacant crown land be defined as current vacant crown land where native title rights have not been extinguished. The case the Premier used from the High Court was a freehold case where native title rights had been extinguished.

There has been a debate in the Parliament in the past couple of days about what component of the State's land mass falls into these categories. There may have been some misunderstanding about the figure that we used. What proportion of the State's land mass would fall into the definition of vacant crown land that the Premier seeks, and what proportion of the State's land mass would fall into the definition of vacant crown land that we seek? I know that the Premier has done some work on it, because he has had people searching titles to try to find out.

Mr COURT: As I said the other day, the definition of vacant crown land under part 4 would apply to 31.5 per cent of the State.

Dr GALLOP: I return to the point I was trying to make earlier about native title interests. Native title interests, if they exist, have always existed, and the question is how they are affected by what we have done since we established, first of all, the colony, and, since then, the Commonwealth of Australia. If the Government and the Parliament had done absolutely nothing with regard to land, the sovereignty of the State would be intact, but the land would remain with the Aboriginal people. That could mean all sorts of things. In the Murray islands, it meant that the Aboriginal people kept their possession of that land to the exclusion of all others, and they farmed and did what they did on it. In some other areas, it meant that the Aboriginal people used the land in certain traditional ways. What native title will mean will vary, but the interest must be established by that land not having been taken away by any act of the Government or the Parliament.

From time to time, Governments and Parliaments have issued pastoral leases or other forms of lease. We know now that those leases extinguished native title only if the activities that were required by the lease impinged upon the native title interests. The Government's Titles Validation Amendment Bill establishes the very point that we are making. Proposed section 12M at page 11 deals with the confirmation of partial extinguishment of native title by previous non-exclusive possession acts of the State - the very thing that we are talking about - and states in subsection (1) -

> (b) to the extent that the act involves the grant of rights and interests that are inconsistent with native title rights and interests in relation to the land or waters covered by the lease concerned -
>
> (i) if, apart from this Act, the act extinguishes the native title rights and interests, the native title rights and interests are extinguished; and
>
> (ii) in any other case, the native title rights and interests are suspended while the lease concerned, or the lease as renewed, re-made, re-granted or extended, is in force;
>
> and
>
> (c) any extinguishment under this subsection is taken to have happened when the act was done.

If the issuing of the lease does not impact upon the native title interests, it is still in full force. What that full force will mean will vary according to what is the interest of those people; for example, their customs, their relationship to the land, and the way they have used the land.

The Premier has got it completely wrong. Part of the problem is that the Government of Western Australia has a certain prejudice about land rights. It cannot imagine that any form of native title can be an exclusive possession. Therefore, it has now said that exclusive possession can exist only with regard to vacant crown land. If any of the leases that have been issued do not impact on the native title, that native title still exists, and any person who wants to use that land must come to terms with the fact that the Aboriginal people on that land must be treated according to the tests and laws laid down by both the Commonwealth Parliament and the High Court. We are talking here about native title. If a tenure has been issued but is no longer in use, and a current interest is no longer involved, we see no reason that the full right to negotiate should not apply with regard to that interest; and if it does not apply, the native title holders will still have the right to be consulted about how that land is used; and we will move amendments about how that right to consult should work.

Mr RIPPER: The Premier has said that what the Opposition is about is the surprise revival of native title rights and interests. I remind the Premier that the land that we are talking about is covered by his definition of "alternative provision area", which is defined for the purposes of his Bill in section 43A(2) of the Native Title Act, which states that -

> An **alternative provision area** is -
>
> (a) an area:
>
> (i) that is, or was . . . covered by a freehold estate in fee simple or by a lease . . . ; and
>
> (ii) over which all native title rights and interests have not been extinguished; or

The land that we are talking about for the purposes of the Premier's legislation is land over which all native title rights and interests have not been extinguished. We are not talking about a surprise revival of native title rights and interests. The definition of "current vacant Crown land" that the Opposition wants to insert into this part of the legislation is as follows -

> **"current vacant Crown land"** means Crown land that -
>
> (a) is vacant as at; and
>
> (b) in relation to which any tenure of non-exclusive possession had ceased to have any effect on or before,
>
> the 23 December 1996;

Mr Court: Do you accept that that includes the undeveloped portion of the old part of the Ord scheme?

Mr RIPPER: I am not in a position to identify particular parcels of land.

Mr Court: There are thousands of them around the State, many of them very small.

Mr RIPPER: The Premier may be able to identify those pieces of land, or give us an estimate of the amount of land involved. I read out the definition of "current vacant Crown land" that we want to put into the legislation for two good reasons: Firstly, the definition means land over which there was previously a non-exclusive possession. We are not talking about land over which there has been exclusive possession. Secondly, we are talking about land over which there is no longer any private interest. There is no other title holder who will be put to serious disadvantage because right to negotiate procedures, instead of consultation procedures, will be applied to this land. The only people with a continuing interest in the land are the Crown and potential native title holders. With much of this land, there may be no potential native title holders. The amendment is fair and just. Otherwise, in the Premier's words, thousands of pieces of land will be excluded from the right to negotiate procedures because a long time ago there was some non-exclusive, historic and perhaps fairly temporary use of the land. The Premier said that there are thousands of pieces of land like this as if that is an argument against our amendment because he sees that as a problem. There will be a right to negotiate over thousands of pieces of land instead of the consultation procedures. He should turn the argument around and look at it from the point of view of indigenous interests. If he does, thousands of pieces of land will be artificially, unfairly, unjustly and by a piece of legal trickery, excluded from the right to negotiate procedures. That is not fair and the Premier will find that indigenous interests will seek to use the legal mechanisms available to them to assert their rights. That means that they will litigate over whether these historic tenures have applied to the land because they will try to move the land into the right to negotiate procedures. We will have another round of legal argument which could have been avoided.

Mr COURT: The Leader of the Opposition and the Deputy Leader of the Opposition have made our case for us in what they have outlined. They accept that the grant of the lease has partially extinguished native title.

Mr Ripper: If the Premier looks at his titles validation legislation, that is an open question.

Mr COURT: Is the member saying that a pastoral lease can have all of the native title on it?

Mr Ripper: Clause 12M(1)(b) in the Titles Validation Amendment Bill states -

> (ii) in any other case, the native title rights and interests are suspended while the lease concerned, or the lease as renewed, re-made, re-granted or extended, is in force;

Mr COURT: The Deputy Leader of the Opposition does not accept that a grant of the pastoral lease has partially extinguished some native title.

Mr Ripper: I quoted from the Premier's Titles Validation Amendment Bill.

Mr COURT: There is no longer full beneficial ownership if it has been a lease.

Mr Carpenter: It depends on what are the native title rights.

Mr COURT: There is no full beneficial ownership if someone else has had a pastoral lease on that land. In other words, those native title rights, and they can vary, have been suppressed. There are still possibly native title rights on those leases; no-one is denying that. The Deputy Leader of the Opposition wants to go into a situation in which a person has had a pastoral lease, and that land has been compulsorily acquired by the Government and is now vacant crown land. He is saying that the full beneficial ownership - the full native title rights on that land - can be revived. The High Court stated that they cannot. In cases where there has been a partial extinguishment, native title rights cannot be revived. The Deputy Leader of the Opposition wants that land to have the equivalent of full beneficial ownership. No-one is denying that existing native title rights remain. As the Deputy Leader of the Opposition knows through this legislation, we must go through the part 3 procedures. The Government is not disputing that a person must go through proper approval processes for those native title rights that remain. The Deputy Leader of the Opposition is doing something that the High Court says he cannot. He cannot revive native title rights if they have already been suppressed.

Mr Carpenter: Suppressed or extinguished?

Mr COURT: The terminology of the High Court states that the native title rights that went when the land became a pastoral lease cannot be recreated. Instead of going through the part 3 procedures, the Opposition wants us to go through the full right to negotiate procedures. These are the issues of the legislation which we have been trying make workable.

Mr Ripper: Do you not regard your procedures in part 4 as workable?

Mr COURT: I have said to the Deputy Leader of the Opposition that the legislation, as we are putting it through, will be incredibly complex. It will still make it hard to work, but if the Government accepts this it will make it even more difficult.

Mr RIPPER: The Premier confuses the workability of the procedures with the type of land that will be considered under each set of procedures. I asked the Premier whether he considered the part 4 right to negotiate procedures in his Bill to be workable procedures.

Mr COURT: I have said on many occasions that they will be very hard to make workable, but we are giving it our best shot.

Mr CARPENTER: I am interested in what the Premier has said about the High Court's decision. Can he point me to the section of the High Court decision which refers to the suppressed rights not being able to be revived rather than extinguished rights not being able to be revived? Which extinguished native title rights in Western Australia is the Premier talking about when he continually makes the point that native title has never been proved in any case in Western Australia? If we have not yet been able to determine or prove native title rights in Western Australia, how can he tell us that any native title rights have been extinguished in these circumstances because, by the very nature of that issue, we do not know what might be the nature of the native title rights in any particular case. This is a position which has been put to us by various legal counsel representing Aboriginal groups. Historically, pastoral leases have been issued in Western Australia which have never been taken up at any stage. Are we talking about circumstances in which a lease may have been issued and never taken up? However, under these definitions, that lease has extinguished native title or has had an impact on native title, such as that the land could no longer be considered to be vacant crown land.

Mr COURT: I used the term "suppressed" but the High Court stated that the native title rights have been extinguished to a certain extent.

Mr Carpenter: That is a completely different concept.

Mr COURT: It is not a different concept; that is exactly what is stated in the decision. The way that judgment is written in the Fejo decision applies to any grant by the Crown. When the lease was granted, some native title rights were extinguished, but some remained if there were native title rights on the land. The member for Willagee wants to assume that the land has always been vacant crown land and assume that the Aboriginal people have had full beneficial ownership, whereas the High Court decision has stated that native title cannot be revived if the native title has been extinguished.

Mr CARPENTER: Perhaps there is a genuine misunderstanding between at least the Premier and me. He refers to situations in which native title rights have been extinguished and therefore cannot be revived.

Mr Court: In part, on a pastoral lease.

Mr CARPENTER: The Premier says that native title rights have been partially extinguished. Our amendment relates to leases which have not extinguished native title rights. As a counter to that, the Premier comes up with scenarios in which native title rights have been extinguished. The two are not the same. We are talking about circumstances in which native title rights have not been extinguished.

Mr Court: But they have been extinguished to the extent of whatever the previous tenure was. If it was a crown grant for a pastoral lease, it has extinguished some of the native title rights.

Mr CARPENTER: Has there been any positive determination of native title in Western Australia?

Mr Court: What do you mean "positive"?

Mr CARPENTER: Has there been a determination stating, "There is native title on that land"?

Mr Court: No.

Mr CARPENTER: Let us take a step forward: Therefore, how can we talk about native title rights that may have been extinguished in the grant of non-exclusive -

Mr Court: You are saying that some pastoral leases were granted that never extinguished native title rights.

Mr CARPENTER: Yes. I do not see how that could be argued, because there has been no determination to the contrary.

Mr Court: That is our fundamental difference.

Mr CARPENTER: I suspect that that is right; there is a fundamental difference. The Premier might not have heard the question that I put -

Mr Court: In effect, you are saying that there are pastoral leases that have the equivalent of full beneficial ownership, even though someone else has the crown leases on them.

Mr CARPENTER: I do not necessarily equate all native title rights with full beneficial ownership. There is a variation in native title rights.

Mr Court: That is right. When a lease is granted there might be native title rights that are retained. We are saying that those native title -

Mr Ripper: That is a High Court ruling.

Mr Court: That is right. Those native title rights that are retained may have to be taken into account when a development takes place, and there is a process under the part 3 arrangements for that to occur. That is the main fundamental change.

Mr CARPENTER: There is obviously a clear difference in our views and perhaps it will not be reconciled, but I would have thought that there is more logical consistency in what we are saying. The Premier says that native title rights have been extinguished, even though he says repeatedly as a criticism that there has been no determination of native title in Western Australia. It is not correct to equate suppression of native title with extinguishment of native title. They are different concepts. It is not necessarily correct to equate native title rights with full beneficial ownership. There is no disagreement about that; it is simply not correct. Until we are able to determine what the native title rights are, we cannot make a determination that they have been extinguished by the granting of a non-exclusive lease. That is the Premier's position and it is logically incorrect.

Mr RIPPER: The member for Willagee is right; there might have been many circumstances in which there has been no extinguishing effect on native title rights. What about a case in which the lease was issued but not taken up, so nothing has happened on the land which is inconsistent with native title rights? Another point that the Premier makes is that somehow we must have full unimpaired native title rights before we have a right to negotiate. That is not a correct description of the situation. In itself, the right to negotiate is a compromise from the full common law position to which indigenous people might otherwise have aspired. There is no rule that Aboriginal people must have full beneficial native title rights equivalent to freehold before they can enjoy the right to negotiate. The Premier is having us on. He is taking a small number of cases and is ignoring the bulk of our argument that it looks like vacant crown land, there is no other private interest in it, and the only thing stopping indigenous people having their right to negotiate over the land is a long-defunct historical tenure which at the time may or may not have affected the enjoyment of their native title rights and interests.

Will the Premier indicate what area of land we are talking about? He has said that vacant crown land comprises 31 per cent of the State. I would be interested to know what proportion of that 31 per cent is vacant crown land that has been subjected to a historical tenure, or is the whole 31 per cent land which has never been subjected to a historical leasehold tenure?

Mr COURT: We cannot give a precise figure on what the area would be without completing very extensive historical research. As I have said, many of those pieces of land are relatively small because they have been acquired for one reason or another. In the Wik case there was a lease that had never been taken up and the High Court treated that as a grant by the Crown when it made those determinations. There is much land that at one time or another has been subject to a pastoral lease and for one reason or another has come back into the State's hands. In general terms, with part 4 the Government wants the legislation to apply where native title could amount to full beneficial ownership, and to use part 3 when partial native title remains on those lands.

Mr RIPPER: My understanding of the original division in the commonwealth legislation between the right to negotiate and alternative provision areas was that there was a third party with a non-exclusive tenure - that is, a pastoralist - whose rights had to be taken into account, and there was a reluctance to give native title claimants or holders greater rights than those which were enjoyed by pastoralists, hence the consultation procedures in the legislation. The point is that there is no pastoralist involved in the land that we are talking about and there is no private tenure holder at all, only the interests of the Crown and potential native title holders.

Mr Court: That is because the land has been acquired back by the State.

Mr RIPPER: The land might have been acquired back - perhaps pastoralists did not pay the rent or the lease expired. There would be all sorts of reasons why tenure has expired. The Premier has not made it clear whether that 31 per cent of the State's land that is crown land includes land that is covered by those historical tenures. I put that explicitly on the record. The Opposition needs accurate information to determine its attitude to this and other issues as we proceed. If it is a large area of land, it is obviously important to argue about it; if it is a very small area of land, it is not important to argue about it.

Mr Court: It does not cover any land that had a previous lease tenure.

Mr Carpenter: That is all in part 4. It has never had a tenure - 31 per cent.

Mr Court: Yes. It was made up, as I said yesterday, of vacant crown land and some Aboriginal reserves -

Mr RIPPER: The Premier is giving a solemn assurance that 31 per cent of the State's land will be subject to the part 4 right-to-negotiate procedures.

Mr Court: Yes.

Mr RIPPER: I put on the record that the Premier has given an assurance that 31.5 per cent of the State's land will be included in the right to negotiate procedures. I wonder whether the Premier can give any indication of how much land is now vacant crown land that has had a historic tenure and, therefore, is in a part 3 consultation process.

Mr Court: Unfortunately, I cannot give that figure.

Amendment put and a division taken with the following result -

Ayes (16)

Mr Brown	Mr Graham	Mr Marlborough	Mr Ripper
Mr Carpenter	Mr Grill	Mr McGinty	Mr Thomas
Dr Edwards	Mr Kobelke	Mr McGowan	Ms Warnock
Dr Gallop	Ms MacTiernan	Mr Riebeling	Mr Cunningham *(Teller)*

Noes (25)

Mr Baker	Mr Day	Mr MacLean	Mr Pendal
Mr Barnett	Mrs Edwardes	Mr Masters	Mr Sweetman
Mr Bloffwitch	Mrs Hodson-Thomas	Mr McNee	Mr Tubby
Mr Board	Mrs Holmes	Mr Minson	Dr Turnbull
Mr Bradshaw	Mr Johnson	Mr Nicholls	Mr Wiese
Dr Constable	Mr Kierath	Mr Omodei	Mr Osborne *(Teller)*
Mr Court			

Pairs

Ms Anwyl	Mr Cowan
Ms McHale	Mr Prince
Mrs Roberts	Dr Hames

Amendment thus negatived.

Progress reported.

ROAD TRAFFIC AMENDMENT BILL

Removal from Time Management

MR BARNETT (Cottesloe - Leader of the House) [5.24 pm]: I move -

That the Road Traffic Amendment Bill be no longer subject to an allocation of time.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [5.25 pm]: Naturally the Opposition welcomes the removal of this legislation from the dreaded guillotine instituted weekly by the Leader of the House. I point out to all concerned that there is a reason - not necessarily a principled one - for the Government's removing this Bill from the guillotine. The Government is faced with a wild rebellion on this issue. Lest it be faced with the spectacle of a couple of its members crossing the floor, it has decided that safety-first requires that the Bill not be put to a vote this week. I imagine a couple of coalition backbenchers will be taken into a padded room between now and next Tuesday and given some gentle moral counselling. Only when that counselling process has been concluded will we be allowed to vote on the Bill which the minister has just removed from the guillotine. I have some sympathy for those coalition backbenchers. I am not sure whether I should support this motion because of the dreadful fate which awaits them; however, on a matter of principle, I will support the Leader of the House at any time he removes a Bill from the guillotine, no matter what might be his ulterior motives.

Question put and passed.

PERSONAL EXPLANATION

Health Funding

MR DAY (Darling Range - Minister for Health) [5.27 pm]: In question time today in answer to a question from the member for Fremantle, I indicated that a total of $91m was provided as supplementary funding for the Health budget in the 1997-98 financial year. This represented $80m for Health and $11m for the Health Promotion Foundation. The Opposition has made much of the fact that this answer appears to differ from my advice in September that an additional $29m was provided by Treasury in the past financial year. My use of the term "supplementary funding" today was technically correct, but referred to a much broader range of matters than the Opposition's previous questions about overexpenditure in hospitals and health services. Of the $91m, it is correct that only $29m was provided by Treasury in 1997-98 to the Health budget to maintain health services. The remainder of the funding related to normal supplementation for matters which were not included in the initial budget, but for which it was known at that time that changes would take place and funding would be provided during the year. The major items in this category include $19m for commonwealth special purpose payments, such as for home and community care; $12m relating to an adjustment following the introduction of RiskCover insurance in place of the

previous self-insurance arrangement; and $14m relating to an adjustment to fulfil the contractual commitment to enable the Joondalup development to commence operations. An amount of $11m for the Health Promotion Foundation was previously paid by the State Revenue Department. The accounting treatment of this has changed and the funding is now included as part of the Health allocation; therefore, it is correct, as I have advised previously, that $29m is the amount of additional funds provided to maintain health services. None of the other amounts relates to such operational shortfalls. I have not misled the House and trust that this explanation clarifies the situation for members.

House adjourned at 5.30 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

ABORIGINAL MATERNAL AND CHILD HEALTH PROGRAMS

116. Ms WARNOCK to the Minister for Health:

In relation to the Government's two year plan for women (1996-98) -

(a) has the Government further developed Aboriginal maternal and child health programs such as that conducted in Kalgoorlie schools and in the Fitzroy Valley;

(b) if so, how and where; and

(c) if not, why not?

Mr DAY replied:

(a) Yes.

(b) The Office of Aboriginal Health has developed three different programs, which are designed to address Aboriginal child and maternal health in a holistic manner. The programs are:

Family Futures Program: The sites are Albany, Perth (Midland area), Pt Hedland and Fitzroy Crossing. Child and maternal health is a central focus of this program.

Western Australian Co-ordinated Care Trials (WACCT): The sites for the WACCT trials are Perth and Bunbury. The WACCT utilises specially developed care plans to address the health care needs of specific groups of people. The culturally specific Aboriginal care plans optimise health services through the use of planned and opportunistic interventions. There are a number of plans that focus on child and maternal health care needs.

Healthy Homes, Healthy Families Program: The Healthy Homes, Healthy Families program is an initiative designed to assist Aboriginal households to address issues such as nutrition, environmental health in the home, and family safety. Child and maternal health is a central focus of this program.

(c) Not applicable.

TOURISM

Organisations Funded

505. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Will the Minister provide a list of all organisations (including Commonwealth Government, State Government, local government and the private sector) the Western Australian Tourism Commission (WATC) has agreements with to provide funds in the 1998-99 financial year?

(2) How much will be provided to each organisation?

(3) Under each funding agreement, what is the purpose of the funds being provided?

(4) Does the WATC have any commitment to provide further funds under the funding agreement in -

(a) the 1999-2000 financial year; and/or
(b) the 2000-2001 financial year?

(5) What is the level of that commitment in each of these two financial years?

(6) Is this commitment included in the forward estimates?

Mr BRADSHAW replied:

Western Australian Tourism Commission -

As the question is very broad in nature, only the principal funding agreements for each division are outlined as follows:

International Sales and Marketing Division

(1) Partnership Australia.

(2) $190,000.

(3) The WATC has entered into an agreement with the Australian Tourist Commission where the paramount objective is to increase the efficiency and effectiveness of marketing Australian tourism in overseas countries in order to significantly improve the yield and numbers of tourists to Australia generally, and to Western Australia specifically, as determined by the parties through its agreed tactical marketing campaigns. Under that agreement the ATC provides a centralised Australian tourism information service in the UK, USA, New Zealand and Japan which will handle trade and consumer enquiries about Australian tourism. Each of the States contribute a fee that is calculated annually. The current agreement was for a two year period, commencing 1 July, 1997 to 30 June 1999. It is likely that a further two year agreement will be negotiated for which the level of service and funding is yet to be determined.

(5)-(6) A draft allocation of $200,000 has been allowed in the 1999/2000 budget but the budgets for 2000/2001 have not yet been determined.

National Sales and Marketing

		Base Funding	Market Share Allocation	Total
(1)-(2)	Kimberley Tourism Association	$90,000	$80,996	$170,996
	Pilbara Tourism Association **	$90,000	$26,175	$116,175
	Gascoyne Tourism Association	$90,000	$33,394	$123,394
	Midwest Tourism Promotions	$90,000	$42,950	$132,950
	Heartlands Tourism Association	$90,000	$35,679	$125,679
	Goldfields Tourism Association	$90,000	$34,173	$124,173
	South East Travel Association	$90,000	$21,505	$111,505
	Southern Regional Tourism Association	$90,000	$54,999	$144,999
	South West Regional Tourism Association	$90,000	$158,298	$248,298
	Peel Region Tourism Association	$90,000	$31,212	$121,212

Please note in accordance with the agreements, each region receives $90,000 plus an additional allocation based on the percentage market share of tourist visitor expenditure. The figures detailed above relate to the current financial year.

*** The Pilbara will also receive a transitional grant of $40,000 in 1998/99.*

(3) The Regional Tourism Associations (RTAs) are providing funding to undertake services on behalf of the WATC. Funding is provided for:

* Production of Regional Guide
* Participation in *Our WA* television program
* Attendance at certain Trade and Consumer Travel Shows
* Support for visitor servicing in regional areas
* Support and organisation of familiarisations
* Activities in relation to the Tourism Council Australia's National Tourism Accreditation program.

(4) The current agreements will expire at the end of the 1999/2000 financial year.

(5) In the 1999/2000 financial year a draft budget of $1.419 million has been set.

(6) Yes.

Tourism Industry Development

1998/99 Tourism Development Fund –

(1)-(3)	Shire of Derby West Kimberley	$ 48,000	Prison Tree Facility
	Argyle Diamond Mines Ltd	$ 43,500	Daiwaul Gidja Art and Cultural Centre
	Carnarvon Heritage Group Inc	$129,900	Carnarvon Heritage Precinct
	Shire of Carnarvon	$ 15,000	Development of Satellite Earth Station as a tourist facility
	Murchison Shire Councils Ward	$ 32,415	Integrated Tourism Signage
	Shire of Greenough	$ 3,717	Batavia Coast Tourist Trail and Signage Project
	Shire of Laverton	$ 20,000	Old Gaol and Police Station Revelopment
	Shire of Dundas	$ 31,365	Norseman Exhibition Park
	City of Mandurah (2 projects)	$ 80,000	Mandurah Town Beach Project
		$ 30,000	Heritage Artwork Project
	Shire of Murray	$ 6,650	Historic Engine Display
	Wagin Historical Society	$ 2,500	Building Audio Project
	Shire of Plantagenet	$130,000	Centenary Park
	Town of Albany	$ 10,000	Plantagenet Battery Restoration
	Shire of Kojonup	$ 40,000	Kojonup Pioneer Museum

Shire of Jerramungup	$ 22,200	Information bays
Town of Cambridge	$ 55,500	Lake Monger Environmental Boardwalk and educational signage facility
City of Stirling	$ 38,500	Henderson Resource Centre, Star Swamp
Shire of Harvey	$ 23,975	Internee Shrine – Italian provincial water fountain and landscaping
Shire of Busselton	$ 8,000	Meelup Walk Trails
City of Bunbury	$ 90,000	Marlston Hill Lookout
Shire of Nannup	$ 5,500	Brook Road Walk Trail
City of Bunbury	$ 91,000	Koombana Maritime Walk Trail
Cape Naturaliste Tourism Association	$100,000	Busselton Jetty Underwater Observatory
Augusta-Margaret River Tourism Association	$100,000	Winery Information and Interpretive Showroom and regional booking office
Shire of Busselton	$ 20,000	Heritage Park Entry Statement and Walk Trail

An amount of $30,000 has been allocated to the winner of this year's Top Tourism Town.

(4)-(5) 1999 – 2000 $2M has been allocated from the overall funding scheme
2000 – 2001 $2M has been allocated from the overall funding scheme

(6) Yes.

EventsCorp

(1) Hyundai Hopman Cup
WA Cricket Association
Heineken Golf Classic

There are also a number of commercial contracts under the event management of API Rally Australia. As it would take some time to list these commercial contracts, it would be appreciated if the Member would indicate if he wished these sorts of commercial contracts also included.

(2)	Hopman Cup ($250,000 plus CPI)	$260,072
	WACA	$200,000
	Heineken Golf Classic	$500,000

(3) The purpose of the funds is to provide tourism benefits to Western Australia through either economic impact or media impact by integrating the picture postcards into the international television broadcasts of the events.

(4) Yes, although in the case of the Hyundai Hopman Cup, contract negotiations have not been finalised or a new contract approved by the Commission.

(5)

1999/2000	
Hopman Cup	contract not yet signed
WACA	$200,000
Heineken	$600,000
2000/2001	
WACA	$200,000
Heineken	$700,000

(6) Yes.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

536. Mr BROWN to the Minister representing the Minister for Mines:

(1) How much did each department and agency under the Minister's control spend on advertising in -

(a) the 1996-97 financial year; and
(b) the 1997-98 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr BARNETT replied:

The department has expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however the Member has a specific request regarding further costs associated with advertising I would be prepared to consider the Member's request.

DEPARTMENT OF MINERALS AND ENERGY

(1)	(a)	96/97	$555,809	
	(b)	97/98	$420,736	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$555,809
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$1,308
	(c)	97/98	Newspapers	$419,301

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

537. Mr BROWN to the Parliamentary Secretary representing the Minister for Sport and Recreation:

(1) How much did each department and agency under the Minister's control spend on advertising in -

(a) the 1996-97 financial year; and
(b) the 1997-98 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr MARSHALL replied:

The department has expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

8TH WORLD SWIMMING CHAMPIONSHIPS

(1)	(a)	96/97	$1,418	
	(b)	97/98	$21,882	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,418
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$21,882

ARENA JOONDALUP

(1)	(a)	96/97	$20,727	
	(b)	97/98	$30,096	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$20,522
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$29,685

CHALLENGE STADIUM

(1)	(a)	96/97	$152,638	
	(b)	97/98	$ 25,119	
(2)	(a)	96/97	Television	$93,360
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$29,668
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$25,119

MINISTRY OF SPORT & RECREATION

(1)	(a)	96/97	$33,249	
	(b)	97/98	$32,097	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$33,249
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$30,162

WA COACHING FEDERATION

(1)	(a)	96/97	$3,411	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$3,411
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

WA INSTITUTE OF SPORT

(1)	(a)	96/97	$11,504	
	(b)	97/98	$17,253	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$11,504

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$17,253

WA SPORTS CENTRE TRUST

(1)	(a)	96/97	$0	
	(b)	97/98	$2,284	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,284

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

538. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

(1) How much did each department and agency under the Minister's control spend on advertising in -

(a) the 1996-97 financial year; and
(b) the 1997-98 financial year?

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr BRADSHAW replied:

The department has expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

EVENTSCORP

(1)	(a)	96/97	$177,014	
	(b)	97/98	$339,093	
(2)	(a)	96/97	Television	$85,860
	(b)	96/97	Radio	$20,021
	(c)	96/97	Newspapers	$71,133
(3)	(a)	97/98	Television	$97,273
	(b)	97/98	Radio	$78,459
	(c)	97/98	Newspapers	$141,264

PERTH CONVENTION & INCENTIVE UNIT

(1)	(a)	96/97	$1,127	
	(b)	97/98	$1,940	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,127
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,940

ROTTNEST ISLAND AUTHORITY

(1)	(a)	96/97	$25,226	
	(b)	97/98	$33,301	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$25,226
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$33,301

WA TOURISM COMMISSION

(1)	(a)	96/97	$1,440,260	
	(b)	97/98	$3,149,539	
(2)	(a)	96/97	Television	$882,674
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$552,666
(3)	(a)	97/98	Television	$1,256,831
	(b)	97/98	Radio	$90,956
	(c)	97/98	Newspapers	$741,147

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

MINIM COVE

Extension of Containment Cell

642. Dr EDWARDS to the Minister for the Environment:

(1) Between the dates of 1 January 1996 and 30 January 1996 was advice given to the Department of Environmental Protection (DEP) by the -

(a) Chemistry Centre of Western Australia;
(b) Water and Rivers Commission; and
(c) Consulting Engineers Halpern, Glick and Maunsell,

regarding mercuro-cyanide and or ferro-cyanide complexes?

(2) What was the advice given by -

(a) the Chemistry Centre of Western Australia;
(b) the Water and Rivers Commission; and
(c) Consulting Engineers Halpern, Glick and Maunsell,

regarding mercuro-cyanide and or ferro-cyanide complexes?

(3) On what dates was that advice given?

(4) Was that advice given to any member of the Committee chaired by Mr Webster looking into the security of extension of the containment cell at Mosman Park?

(5) If so, to whom?

(6) If some members were not advised, why were they not advised?

Mrs EDWARDES replied:

(1) (a) Yes.

(b) Yes, relating to bore logs, water and soil analysis, previously received 22 December 1995.

(c) A search of Department of Environmental Protection files has not revealed written advice on this subject. However meetings were held with Halpern Glick Maunsell during this time period and verbal advice may have been given.

(2) (a) Chemistry Centre WA (CCWA) advice related to groundwater analysis from two bores beneath the Thomas Perrot Reserve, one beneath a pyritic slurry dump and the other beneath a landfill site, and one bore beneath the slurry dump on the Minim Cove site. Groundwater from the bore beneath slurry dump on the Thomas Perrot Reserve showed elevated levels of total cyanide, mercury, molybdenum, arsenic and sulphate. CCWA postulated that the presence of cyanide could be an indication of bacterial breakdown of complex cyanides into more soluble forms. Groundwater from the bore beneath the slurry dump at Minim Cove showed elevated levels of cadmium, cyanide, mercury, nickel and sulphate. CCWA postulated that the presence of mercury could be due to the formation of water soluble complexes with anions such as chloride and cyanide. As the ability of limestone to attenuate these complexes was thought to be limited, further testing was recommended.

(b) Water and Rivers Commission advice related to the same results as given above and stated:

> The appearance of mercury concentrations of up to 200 (g/L in groundwater . . . may be due to the ability of this metal to form strong complexes with anions such as chloride and cyanide. The formation of these complexes could limit the ability of limestone to remove this metal from leachate from pyritic material. Further work would be required to determine mercury speciation in groundwater, and to determine the ability of limestone to attenuate this metal.

(c) Refer to (1)(c). There are records of further testing work to be undertaken by Halpern Glick Maunsell as a result of meetings.

(3) CCWA advice was received on 24 January 1996.
Water and Rivers Commission advice was received on 2 January 1996.

(4)-(6) All members of the Committee chaired by Mr Webster were provided with a copy of the bore logs, soil and water analysis carried out on and adjacent to the Thomas Perrot Reserve (referred to in 2 above) on 28 December 1995. In addition all members of the Committee received a copy of a press release of 28 December 1995, which drew attention to the levels of mercury and cyanide in the groundwater and the possibility that these contaminants had leached through limestone. Also, the Notice of Intent for the proposal, supplied to all Commmittee members on 9 January 1996 mentioned the groundwater contamination and the fact that further tests were being carried out. At this time the nature of the mercury and cyanide complexes were not known and mercuro-cyanide or ferro-cyanide complexes were only speculation.

MINIM COVE

Extension of Containment Cell

643. Dr EDWARDS to the Minister for the Environment:

(1) What was the proposal presented by Consulting Engineers Halpern, Glick and Maunsell, to the Department of Environmental Protection (DEP) in the first week of January 1996, regarding new leach tests at Minim Cove or the Tom Perrott Reserve, and why was that proposal considered necessary?

(2) Was a summary or any detail of that proposal given to the Chairman or any members of the Webster Committee into the extension of the containment cell while it sat in January 1996?

(3) Were representatives of Halpern Glick and Maunsell present at some or all of the meetings of the 1996 Webster Committee enquiring into the extension of the containment cell?

(4) If so, who were those members and on what dates were they present?

(5) Did those representatives of Halpern, Glick and Maunsell present give any detail of the proposal to the entire Committee, or any preliminary results to any member of that Committee?

(6) Was the Minister advised of the proposed further testing?

Mrs EDWARDES replied:

(1) On 4 January 1996 Halpern Glick Maunsell proposed to take samples from the slurry dump and western plant area of Minim Cove and samples from the slurry dump on Thomas Perrot Reserve, which were to be tested for total and leachable (in water and dilute sulphuric acid) arsenic, mercury and cyanide and total sulphur and sulphate content. In addition column tests over limestone were to be conducted to identify the behaviour of mercury and cyanide complexes in contact with limestone. The proposal was considered necessary in the light of recommendations made

in the Water and Rivers Commission report of 2 January 1996 and meeting of 3 January 1996 and was to determine, in a worst case scenario, if leachate was generated from the wastes, the amount of leachable contaminant and the attenuation of contaminants by limestone and pyrite. The tests also assisted in decision for the placement of wastes.

(2) All members of the Webster Committee were provided with a copy of the Notice of Intent to Increase the Size of the Industrial Waste Containment Cell on 9 January 1996. This document made mention of the results for analysis of groundwater beneath the Thomas Perrot Reserve and the implications for the containment cell. It also advised that further testing was being undertaken.

(3) Minutes from meetings indicate that representatives of Halpern Glick Maunsell were present at all committee meetings.

(4) Either Paul Reed and/or Ian Barker of Halpern Glick Maunsell were present at meetings of the committee of 10, 15, 22 & 25 January 1996.

(5) Minutes of the meetings do not indicate that any information on the above proposal for further testing was presented. This information had, in any event, already been provided in the Notice of Intent.

(6) The work was being undertaken for the EPA to provide advice to the Minister through the assessment process.

MINIM COVE

Meeting of Departmental Representatives and Consultants

644. Dr EDWARDS to the Minister for the Environment:

(1) Was a meeting between representatives of the Department of Environmental Protection (DEP), LandCorp and Consulting Engineers Halpern, Glick and Maunsell held on 3 January 1996?

(2) If so, who attended that meeting?

(3) Was the then Minister for the Environment aware of the meeting and on what date was he made aware?

(4) Will the Minister table DEP notes of that meeting?

(5) At that meeting what concerns were expressed regarding mercuro-cyanide coupling, channelling and the adequacy of chemical barriers alone vs physical barriers?

(6) Was a comparison made between the Tom Perrot Reserve and Minim Cove?

(7) Was this information given to the Chairman or any member of the 1996 Webster Committee?

Mrs EDWARDES replied:

(1) Yes.

(2) Senior officers of the DEP and senior representatives from LandCorp and Halpern Glick Maunsell (names can be supplied if required).

(3) The work was being undertaken for the EPA to provide advice to the Minister through the assessment process.

(4) No formal notes from the meeting are available. Informal notes taken by DEP officers are tabled. [See paper No 439.]

(5) At the meeting possible reasons for the presence of cyanide and mercury in the groundwater were discussed, including the possibility of mercuro-cyanide complexes and the possibility that the contaminants had found their way into the groundwater through channels in limestone. The presence of these contaminants emphasised the necessity for capping of the cell to prevent the formation of leachate. It was noted that a chemical barrier, such as limestone, could not be relied upon alone but the cell must incorporate a physical barrier as planned for with the clay cap.

(6) Comparisons were drawn between the unconfined slurry dump on Thomas Perrot Reserve and the containment cell at Minim Cove. One difference between the two storages of contaminated material is that the Minim Cove (unlike Thomas Perrot Reserve) is to be capped with a clay seal which will control the entry of water, thus preventing the formation of leachate from material within the cell.

(7) See answer to Question 642, parts 4, 5 and 6.

MINIM COVE

Safety of Containment Cell

645. Dr EDWARDS to the Minister for the Environment:

(1) On what dates during January 1996 were column tests done on Tom Perrott reserve wastes and what were the results of that testing, including comparative volume flows through different columns and leachability of all chemicals tested through the various columns?

(2) On what date during January 1996 were the results of those tests given to the Chairman or any individual member of the Webster Committee investigating the safety of any containment cell?

(3) Was the then Minister for the Environment made aware that the Members of the Committee were not informed of the result?

Mrs EDWARDES replied:

(1) Column tests were not conducted on Thomas Perrot Reserve wastes. Column tests were conducted on Minim Cove waste. The samples were delivered to the laboratory on 5 January 1996 and the column test results were reported to Halpern Glick Maunsell on 11 January 1996, so tests were carried out between the 5-11 January 1996. The final report of all test work, including leach tests was not completed until 30 January 1996. Comparative volume flows were not measured. Column tests showed that limestone reduced the concentration of soluble mercury, arsenic and cyanide in a stock solution.

(2)-(3) Preliminary test results were not received by the DEP until 2 February 1996 and the proponent's report was not received until 7 February. The Webster Committee had completed its report on 30 January 1996 and therefore did not receive the results. However, the committee concluded:

> . . . the committee considers that the cap is an important element in the control and dispersion of moisture through the pit and the long term performance of the containment cell is dependent on the integrity of this cap. A properly constructed and maintained clay cap will reduce the ingress of moisture into the contaminated materials so that any chemical reactions and formation of leachate within the cell is unlikely to occur to the extent that it would have an unacceptable environmental impact.

I am advised that it is unlikely that the results of the tests would have had any significant effect on the committee's decisions as the results merely served to emphasise the need for the clay cap and that the generation of leachate should be avoided or kept to a minimum as the committee was already aware.

MINIM COVE

Clearance of Containment Cell

647. Dr EDWARDS to the Minister for the Environment:

(1) Was a Department of Environmental Protection (DEP) officer responsible for the review and clearance of the containment cell in 1993?

(2) What specific experience and qualification did that officer have in the design and efficacy of containment of toxic waste?

(3) What degrees does he/she hold?

(4) What advice did he/she take from other sources at that time?

(5) Will the Minister table this advice?

(6) What other identical containment cells exist in the world?

(7) What other examples in the world are there of limestone containment cells being used to contain cyanide or mercury complexes?

(8) What other containment cells containing class 5 waste have been constructed in densely populated residential areas in the world in the last 10 years?

(9) What other cells containing class 5 waste are lined with crushed limestone in the world?

(10) When ferro-cyanides are mixed with dilute sulphuric acid, what free gases form?

Mrs EDWARDES replied:

(1) The proposal for the original containment cell, described in the Consultative Environment Review of July 1993, was assessed by the Environmental Protection Authority (EPA) in 1993 with advice from relevant agencies and with regard to public submissions and found to be acceptable. A Ministerial condition relating to the design was cleared by the Minister on 8 August 1995.

(2)-(5) Not relevant.

(6)-(9) The cell was designed for the specific waste at Minim Cove, with regard to its site geology, hydrology and characteristics of the waste. The information requested in these questions is not readily available and would require an extensive amount of research which I am not willing to allocate resources to.

(10) Ferrocyanide complexes are stable complexes, but could react with sulphuric acid to produce hydrogen cyanide. However the production of sulphuric acid in the containment cell requires oxygen and water. The amount of oxygen in the cell is limited and the ingress of water will be controlled by the capping. In addition the composite waste volume in the containment cell has a net acid neutralisation capacity and this is expected to prevent widespread and generally acidic conditions developing (Halpern Glick Maunsell Report "Sulphur Testing of Wastes" 8 February 1996). The probability of dilute sulphuric acid being formed in any significant quantity and reacting with ferrocyanide complexes is low. The Chemistry Centre WA concluded "under the alkaline conditions proposed for the containment cell, cyanide gas would not be expected to volatilise to any great extent and any free cyanide formed would be quickly reacted to more stable complexes within the proposed containment cell" (Correspondence to Department of Environmental Protection, 7 September 1993).

MINIM COVE

Roads and Services over Safety Cap of Containment Cell

648. Dr EDWARDS to the Minister for the Environment:

(1) Did the Department of Environmental Protection (DEP) advise LandCorp that roads placed over the safety cap of the Minim Cove containment cell were unacceptable?

(2) Did the DEP advise LandCorp that services placed over the safety cap of the Minim Cove containment cell were unacceptable?

(3) Does LandCorp still have roads or services drawn over any part of the containment cell cap?

(4) What further specific advice has LandCorp received from the DEP regarding roads and services over the containment cell?

(5) Is the Minister aware that houses are to be built within metres of the containment cell?

(6) Will the Minister ensure potential purchasers are made aware of the risk of leakage from the containment cell?

(7) What amount of compensation will be paid to owners should the containment cell leak?

(8) Is the Minister aware of the failure of the Love Canal clay cap requiring housing and school relocation away from a containment cell?

Mrs EDWARDES replied:

(1) No.

(2) LandCorp has been recently advised that water bearing services are unlikely to be acceptable over the cell.

(3) Subdivision plans submitted by LandCorp to the WA Planning Commission currently propose roads over the cell.

(4) Conditions of approval set under the Environmental Protection Act for the containment cell require that a management plan be prepared to ensure land uses above the cell are compatible with the need to maintain the integrity of the clay cap. LandCorp have been advised to submit their management plan for the land over the cell to the Department of Environmental Protection (DEP). The DEP will consider the management plan and determine whether the roads proposed over the cell are acceptable and have no adverse impact on the cell capping design or integrity. The DEP will then provide further advice to the WA Planning Commission on the subdivision plan.

(5) Yes.

(6) Purchasers will be informed of the presence of the cell under the Public Open Space.

(7) Compensation is not a part of the Contingency Plan.

(8) In the case of Love Canal, there are various possible reasons and a combination of reasons why the waste leaked from the canal.

The waste was buried within the groundwater table.
The cover over the canal cracked and subsided. The cover was not maintained and as the barrels of waste rotted releasing their contents, the surface subsided.
In constructing the housing in the area, service corridors transversed the canal walls, so that they were no longer permeable.
In the 1960's a road was built at the southern end of the canal cutting off the drainage ways from the canal to the river.

There are many differences between Love Canal and the Minim Cove development. With regard to Minim Cove:

The waste is not liquid, but compacted solid.
The waste is not highly toxic and volatile organics, but relatively stable inorganic material.
The waste is not buried in the groundwater table.
The cap will be monitored and maintained.
Service corridors will not penetrate the walls of the cell.
Groundwater flow to the river will not be inhibited by development.

GOVERNMENT DEPARTMENTS AND AGENCIES

Compliance with Section 175ZE of the Electoral Act

671. Mr RIEBELING to the Minister representing the Minister for Transport:

(1) Which public agencies within the Minister's portfolios are required to comply with section 175ZE ("the section") of the Electoral Act 1907?

(2) Which of those agencies included the required statement in their annual report?

(3) Which of those agencies did not include the required statement in their annual report?

(4) In respect of those agencies which did not include the required statement, will the Minister require the agencies to amend their annual report to include the required statement?

(5) In the case of those agencies which did not include the required statement, why did they not include it?

(6) What is the amount of expenditure incurred by or on behalf of each such agency in relation to the matters set out in the section 175ZE -

(a) in the 1996-97 reporting period;
(b) in the 1997-98 reporting period; and
(c) in the current reporting period to date?

(7) What is the name and address of each advertising agency, market research organisation, polling organisation and direct mail organisation on which expenditure has been incurred since 1 July 1996 by or on behalf of each agency?

(8) When was that expenditure incurred?

(9) What was the value of the expenditure incurred in each case?

(10) What is the nature and content of the advertising, market research, polling or direct mail services provided by each agency and organisation on each occasion?

(11) What was the name of the officer incurring each item of expenditure?

(12) What was the name of the certifying officer in relation to each item of expenditure?

(13) What is the name of the principal officer in each agency responsible for ensuring that the statement required under section 175ZE is included in the agency's annual report?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Main Roads Western Australia

(1)-(3) The required statement appears on page 74 of Main Roads 1997/98 Annual Report.

(4) See below - response provided.

(5) Not applicable.

(6)-(12) See below - response provided.

(13) The Commissioner of Main Roads, Mr Ross Drabble.

Stateships

(1)-(3),(5),(13) As Stateships incurred no cost for advertising in 1997/98, no report of advertising expenditure was included in the Annual Report. If advertising expenditure had been made, the officer responsible for ensuring that the expenditure was detailed in the Annual Report would be the General Manager.

Westrail

(1)-(3),(5) Westrail is required to comply with section 175ZE of the Electoral Act 1907. However, as it did not incur any expenditure on electoral matters during the 1997/1998 financial year, it did not provide a statement in respect of such expenditure in its annual report for that year.

(4),(6)-(12) See below - response provided.

(13) Acting Commissioner of Railways.

MetroBus

(1) MetroBus.

(2)-(3) MetroBus did not include the statement in its Annual Report.

(4) See below - response provided.

(5) No expenditure met the criteria.

(6)-(12) See below - response provided.

(13) Russell Allen - Board Chairman.

Department of Transport

(1)-(2) Transport.

(3)-(5) Not applicable.

(4),(6)-(12) See below - response provided.

(13) Director General of Transport.

Eastern Goldfields Transport Board

(1) The Eastern Goldfields Transport Board is required to comply.

(2)-(3) Eastern Goldfields Transport Board did not include the statement in its Annual Report.

(4) See below - response provided.

(5) An Oversight of Section 175ZE of the Electoral Act.

(6)-(12) See below - response provided.

(13) The Secretary/Manager is the principal responsible officer.

Dampier Port Authority

(1) The Dampier Port Authority is required to comply.

(2)-(3) The Dampier Port Authority has not included the statement in its Annual Reports.

(5) Unaware of the impact of Section 175ZE of the Electoral Act.

(4),(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

Esperance Port Authority

(1) The Esperance Port Authority is required to comply with section 175ZE of the Electoral Act 1907.

(2) Esperance Port Authority has included a statement in its report.

(3),(5) Not applicable.

(4),(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

Bunbury Port Authority

(1) Bunbury Port Authority.

(2) Not aware of need.

(3) Bunbury Port Authority.

(4) See below - response provided.

(5) Not aware of need to do so.

(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

Fremantle Port Authority

(1) Fremantle Port Authority.

(2) Statement not necessary as no electoral expenditure incurred.

(3),(5) Not applicable.

(4),(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

Geraldton Port Authority

(1)-(2) Geraldton Port Authority.

(4) See below - response provided.

(3),(5) Not applicable.

(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

Port Hedland Port Authority

(1) Port Hedland Port Authority.

(2) Not applicable.

(3) Port Hedland Port Authority did not include the S175ZE statement.

(4) See below - response provided.

(5) Nil return.

(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

Albany Port Authority

(1)-(2) Albany Port Authority.

(3),(5) Not applicable.

(4),(6)-(12) See below - response provided.

(13) The Chief Executive Officer is the principal responsible officer.

(4),(6)-(12) Section 175ZE of the Electoral Act requires that all public agencies publish annually information on electoral expenditure, relating to advertising, market research, polling, direct mail and media advertising. This section came to force in October 1996 and has only operated since then. The Western Australian Treasury was advised a number of months ago by the Western Australian Electoral Commission of this requirement which was then noted in the instructions to agencies for the preparation of Annual Reports. In the Political Finance Report 1997, tabled 12 August 1998, the Electoral Commissioner recommended:

> That section 175ZE of the Electoral Act 1907 regarding reporting on electoral expenditure by public agencies be moved to a more appropriate piece of legislation such as the Financial Administration and Audit Act 1985.

The Government intends to give early and favourable consideration to this, and bring forward the necessary amendments to the Electoral Act. All agencies in my portfolio are now aware of the requirement to meet the provisions of section 175ZE of the Electoral Act, and henceforth will be providing the appropriate information. However, I am not prepared for agencies to devote the considerable resources necessary to retrospectively prepare this report, and in particular to provide the level of detail requested. If the member has a question in relation to a specific advertising contract I will endeavour to provide the information.

FORESTS AND FORESTRY

Plantations

685. Dr EDWARDS to the Minister for the Environment:

(1) What area of the state is currently being utilised for wood plantations?

(2) What type of tree is in each plantation; and approximately when were these plantations established?

(3) Is such information available on a map?

(4) If not, why not?

Mrs EDWARDES replied:

(1) CALM does not and for commercial reasons cannot maintain complete records for plantations which are not owned or managed by CALM. The total area of hardwood plantations owned or managed by CALM as at 30/12/97 is 34 591 hectares. The total area of softwood plantations owned or managed by CALM as at 30/12/97 is 72 001 hectares.

(2) Details of the CALM owned and managed plantations can be found in Appendix 3 and 4 of the CALM Annual Report 1997/98.

(3)-(4) The age, species and location of CALM owned plantations are available on maps. The genus and location only of some private plantations may be recorded on maps made available to the public but this data set is not complete.

FORESTS AND FORESTRY

Plantations

754. Dr CONSTABLE to the Minister for the Environment:

(1) How many hectares of -

(a) hardwood; and
(b) softwood,

plantations exist in Western Australia?

(2) How many hectares of both hardwood and softwood plantation timber are mature enough for harvesting for commercial use -

(a) now;
(b) in 1 to 5 years;
(c) in 5 to 10 years;
(d) in 10 to 15 years;
(e) in 15 to 25 years; and
(f) after 25 years?

(3) Who owns the plantations referred to above?

(4) What is the economic value of the plantations in today's terms, based on the different uses which can be made of the plantations, including chiplogs, sawlogs, and value-added timber products?

Mrs EDWARDES replied:

(1) CALM does not and for commercial reasons cannot maintain complete records for plantations which are not owned or managed by the Department. The total area of hardwood plantations owned or managed by CALM as at 30/12/97 is 34 591 hectares. The total area of softwood plantations owned or managed by CALM as at 30/12/97 is 72 001 hectares.

(2) (a)-(f) The minimum but sub-optimal age for commercial use is approximately 7 years for hardwoods and 10 years for softwoods. Accordingly in CALM owned or managed plantations there are currently 13 227 hectares of hardwood plantations older than 7 years, and 55 436 hectares of softwood plantations older than 10 years. In five years time these areas will be 28 053 hectares and 64 725 hectares respectively less any areas that are harvested in the meantime. For periods of 10 years or more the commercially available area will be the entire estate as indicated in (1) plus subsequent plantings less the area of clearfelling.

(3) See (1).

(4) The asset value of CALM owned plantations and infrastructure as at 30 June 1998 was $193,426,000 as published on page 74 of the CALM 1997/98 Annual Report. Maritime Pine, timber and infrastructure was valued at 30 June 1998 at $3,779,000. CALM does not value private plantations.

FORESTS AND FORESTRY

Plantations

755. Dr CONSTABLE to the Minister for the Environment:

(1) What percentage of Western Australia's timber needs could be met over the next one, five, ten and 20 years by Western Australia's existing softwood and hardwood plantation estate, assuming that the timber could be processed?

(2) In order for demand for timber products to be met exclusively or predominantly from plantation timber, what (if any) conditions would need to be satisfied, including but not limited to -

(a) numbers of hectares of planting of relevant species;
(b) number of years of growth of each species; and
(c) investment in processing infrastructure?

(3) What effect would conversion to a predominantly plantation-based timber industry have on jobs in all relevant sectors (including tourism) -

(a) during the process of conversion; and
(b) upon completion of the conversion process?

(4) Why wasn't the option of converting to a predominantly plantation-based timber industry seriously considered in the Regional Forest Agreement Discussion Paper?

Mrs EDWARDES replied:

(1)-(2) Western Australians currently consume a wide variety of wood products each year, sourced from both local and overseas native forests and plantations. These products include roundwood, sawnwood, veneers, furniture and mouldings, plywood and panels, paper and paperboard, firewood and wood residues. Future timber needs will depend on a wide range of factors, such as the per capita timber consumption rates, population growth rates, the amount of substitution of timber by other products, the extent of recycling and the prevailing domestic and international market conditions. As the Department of CALM does not routinely collect this range of information it is therefore unable to provide reliable projections of future timber consumption (and hence future needs) for all products.

(3) CALM is not responsible for the compilation of detailed employment data for all industry sectors. Insufficient data is therefore available to provide this estimate.

(4) The Regional Forest Agreement is being developed to be consistent with the National Forest Policy Statement signed by the Commonwealth and all State and Territory Governments (with the exception of Tasmania) in 1992. The sustainable economic use of both native forests and plantations is one of the principal objectives of the NFPS, which recognises that integrated harvesting is an important use of native forests and that it can be done in an ecologically sustainable manner. The option of converting to a predominantly plantation-based timber industry was therefore not considered in the RFA Discussion Paper.

TIMBER HARVESTED

759. Dr CONSTABLE to the Minister for the Environment:

In respect of the timber harvested in Western Australia and used or sold for use in Australia in each of the last five years -

(a) what quantities were harvested;
(b) what types were harvested;
(c) what was the purpose or use of the timber;
(d) from what regions was the timber harvested;
(e) what was the economic value of the timber; and
(f) what percentage of the total harvest did the quantity used or sold for use in Australia comprise?

Mrs EDWARDES replied:

(a)-(f) A wide range of various grades and species (approximately 56 types) of log timber is harvested from State forest, timber reserves and other CALM managed land and sold to a large number (approximately 200) of processing companies and individual persons at any one time. Companies and persons change with time. In addition varying quantities of log timber is harvested from private forests. CALM collects detailed data regarding types of log timber harvested and sold from State forest, timber reserves and other CALM managed land. Statistical information for private forests supplied to CALM may not be a complete and accurate record. CALM collects data regarding some wood based products in the primary stage of wood processing such as quantities of sawn timber from sawmilling companies purchasing logs from CALM but not in detail from all sawmills operating exclusively from private forests. The Member is referred to the annual reports of the Department of Conservation and Land Management for the last five years which summarise the information available to the department on the subjects covered by the question. A copy of page 23 from CALM's 1997/98 Annual Report and a copy of similar data from CALM's four earlier annual reports is tabled. [See paper No 440.]

There is no provision for CALM to collect data regarding the secondary and further tertiary processing of timber based products and linking the forests from which those finished timber based products were originally sourced from. Data on exports of timber based products and domestic consumption should be referred to the Australian Bureau of Statistics.

WATTLE FOREST BLOCK

795. Dr EDWARDS to the Minister for the Environment:

(1) Is the Wattle forest block a Disease Risk Area (DRA)?

(2) If not, are specific areas of Wattle forest block classified as DRAs?

(3) If yes to (2) above, which areas are classified as DRAs?

(4) Is the Minister able, with supporting research, to categorically deny that dieback can travel on gravel roads?

(5) Are gravel roads considered as potential dieback vectors?

(6) Where in the Wattle forest block are vehicle wash down facilities located?

(7) Where are wash down facilities located within the Wattle forest block to facilitate in coupe hygiene?

(8) How long have these wash down facilities been operating?

(9) Given that Department of Conservation and Land Management (CALM) vehicles, police vehicles, Bunnings vehicles and log trucks have been witnessed driving in and out of the DRA without use of any wash down facility, will the Minister be requesting that the appropriate quarantining measures be introduced?

(10) If not why not?

(11) Given that log puller machinery has been observed being moved between forest coupes in the Wattle forest block without undergoing wash down procedures will the Minister be recommending action to address in coupe hygiene?

(12) If not, why not?

Mrs EDWARDES replied:

(1)-(3) Wattle Block is a Disease Risk Area (DRA) except for the eastern extremity, east of Wattle road which includes part of compartment 10 and all of compartments 11 and 12.

(4) The fungus Phytophthora cinnamomi which causes the forest disease known as dieback has been recovered from vehicles using gravel roads.

(5) Well constructed and maintained gravel roads are not considered vectors but vehicles travelling on roads may be considered potential disease vectors.

(6)-(8) There are no fixed wash down facilities in Wattle forest block. Where wash down of vehicles, machinery and equipment is necessary it is undertaken with mobile washdown equipment located so as to minimise potential disease spread.

(9)-(10) Appropriate hygiene measures are in place for the management of and entry to DRA in Wattle block.

(11)-(12) Wash down of log harvesting equipment when moving between operating areas is not always necessary. For example a machine that moves from dieback free forest into dieback infected forest does not need to washdown.

REGIONAL FOREST AGREEMENT

916. Dr EDWARDS to the Minister for the Environment:

I refer to the report of the Legislative Council's Committee on Ecologically Sustainable Development tabled recently and ask -

(a) what action will the Minister take to resolve the problems identified by the Committee; and

(b) will the Minister also approach the Premier to seek that his department be given the lead role in the remaining stages of the Regional Forest Agreement process as recommended by the Committee?

Mrs EDWARDES replied:

(a) The report and recommendations of the Committee are currently being considered.

(b) The lead role in negotiating the final Regional Forest Agreement rests with me. It was always intended that following the Public Consultation Stage of the RFA that negotiation of the final agreement would be conducted by State and Commonwealth Ministers, and ultimately by the Premier and the Prime Minister. The RFA Steering Committee comprising Federal and State Officers will provide technical support to assist Ministers in the final stages of the RFA. The Premier is represented on the Steering Committee by a senior officer of the Ministry for Premier and Cabinet.

WORKERS COMPENSATION LEGISLATION

1016. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of an article that appeared in *The West Australian* on 15 August 1998 concerning the Workers Compensation legislation?

(2) Is the Minister aware the article referred to Prison Officer, Lynda Schiel, who is quoted as saying - "I spoke to Geraldton MLA Bob Bloffwitch and he thought the changes would not affect prison officers, but they do"?

(3) Did the Minister or the former Minister provide a thorough briefing for members of the Liberal Party on the Workers Compensation legislation and the Government's proposed changes?

Mr KIERATH replied:

(1)-(3) Yes.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1053. Mr RIEBELING to the Minister representing the Minister for Finance:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department
Valuer General's Office
Government Employees Superannuation Board

(1) No.

(2)-(4) Not applicable.

Insurance Commission of WA

(1) Yes.

(2) The Motor Vehicle Personal Injury, RiskCover, Industrial Diseases and the Special Investigations Divisions of the Insurance Commission of Western Australia are primarily involved in the out sourcing of work to private investigators and loss adjusters for loss adjusting, surveillance and accident and factual investigations

(3) A H Priestley & Son
Anthony D Scurry
Around the Clock Investigations
Australia Wide Investigations P/L
Carpenter, Lawrence & Associates
Challenge Assessors & Loss Adjusters
Compensation Assessors (WA)
Cunningham Australasia
Dean Lewitzka & Associates
Donald Floyd & Co (WA)
Falcon Investigations & Security P/L
Forrest Loss Adjusters
Frampton & Associates
Freemans Chartered Loss Adjusters
Gab Robins Australia Pty Ltd
G H Environmental
Internet
Investigation Services of WA P/L
J A Sutherland
J Armitaje & Associates
J C & B J Waddell
L & K Price Insurance Investigations
M G Baker and Co
Manu Marine
McLarens
Meridian Services Pty Ltd
N E Williams & Associates
Neville Beard
O Macdonald & Associates
Omega Liability
Opmi Consulting
Personal Injury Investigations P/L
Perth Investigative Service P/L
Professional Surveillance & Investigations
Risk Control Services
Robert J Jenkinson
Robertson and Co
Surveillance Services
Swan Assessing Service
T R Hebb & Associates Pty Ltd
Tony Napier Pty Ltd
Westcheck Investigation
Western Investigation

(4) The total paid to all agencies from 1 January 1996 to 21 October 1998 is $6,569,803.

PRISONER TRANSPORT

1142. Mr RIEBELING to the Minister representing the Attorney General:

(1) Has a decision been made on the Government's preferred tenderer for prisoner transport?

(2) If yes, which company was the successful tenderer?

(3) What contract price will the Government pay for the provision of this service by the private contractor?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1) Yes.

(2) Corrections Corporation of Australia Pty Ltd.

(3) The contract price has yet to be negotiated and will be announced after a contract is signed.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY - PROPERTY SALES

1163. Ms MacTIERNAN to the Minister for Fair Trading:

(1) Further to your answer to question on notice No. 1000 of 1998, even though Residential Equity Solutions and Investments Western Australia Pty Ltd (RESIWA) was defunct by the time legal advice on the matter was received by the Ministry, was Charles Patrick O'Leary still a registered Real Estate Agent/Representative?

(2) If yes, why was action not taken against Mr O'Leary?

(3) If action was taken -

(a) what action was taken; and
(b) when was that action taken?

(4) Has any action for recovery of monies paid to Mr O'Leary been instituted?

(5) If not, why not?

Mr SHAVE replied:

(1)-(3) O'Leary's registration as a real estate sales representative expired on 9 May 1997. He had made application for renewal of his registration prior to that date. The Board did not consider the renewal application pending the holding of an Inquiry into O'Leary's fitness to hold a registration. Inquiry proceedings had been instituted but had not been heard when the Hon Minister for Housing referred the complaint regarding RESIWA and ICEHA for investigation. Mr O'Leary subsequently withdrew his application for renewal on 4 May 1998 and the Board adjourned its Inquiry "*sine die"*.

(4) No.

(5) The matter is currently with the Crown Solicitor's Office awaiting legal advice as to what, if any, criminal charges may be laid against O'Leary.

CRIMES (CONFISCATION OF PROFITS)ACT, APPLICATIONS

1173. Mr GRAHAM to the Minister representing the Attorney General:

(1) Since its introduction how many applications have been made under the Crimes (Confiscation of Profits) Act 1988?

(2) How many of those applications have been successful?

(3) What is the value of each application?

(4) What is the value in total of the successful applications?

(5) How many applications have been made in each year since the introduction of the Act?

(6) Have any of the successful applications been made against persons associated with outlaw motorcycle gangs?

(7) If the answer to (6) above is yes -

(a) against who were the successful applications made;

(b) from which outlaw motorcycle gangs were the people against whom the successful applications made; and

(c) what was the value of each successful application?

(8) Have any of the successful applications been made against companies associated with outlaw motorcycle gangs?

(9) If the answer to (8) is yes -

(a) against which companies were the successful applications made;

(b) with which outlaw motorcycle gangs were the companies against whom the successful applications were made associated; and

(c) what was the value of each successful application?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1)

1992	26
1993	18
1993/94	21
1994/95	19
1995/96	19
1996/97	49
1997/98	75
1998/99	30

(2)

	Granted	Pending
1992	15	0
1993	8	2
1993/94	18	1
1994/95	18	0
1995/96	14	1
1996/97	41	2
1997/98	56	16
1998/99	26	4
Total	196	26

(3) This information is not available. The value of a forfeiture application is only known once the order has been made, the property disposed of and the proceeds received. See answer to (4) for money received.

(4) Forfeited property must be disposed of, and proceeds forwarded to the DPP. Therefore, not all successful forfeiture orders made as at today's date have been brought to account. Money received is credited to the financial year in which it is received. The following amounts were paid into Consolidated Revenue for the *Crimes Confiscation of Profits Act*:

1992/93	$105,031.83
1993/94	$75,888.00
1994/95	$176,154.00
1995/96	$73,103.00
1996/97	$85,504.29
1997/98	$90,059.19
1998/99	$70,926.69
Total	$676,667.00

(5) 257.

(6)-(9) This information is not available.

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1197. Mr BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr BOARD replied:

I am advised that:

STATE SUPPLY COMMISSION

(1) (a)-(b) $17,225 (artwork and publication).
(c) the annual report is distributed by mail. Mailing costs will be incurred by the agency as a whole and cannot be separated with accuracy per individual item.
(d) $2,900 (editorial).

These figures are estimates only, as final costs are yet to be received.

(2) (a)-(b) $16,399 (artwork and publication)
(c) the annual report is distributed by mail. Mailing costs will be incurred by the agency as a whole and cannot be separated with accuracy per individual item.
(d) Not applicable.

(3) No.

(4) (a) Artwork, publication and editorial assistance.
(b) $20,125 as indicated in Question (1).

(5) No.

(6) (a) Artwork and publication.

(b) $16,399

(7) Frank Daniels will be printing the annual report.

(8) Lamb Printing.

(9) 300 copies of the 1997/98 annual report will be printed.

(10) 500 copies of the 1996/97 annual report were printed.

OFFICE OF MULTICULTURAL INTERESTS

(1) (a)-(d) To be determined. Quotes for the Office of Multicultural Interests' 1997-98 annual report are being processed.

(2) Total cost was $1,770.

(3) Yes.

(4) (a)-(b) Not applicable.

(5) Yes.

(6) (a)-(b) Not applicable.

(7) To be decided.

(8) Fairplay Print.

(9) 300 copies of the 1997/98 annual report will be printed.

(10) 300 copies of the 1996/97 annual report were printed.

CONTRACT AND MANAGEMENT SERVICES

(1) Printing of the Department of Contract and Management Services 1997/98 annual report, which includes the Office of Youth Affairs' annual report, is currently being arranged. The estimated cost is $13,288.

(a) artwork costs (including design, photography and scanning) - $6,558

(b) publication costs (including negative preparation and print run) - $6,730 estimated

(c) the annual report is distributed by mail. Mailing costs will be incurred by the agency as a whole and cannot be separated with accuracy per individual item.

(d) nil.

(2) (a) artwork costs (including design, photography and scanning) - $4,455.50

(b) publication costs (including negative preparation and print run) - $7,927

(c) the annual report was distributed by mail. Mailing costs were incurred by the agency as a whole and cannot be separated with accuracy per individual item.

(d) editing - $433.13

(3) No.

(4) (a) photographic services, artwork services (including design and scanning) and publication services (including negative preparation and print run)

(b) total estimated cost is $13,288 (photographic costs $1,849, artwork costs $4,709 and publication costs $6,730).

(5) No.

(6) (a) photographic services, artwork services (including design and scanning), editing services and publication services (including negative preparation and print run).

(b) $12,815.63 (photographic costs $2,270, artwork costs $2,185.50, editing costs $433.13 and publication cost $7,927.00).

(7) PK Print Pty Ltd will print the 1997/98 annual report.

(8) Frank Daniels Pty Ltd.

(9) 500 copies of the 1997/98 annual report will be printed.

(10) 700 copies of the 1996/97 annual report were printed.

DISABILITY SERVICES - RESPITE CARE IN KALGOORLIE-BOULDER

1333. Ms ANWYL to the Minister for Disability Services:

(1) What facilities exist in Kalgoorlie/Boulder for respite care for families or individual carers caring for disabled children and adults?

(2) What are the planning arrangements in place for future respite needs of the Kalgoorlie/Boulder community?

(3) What are the planning arrangements in place for future respite needs of the Goldfields community?

(4) When did Respite House in Burt Street, Boulder, cease to be in operation?

(5) What funds have been paid towards the operation of Respite House for each of the financial years ending 30 June -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

Mr OMODEI replied:

(1) The Eastern Goldfields Community Centre provides centre-based day care for both aged and disabled people. The Kalgoorlie Nursing Home and the Kalgoorlie Regional Hospital have respite beds which are available for use by people with disabilities. In addition:

The Goldfields Individual and Family Support Association (GIFSA) provides in and out-of-home respite and recreation services to 50 families caring for children and adults with disabilities in Kalgoorlie/Boulder.

The Disability Services Commission (DSC) funds 31 families to purchase their own respite supports.

Post School Options provides funding for seven families for daytime activities for school leavers outside the family home.

Anglican Homes provides paid respite care to three individuals with a disability.

Coolgardie Community Care provides flexible respite to three families in Kambalda.

Red Cross provides brokerage funds to families in need of respite care.

(2)-(3) Planning for future respite needs is currently being undertaken at a number of different levels, including a local GIFSA survey of families' respite needs, an inter-agency planning approach coordinated by Home and Community Care to examine the broader community needs for respite in the area, and on a statewide basis the DSC is surveying respite services across WA to ensure funds are allocated to those areas of greatest need, based on the availability of existing services and the level of access by families to those services.

(4) DSC was notified on 26 June, 1998 by GIFSA that Respite House had not been used since 1 March, 1998.

(5) GIFSA receives funding for in- and out-of-home respite which includes Respite House. Funds provided by the DSC for respite services including Respite House are as follows:

(a)	1994	$63,955	(Respite House only	$31,330)
(b)	1995	$95,883	(Respite House only	$39,448)
(c)	1996	$89,148	(Respite House only	$37,830)
(d)	1997	$109,378	(Respite House only	$57,991)*
(e)	1998	$92,372	(Respite House only	$40,000)

* This includes a one-off capital grant for Respite House.

Following the closure of Respite House, GIFSA was provided with approval to utilise the funds allocated to Respite House for alternative respite services for families.

QUESTIONS WITHOUT NOTICE

SETTING GOALS

434. Dr GALLOP to the Premier:

(1) Is the Premier aware that his Minister for Employment and Training is quoted in this week's *Eastern Suburbs Reporter* as saying that the setting of targets is courageous?

(2) Is he also aware of the minister's claim that "Setting goals means everybody is working towards the same goal and that it makes the target ultimately achievable"?

(3) Will the Premier now reconsider his decision not to have his Cabinet set crime reduction targets?

Mr COURT replied:

(1)-(3) Our employment target is to reach a situation in which everyone who wants to work can find work.

Dr Gallop: What about crime?

Mr COURT: The Government would very much like to see the levels of some of those key areas of crime heading down rather than up.

Dr Gallop: We would like to see a trend in a certain direction.

Mr COURT: That is right. We would like to see those figures trending down because they have been trending up during the terms of a number of previous Governments.

LAKE JOONDALUP WATER LEVEL

435. Mr BAKER to the Minister for Water Resources:

I refer to my question to the minister during the previous session of Parliament in which I raised the concern of the Joondalup community about the low level of Lake Joondalup. Will the minister please provide a brief report about the status of Lake Joondalup?

Dr HAMES replied:

I thank the member for some notice of this question. I will read the answer today, which I do not usually do, but it is a little difficult to paraphrase. The Water and Rivers Commission has provided the following response -

The 1998 winter high water level in Lake Joondalup was slightly lower than the 1997 level and is the lowest since the mid-1960s. However, it is predicted that by the end of summer water levels will still be within the requirements of the water level criteria set by the Minister for the Environment in 1997. They are predicted to be similar to those of last year. The major influence on water levels in Lake Joondalup is rainfall. Since 1974 the annual average rainfall has been significantly lower than the long-term average. In recent years, particularly 1997-98, rainfall has been well blow the long-term average, resulting in the present low water levels. There is also strong historical evidence to suggest that since European settlement, similar periods of extremely low rainfall have resulted in very low water levels in Lake Joondalup.

WORKERS COMPENSATION SYSTEM, MISMANAGEMENT

436. Mr KOBELKE to the Minister for Labor Relations:

(1) Is the minister aware that the *Yellow Pages* small business survey recently found that only 17 per cent of proprietors believe the Western Australian workers compensation system has improved in recent years, the lowest finding of all States and Territories; this compares with the 36 per cent national average.

(2) Is the minister also aware that the same report explained the premium rate increases for workers compensation by saying that it should be remembered that reported rates of injury in Western Australia appear to be among the highest according to the statistics reported to the National Occupational Health and Safety Commission?

(3) Does the minister accept this further proof of mismanagement of WorkSafe and of our workers compensation system under her predecessor?

(4) What action does the minister propose to take to review the effectiveness of WorkSafe Western Australia?

Mrs EDWARDES replied:

(1)-(4) In a statement to this House yesterday I acknowledged that Western Australians pay the highest premiums of any State in Australia. Action is being taken in the short-term and a strategy is being devised to deal with it in the long term. Obviously when establishing premiums it is important to bear in mind the corollary effect; that is, will the cost of higher premiums discourage employers from spending money on improving work safety? We are very concerned about that. The Occupational Health and Safety Act review -

Mr Kobelke: Are you aware of the *"Yellow Pages"* survey?

Mrs EDWARDES: I am aware of the survey. I hope to table the report on the review some time next week.

WATTLEUP AND HOPE VALLEY, FUTURE

437. Mr MASTERS to the Minister for Planning:

As a member of the Select Committee on Perth's Air Quality, I was informed of concerns expressed by residents of Wattleup and Hope Valley that their longer term future was uncertain. Has the proposed relocation of the Claremont Speedway and the Ravenswood International Speedway caused the Government to finally determine the long term future of these two residential areas? If not, what potential exists for the land use planning fate of Wattleup and Hope Valley to be decided in the near future?

Mr KIERATH replied:

I thank the member for some notice of this question. The relocation of the motor sports is not determinant of a long-term future for Wattleup and Hope Valley. As the member will be aware, the Fremantle Rockingham Industrial Area Regional Strategy is under preparation. That strategic planning document will provide the answers to the long-term future for Wattleup and Hope Valley.

Ms MacTiernan: When will that be produced? You had your discussion paper in March 1997.

Mr KIERATH: It is anticipated that the FRIARS document will be released for public comment either late this year or early 1999.

ROYAL COMMISSION WITNESSES, ACT OF GRACE PAYMENTS

438. Mr McGOWAN to the Premier:

Will the Premier outline to the House the criteria for determining act of grace payments for legal costs of witnesses appearing before royal commissions in this State?

Mr COURT replied:

To which witnesses is the member for Rockingham referring?

Mr McGowan: Any witnesses, but in particular ministers.

Mr COURT: I answered a question about the payments for the Royal Commission into the City of Wanneroo, if that is the issue to which the member is referring. Payments to Cheryl Edwardes in her role as a minister were approved by the Crown Solicitor and Cabinet on 17 December 1997; others were approved on a case by case basis by the Solicitor General. Prior to any payments being made they were audited and checked by the Crown Solicitor's office. I understand that that is the proper process and has been used by both this Government and the previous Government in relation to payment of legal fees for ministers, including Labor ministers.

ROYAL COMMISSION WITNESSES, ACT OF GRACE PAYMENTS

439. Mr McGOWAN to the Premier:

I have a supplementary question. Was the $60 000 in legal fees paid to the member for Kingsley in respect of her ministerial responsibilities or other responsibilities?

Mr COURT replied:

They were in respect of her ministerial responsibilities. If members want to be briefed by the Crown Solicitor on the issue -

Ms MacTiernan: We want you to be accountable.

Mr COURT: I just told members opposite how it was paid. If they like I will pull out all the legal expenses that have been paid for ministers, Liberal and Labor, who appeared before royal commissions. Surely it would not be wise for members opposite to raise issues relating to the Wanneroo Royal Commission, because it was a campaign waged by their side of the House which was personally oriented. It backfired. If they want more details from the Crown Solicitor, we will provide that information.

DRUG TASK FORCE EXPENDITURE

440. Mr BLOFFWITCH to the Premier:

Yesterday the member for Kalgoorlie asserted that the drug task force underspent its budget allocation by a significant amount. Was a portion of the drug task force allocation redirected towards refurbishment of office accommodation, as claimed by the member?

Mr COURT replied:

Yesterday, the member for Kalgoorlie made the assertion, based on some information she had received that morning, that instead of spending money on a drug strategy we had spent it on office accommodation. I followed this issue through after the question was raised. The member for Kalgoorlie failed to mention that it was clearly outlined in a paper tabled in the Parliament - the Treasurer's Annual Statements 1996-97 - that the proportion of expenditure of the task force on drug abuse was met by the Health Department. There was no underspending by the drug task force of those moneys. The moneys were transferred to the Health Department as one of the agencies that was engaged in the drug task force. It used the money to carry out drug task force related activities.

Dr Gallop: That is not what you said yesterday.

Mr COURT: I was given selected information yesterday.

Dr Gallop: We have exposed the Premier for what he is.

Mr COURT: No, not at all. Some very selective information was used yesterday. The fact is, the moneys had been expended on the drug strategy. In financial terms, the Government committed $8m and $12.5m in the 1997-98 and the 1998-99 financial years to the war against drugs in our society. Yesterday, the member for Kalgoorlie tried to create a media

story but she selectively quoted information and failed to include the other information about where the other money had been expended.

WOODSIDE ENERGY - LOCAL EMPLOYMENT POLICY

441. Mr KOBELKE to the Minister for Resources Development:

I refer to the Minister for Employment and Training's provocative and inflammatory attack in this place yesterday on unions representing workers involved in Woodside Energy projects.

(1) Is the minister aware that Woodside Energy has a policy of maximising local employment opportunity?

(2) Is the minister concerned that scaremongering about union activities in major resource projects could deter investment and work on major construction projects in this State?

Mr BARNETT replied:

(1)-(2) About two years ago the Government launched a new local content policy. At the same time we not only required companies to provide local suppliers with a full, fair and equal opportunity but also looked at the supply side and funded the Industrial Supplies Office through the Chamber of Commerce and Industry of Western Australia.

Mr Graham: That was a great initiative.

Mr BARNETT: Yes, it was a good idea and we have developed it. We have a supplies officer working in the south west of the State. Woodside is quite outstanding. The companies have accepted a higher level of Australian content. In on-shore mining projects, the local content level is generally about 75 to 95 per cent. In the off-shore oil and gas sector it varies from around 50 to 60 per cent up to about 80 per cent. Woodside has done very well with its on-shore work. We have an enormous opportunity to develop the engineering and fabrication industries in this State. There is no doubt that fewer industrial disputations have affected resource projects in recent years.

Dr Gallop: What was the cause of the industrial disputations in Western Australia? The former minister.

Mr BARNETT: No. If the Leader of the Opposition listened to what I said, he would know that the mining, oil and gas industries have suffered very few industrial disputes in the past 10 years. However, when we travel overseas invariably questions about industrial relations, ability to deliver on time and all that are raised. We need to discuss this continually. Every now and again we are disappointed and do not receive the result we expected.

Several members interjected.

The SPEAKER: Order! I formally call the member for Armadale to order for the first time.

Mr BARNETT: The Government, the oil and gas industries and the contractors are working hard to try to improve further the level of Australian - I am not being overly parochial, it is Australian not necessarily Western Australian - involvement in major resource projects, particularly off-shore oil and gas. We have a great chance to break through in the next few years and obtain large parts of that industry for this country. Industrial relations records, perceptions and reality are critically important.

YOUNG PEOPLE - MEDIA IMAGE

442. Mrs HODSON-THOMAS to the Minister for Youth:

(1) Did the minister see an article in Tuesday's *The West Australian* reporting research which found that the Australian media offered only limited and negative information about young people?

(2) Could the minister advise the House what action he has taken or intends to take to promote a positive image of our youth?

Several opposition members interjected.

Mr BOARD replied:

The Opposition has some fabulous ideas which I should take up.

(1)-(2) I read that article and it is true that image has played a role in causing the perception, particularly among young people themselves, that young people are not in some ways regarded in a positive sense in Western Australia. This issue has been raised through the youth advisory councils and youth forums. The Office of Youth Affairs yesterday sponsored Professor Richard Catalano, who is a world expert in identifying some of the issues which cause young people to offend. He has indicated that image has a lot to do with young people offending. Over the past few weeks we have been debating what leads to youth suicide. The Office of Youth Affairs has targeted many positive

image programs including young achievers awards. Today we will be presenting the Young Australian of the Year Awards for Western Australia. We are developing some media awards which I hope, in turn, will provide an opportunity for the media to promote young people in a positive light. I give a gong to the media and in particular *The West Australian* which in the past 12 months has made a strong effort to promote young people in a positive light. Although we are not there yet, a great deal of effort is being made in that regard. The Government and the Office of Youth Affairs will continue to promote in a positive sense what the majority of young people are doing in Western Australia.

WESTERN POWER PINJAR PLANT - SECURITY GUARDS

443. Mr KOBELKE to the Minister for Labour Relations:

(1) Is the minister aware that the four security guards at the Western Power Pinjar plant employed by New Breed Security are being intimidated into signing a workplace agreement?

(2) Is it government policy to use the contracting out of government jobs to reduce wages and conditions by forcing workers into workplace agreements?

(3) What action does the minister propose to take to stop the increasing use of threats and intimidation to force workplace agreements onto employees?

Mrs EDWARDES replied:

(1)-(3) I do not know the circumstances of the case to which the member is referring. If he wishes to give me some details -

Mr Kobelke: What about the threats and intimidation? You must be receiving some complaints; everybody else is.

Mrs EDWARDES: I do not know the circumstances the member for Nollamara is talking about. If he wishes to give me the information, I will have the matter investigated and give him a response.

ABORIGINAL YOUTH - EMPLOYMENT AND TRAINING INITIATIVES

444. Mr MacLEAN to the Minister for Employment and Training:

Is the minister aware of any recent employment and training initiatives being taken to assist Aboriginal youths?

Mr KIERATH replied:

I was interested to read of an initiative of the Noolbenger organisation, which was previously known as the Clontarf Aboriginal Skill Share, based at Waterford. Members may not be aware that it was previously funded only by the Roman Catholic Church. It is still funded by the church, but also receives money from other people for this program. It is a program to train indigenous people. The contract with the organisation is for job placement and for providing employment and training services for the Department of Employment, Education, Training and Youth Affairs. The organisation's work has been of particular interest to me as it is close to my electorate. The training is in land care and conservation. I am chairman of the Canning River Regional Park Advisory Committee, which has been extremely supportive of that kind of training, particularly the training which focuses on eco-skills which gives tools for plant recognition, vegetation restoration techniques and rehabilitation and planning. On completion of their training, the trainees will receive a nationally accredited certificate in land conservation and restoration. They will be involved then in other revegetation projects, particularly the Clontarf foreshore, and that will be followed by other council and beach projects. This excellent project is making a wonderful contribution to protecting our environment, providing training for Aborigines, and looking after the environment. I congratulate the Noolbenger Aboriginal Service and the program manager, Trevor Don, for doing great work.

EDUCATION AND TRAINING, AMALGAMATION

445. Mr RIPPER to the Minister for Education:

Has the minister been involved in any discussions or is he aware of any plan which would see the Education Department and the Department of Training combine? If yes, when will he be announcing these plans? If no, can he assure the House that no such amalgamation will occur prior to full consultation with all stakeholders and the public?

Mr BARNETT replied:

I do not know what has motivated that question. It is, however, the case now that in most other States responsibility for education and training is not only the responsibility of one minister, as was previously the case in this State, but also conducted within one agency, reporting to one CEO. That has not been discussed at any great length and I have not taken part in any discussions on that.

Dr Gallop: Is it being discussed?

Mr BARNETT: Discussions have taken place from time to time, as should be the case, about a possible reorganisation of government. That is up to the Premier. That is one of the options to be looked at.

Dr Gallop: Is it being looked at?

Mr BARNETT: Certainly not by me.

Dr Gallop: By anyone else?

Mr BARNETT: As is the case with anyone who is interested in the structure of government, I give consideration to that. However, no meetings have taken place with any of my colleagues or anyone within the bureaucracy. It may seem logical to bring education and the vocational and training areas into one agency. Superficially, there may seem to be advantages. However, there are also some potentially very large downsides, particularly because the training and vocational area lead into the workplace. As important as combining them might be to employment and on-the-job training, there is a real danger in losing focus as to what education should truly be about. There are ideals and objectives in education that transcend the workplace. That is a very serious question. I have an open mind on it; however, my inclination is not to support it.

ELECTRICITY SUPPLIES, MURCHISON

446. Mr SWEETMAN to the Minister for Energy:

Will the minister please inform the House of the process to be undertaken to ensure an improved and more reliable electricity supply in the Murchison region of the State? In particular, when can towns in my electorate, such as Yalgoo, Mt Magnet, Cue and Meekatharra, expect to benefit from the gas-fired power generation that will come with the proposed mid west pipeline?

Mr BARNETT replied:

I thank the member for Ningaloo for the question but more importantly for his supporting role in negotiating the mid west pipeline that will be constructed next year going out to Mt Magnet, Meekatharra and so on. I also thank him for helping to deal with some of the issues locally, particularly in discussions with local government. In June the Government announced a new policy for power supplies into the regional areas. First we sought expressions of interest for the west Kimberley covering Broome, Derby and Fitzroy Crossing. Expressions of interest in that area have just closed. A total of 15 organisations submitted expressions of interest and two-thirds of those were from Western Australian-based companies. Clearly, a number of those very prestigious organisations are competent to take on the work. We expect that to proceed to a short list and ultimately the awarding of a contract early next year. With respect to the mid west, a similar expression of interest process will start this weekend with the placing of advertisements. Again, I expect a strong field of similar companies to submit proposals for that area. As previously committed, we will then extend to expressions of interest for Esperance. Very quickly we will see not only new power generation using a variety of technologies applied in regional Western Australia but also improved supply and capacity. We will also see many different private sector organisations become active players in the energy industry.

HEALTH DEPARTMENT, OVERSPENDING

447. Mr McGINTY to the Minister for Health:

Why did the Health Department spend $97.7m more than its budget last year? How was this overspending funded by Treasury? Does the minister maintain that Treasury was wrong and that the overspending was only $30m, as he claimed yesterday?

Mr DAY replied:

I am glad the member for Fremantle asked this question because it will enable me to put some facts on the table and to explain to him why he was totally wrong in his claim yesterday that I had deliberately misled and lied to the House, a very serious allegation and one which had no foundation whatsoever. It was an absolutely baseless allegation and one of which he should be absolutely ashamed.

Supplementary funding was provided to the Health budget in the 1997-98 financial year in three separate payments - $29m, $22m and $29m which added up to a total -

Mr McGinty: You did lie then and you never corrected it?

Mr DAY: The member should just wait.

Withdrawal of Remark

The SPEAKER: Order! The member for Fremantle knows that -

Mr McGINTY: I apologise and withdraw that remark, Mr Speaker.

Mr DAY: That added up to a total of $80m. In addition, the Health Promotion Foundation for the first time had its funding attached to the Health budget and that comprised $11m, all of which added up to $91m.

Mr McGinty: I was right; you missed $7m on capital. You should include that as well.

Mr Court: Don't you want us to spend money on Health? What a miserable lot you are!

Mr McGinty: He told fibs yesterday. He has not been telling the truth right from the start on this matter and now suddenly the truth comes out. They were exactly the figures I gave you yesterday and you denied them.

Mr DAY: The member is engaging in accounting sophistry. I suggest he take it back to Fremantle. The people down there will be even less interested than those here.

The major components of the supplementary funding were as follows: $12m for a base budget adjustment following introduction of RiskCover; $2m for the Peel Health Service redevelopment; $14m for charges associated with the Joondalup contract; $1m for implementation of a review of ambulance services; $19m for commonwealth programs - in other words an adjustment to commonwealth funding which is money that came from the Commonwealth into Western Australia; $25m for the health services operational shortfall; $3m for legal settlements which were pre-risk cover; and $4m for other activities, which added up to $80m. As I said, the Health Promotion Foundation received $11m.

The member for Fremantle is trying to make a big song and dance about the fact that I have lied to this Parliament as a result of a change in accounting arrangements within Treasury and the Health Department. He is a loser.

KEEP AUSTRALIA BEAUTIFUL COUNCIL

448. Mr OSBORNE to the Minister for Local Government:

Can the minister advise the House of any recent changes in the Keep Australia Beautiful Council?

Mr OMODEI replied:

I thank the member for some notice of this question. Most members would be familiar with the outstanding work of the Keep Australia Beautiful Council. The council's long running and highly successful Tidy Towns competition has recently been complemented by the Perth Action Awards, Perth Best Beaches Awards, Tidy WA in May, and the continuing Captain Clean-up campaign. I recently appointed a new chairman to the Keep Australia Beautiful Council, Mr Trevor Wright, who is a long serving member of the council with sound experience in government and the beverage industry. I was delighted to be able to appoint a person of Mr Wright's calibre and look forward to his strong leadership and guidance. I also acknowledge the commitment and dedication of the retiring chairman, Mr Jim McGeoch, and his willingness to travel long distances in Western Australia and to assist in judging tidy towns. His personal endeavours on behalf of the KABC are to be applauded. It is fitting that in this last year in which he served as chairman of the council, Denmark has become the first Western Australian town to be given the Australia's Tidiest Town Award. I look forward to the Keep Australia Beautiful Council continuing its great work in litter reduction.

HEALTH - CHANGE IN ACCOUNTING SYSTEM

449. Dr GALLOP to the Minister for Health:

I refer to the minister's recent comments that changes in accounting arrangements justify his claim that he did not mislead Parliament in respect of Health overspending. To what change in the health accounting system did the minister refer?

Mr DAY replied:

I explained that in the previous answer. All that information has been made available to Parliament, and I suggest the Opposition look at the information I provided.

HEALTH - CHANGE IN ACCOUNTING SYSTEM

450. Dr GALLOP to the Minister for Health:

As a supplementary question, is it not the case that there has been no change in the accounting arrangements, and that supplementary funding to the tune of $80m was provided, which indicates clearly that the minister misled Parliament about a major policy issue in this State?

Mr DAY replied:

Absolutely not.

HOMESWEST - SOLAR ENERGY DESIGN

451. Mr MASTERS to the Minister for Housing:

(1) Is Homeswest incorporating passive solar energy heat gain principles into the design of new homes?

(2) Recognising that efficient solar energy design is assisted by a well-planned urban block layout, is Homeswest encouraging land developers to take solar energy considerations into account at the subdivision stage of land development?

Dr HAMES replied:

(1)-(2) Homeswest enters into joint ventures with a number of private land developers, and engages private sector managers for a number of its projects. During that process, we certainly incorporate solar energy considerations into all our designs in all our subdivisions. We try to adopt fairly innovative approaches. We have recognised key elements in the Minister for Planning's Liveable Neighbourhoods community design codes. Homeswest's housing designs optimise the energy efficiency of houses through the three aspects of orientation, shading, and ventilation and insulation. We have Homeswest efficiency guidelines for all project managers and consultants to try to apply those solar design principles. We have also been working with the Office of Energy and have implemented a star rating system to ensure that those properties meet the maximum solar energy principles. Over recent years, we have been conducting some solar energy design competitions in Broome, Karratha and Kununurra. Finally, we have had a solar display home in Stratton for the past 12 months using both passive and active solar principles.

COMMITTEES AND BOARDS - DATABASE

452. Mr RIPPER to the Premier:

I refer to the Auditor General's report tabled in this place yesterday and its statement that the Ministry of the Premier and Cabinet maintains a database which "currently lists 640 boards and committees, and nearly 6 000 members". In the interests of accountability, will the Premier table the information on this database; and, if not, why not?

Mr COURT replied:

The Government established a database because when we came to office no records were available regarding all boards and committees and their members. There was no idea -

Dr Gallop: That is not true, Premier! The Legislative Council set up a committee in the 1980s to look into that matter.

Mr COURT: Where did the previous Labor Government put the information? Members opposite must have taken the information with them when they left government!

Mr Ripper: Could we have the information in this Parliament?

Mr COURT: I am not aware of the specific section of the Auditor General's report referred to -

Dr Gallop: It is easy to table, is it not?

Mr COURT: I think it is possible to table the information now; however, no records were kept in the past on how many boards existed and who was on them. Also, this Government implemented a review of remuneration levels and the like. Some insignificant boards were found with very highly paid people on them, and one can guess to which political party they belonged!

Mr Ripper: Are you giving a commitment to table the information?

Mr COURT: I will, yes. The Salaries and Allowances Tribunal now provides independent advice on the remuneration levels which should be provided to these committee and board members so we do not have a repetition of what happened in the time of the Labor Government.