

# Legislative Council

Wednesday, 11 August 1993

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

## STATEMENT - BY THE LEADER OF THE HOUSE

### *President, Accountability*

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [2.33 pm] - by leave: There are times when the Leader of the House should express what he believes to be the consensus of the House about issues involving its dignity and traditions. This is one such time.

I would not like very recent media comment about the supposed non-accountability of the President to go uncorrected. Well known procedures are available to any member in this Chamber to subject the President's actions to scrutiny. Rulings may be challenged, and committees may inquire into any aspect of the Legislative Council's administration, including the proper discharge of the President's functions. Members may write to the President seeking information and publish a reply. In the final analysis the members who elected one of their number to the Chair may equally remove that member and elect another.

It is misleading to talk about making the President accountable without mention of the avenues that already exist. If there is to be debate about the House's ability to scrutinise the President, we must surely agree that the debate is about the method of scrutiny rather than its existence.

## STATEMENT - BY THE PRESIDENT

### *Channel 7, File Footage*

**THE PRESIDENT** (Hon Clive Griffiths): Yesterday I indicated that Channel 7 had sought permission to take some file footage of proceedings at the beginning of today's sitting. Apparently a misunderstanding occurred between me and Channel 7 because its representative was under the impression that he would be able to do what occurred in another place; namely, take file footage during questions without notice. I indicated to this person that, although I had no personal objection to that, it would be unfair for me to approve filming of today's question time; some members may wish to ask a question today and would be disadvantaged by not being warned about the filming. Therefore, as Channel 7 would rather take the footage during question time, I indicated that I would bring this matter to the attention of the House. I suggest that, subject to no member's objecting, I will advise Channel 7 to come in and take file footage tomorrow at 4.00 pm during question time. I hope honourable members believe that that is the fairest way to proceed so that everyone knows the situation and can come in looking nice tomorrow.

## MOTION - SELECT COMMITTEE APPOINTMENT

### *Cape Range National Park and Ningaloo Marine Park, Importance to Tourism*

**HON GRAHAM EDWARDS** (North Metropolitan - Leader of the Opposition) [2.38 pm]: I move -

- (1) That a select committee of five members be appointed to -
  - (a) examine and report on the importance of the Cape Range national park and Ningaloo marine park to tourism in the Shires of Exmouth and Carnarvon;
  - (b) examine the legislative steps taken in Queensland and nationally to protect the Great Barrier Reef;
  - (c) examine policies and practices implemented to protect the Great Barrier Reef;

- (d) investigate what further steps Western Australia should take to protect Cape Range national park and Ningaloo marine park, particularly in view of possible exploration and mining activity;
  - (e) examine and report whether these parks should be extended; and
  - (f) examine and report on the need to introduce a single authority to oversee the management of the Cape Range national park and the Ningaloo marine park.
- (2) The committee have power to -
    - (a) send for persons, papers and records; and
    - (b) present interim reports.
  - (3) The quorum for the committee be three members.
  - (4) The committee report finally to the House no later than Tuesday, 30 November 1993.

The substance of this motion is entirely self-evident. I seek to establish a select committee to examine the importance of the Cape Range national park and the Ningaloo marine park to tourism at Exmouth and Carnarvon, and the importance of both of these areas to our tourism chain which attracts people to the mid-west, Murchison, Pilbara and Kimberley regions; indeed, they entice people to the State in the first instance.

As most members would know, the Cape Range national park runs along the coast for approximately 50 km from Mangrove Bay to Yardie Creek. The park covers one-third of the Cape Range peninsular. The ecosystems protected by the national park vary from high plateau scrubland, arid gorges and eucalypt woodland to spinifex plains. These environments shelter bower birds, ospreys, goannas and rock wallabies and provide some spectacular views over the gorges. Ningaloo marine park covers most of the coast of the peninsular, in excess of 260 km. Ningaloo reef is a coral reef of international significance and protects a shallow, vulnerable lagoon along its entire length. The reef and lagoon are inhabited by in excess of 200 species of coral and countless species of fish and crustaceans. The reef and associated mangroves act as a nursery for many economically important marine species.

I am not sure whether members are aware, but, from the work I have done and discussion I have had with various people, the Leeuwin current reaches the coast not too far north of the Ningaloo marine park. From all the work that has been done it seems that this current plays a very significant part in the rock lobster industry. I am sure that it played a very significant part in the formation of the Ningaloo Reef. Beyond the reef the waters are populated with large and quite magnificent marine animals. The whale sharks, which have in recent times become familiar to most Western Australians, support the tourist industry with many people coming from international, interstate and intrastate destinations to see these spectacular fish. Humpback whales make a seasonal appearance en route to breeding grounds off the North West Shelf. In addition, and also of great importance to Exmouth, are the sail fish, which are the target of a growing game fishing industry, with particular events centred around that region. These features make Cape Range and Ningaloo ideal ecobased or nature based tourist attractions. Tourism creates an economic activity in Western Australia worth many billions of dollars. It is little wonder that Western Australia leads Australia in tourism growth. I will quote from an article in *Travel West* which deals with tourism news from Western Australia. Under the heading "WA leads nation in tourism growth" it states -

Western Australia is leading Australia's international tourism growth according to the latest tourist arrivals figures just released by the Bureau of Tourism Research.

The State's share of visitor nights spent in Australia by international visitors jumped 8.5 per cent in 1992.

Western Australian Tourism Commission chairman Kevin Harrison said that the only other states to record an increase in their share of visitor nights were Queensland and Victoria.

I suggest that one of the reasons the number of visitors to Victoria increased was that so many Western Australians took the opportunity see the West Coast Eagles emerge victorious from the last AFL grand final. The article continues -

"Western Australia is performing extremely well in the international market," he said.

"Last year, 310,500 international visitors, or 13 per cent of total Australian visitor arrivals, came to Western Australia.

"Under the present international economic climate it is particularly important that we increase the length of stay of international visitors.

"Research by the Bureau of Tourism Research shows that last year, average visitor expenditure for visitors to Australia decreased by three per cent to \$1760. These visitors spent 13 per cent less time in Australia.

"Of course, the longer international visitors stay, the more they spend. Therefore, the Tourism Commission has been working hard to extend international visitors' length of stay by encouraging them to travel from Perth into regional areas which are equipped to handle international visitors," he said.

"A key task of our new regional offices will be to provide advice to regional tourism operators on services which need to be provided to cater for international visitors.

Western Australia's strong performance has continued in 1993.

In the first four months of 1993, international visitor numbers to Western Australia increased by 15.9 per cent - compared with a national increase of 13.6 per cent.

It flows from that that Western Australia is doing quite well from tourism. It is an emerging market, but one which requires more work before we fully recognise its potential.

Tourism also contributes to a framework of families living in these regions and creating the community of the north. That is different from industries in some regions where, for instance, oil exploration and mining workers often fly in and fly out.

Having established the importance of Cape Range and Ningaloo we need to look nationally to examine what has been done legislatively to protect the other great coral reef on the east coast of Australia, the Great Barrier Reef. Many people recognise the Great Barrier Reef as one of the wonders of the world. I do not dispute that. By the same token, there is a lot of wonder about Ningaloo Reef. I would opt to visit Ningaloo Reef on every occasion before I would want to go to the Great Barrier Reef - simply because it is so close to the shore and it is so accessible. I know many people who visit the Great Barrier Reef complain about the distances they must travel by boat, particularly on rough and windy days, when they often arrive back seasick, not having enjoyed their experience at all. Federally, the Great Barrier Reef Marine Park Act 1975 was established on a politically bipartisan basis. It provides for the Great Barrier Reef consultative committee. Once established I would like the WA select committee to examine that Act to see how it has operated and what protection it has given to the Great Barrier Reef. I would also want the select committee to examine how the Great Barrier Reef consultative committee works, how the range of advice provided to the Minister over the years has been acted on, and also to see what advice has been given but rejected, and why that advice was rejected. I also want the select committee to examine the policy and practices that go hand in hand with the Act to see how they are used not only to protect the Great Barrier Reef, but also to ascertain how those policies are used to enhance the reef, tourism and its development in an ecologically sustainable way.

The important principle is that we must protect the asset; that is, the Cape Range national park and the Ningaloo marine park. If we destroy that asset we will have no tourism in that region. We need to ask whether we are doing enough to protect our assets. That is one of the major reasons I would like to see this select committee established. An

examination of what is happening on the State scene and in Queensland will give us the basis upon which to form some opinions and to make some accurate comparisons.

The Department of Conservation and Land Management is doing an excellent job in managing these areas. Syd Shea and many of his officers from CALM have firmly grasped the importance of nature based tourism, not only to this region but to the whole of Western Australia. I compliment them on the work they are doing. It would be a retrograde step if we replaced CALM with Fisheries Department officers as the managers of marine parks. Although CALM is doing a top job, I am not sure that it always provides the optimum access for tourists or the optimum opportunity for tourist operators. The balance between what CALM provides and what tourist operators seek is often the subject of contention. That does not mean that tourist operators are always right. We are fortunate in Western Australia to have many tourist operators who recognise the importance of ecologically sustainable development. Unfortunately, others are simply out to exploit the tourism industry and the ecology with no consideration of the long term viability of those natural assets. The nature based tourism industry in this State offers a great and exciting future. The management of those nature based attractions, therefore, takes on great importance and significance. Tourists are turning more and more to Western Australia as an alternative to the glitter and bright lights of areas such as Sydney and the Gold Coast. Our nature based assets must be managed to ensure ecologically sustainable development.

This select committee will have the opportunity in a bipartisan manner to build on the good work done by CALM and others and to bring forward a relevant report containing positive recommendations which will be forward looking and will help set in place long term management proposals with the support of both sides of the House. I hope that members opposite have listened to what I have said. I am sure that people such as Hon Phil Lockyer are interested. I have served with Hon Phil Lockyer on a productive committee which set out to examine the fruit and vegetable industry. That committee went about its task in a totally bipartisan manner. It produced one of the best committee reports I have seen presented to this House. I do not say that simply because I was a member of that committee or because it was chaired by Hon Phil Lockyer. Much good work can be done by select committees providing members are prepared to do that work in a bipartisan way, and providing they are prepared to recognise that the work they are doing can be of tremendous benefit to the people of the localities. I am sure that this select committee will have a great deal of interest to and benefit for people who live in the Shires of Exmouth and Carnarvon. An immense amount of work could be done on the basis of consultation rather than confrontation. I am confident that the committee will bring forward many good recommendations in a report which will have much to do with and much to say about the future of nature based tourism in Western Australia. Western Australia has probably more to offer the Australian tourism industry in nature based tourism than any other State, particularly when it is beginning to unfold and, as I said, when people are looking for something different from the glitter, bright lights and falseness of so many other tourist areas which unfortunately are well established in other parts of Australia. I commend the motion to the House.

**HON TOM STEPHENS (Mining and Pastoral) [2.56 pm]:** I am pleased to see that interest exists from both sides of the House in seconding the motion to establish a select committee on the Cape Range national park and the Ningaloo marine park. That augers well for the future of this motion moved by the Leader of the Opposition, Hon Graham Edwards. I hope that members appreciate why it is that members such as I and others who represent this area are keen to see this motion carried and a select committee of this sort established. The tone of the comments of the Leader of the Opposition struck a correct note. That is, this is not an effort to be politically contentious; it is the opposite. The establishment of this committee is an attempt to strike a bipartisan approach to these issues affecting the future of two important features of the northern Gascoyne region - the Cape Range national park and the Ningaloo marine park. However, I fear that within the consideration of these issues an opportunity exists for my party, and I suspect other parties, to raise issues that effectively could be contentious for all members.

Consideration of those issues will, of necessity, make the representatives of the Australian Labor Party come to terms with questions such as the role of a national park and a marine park, and to examine some of the shibboleth under which we have operated in Government - and now operate in Opposition - in our consideration of these issues. This committee will provide an opportunity for both parties, or whoever else is involved in the process of this select committee, to examine the areas of their own policies that are obstacles in the process of protecting and enhancing these great features of that region of the State and, more importantly, these assets of our State and this nation. I adopt the view of my colleague in another place, Kevin Leahy, the member for Northern Rivers, that Ningaloo and the North West Cape represent the real key to improving the economic importance of the tourism industry in our State as a whole.

I have spoken on this issue in two previous debates in this House during this session of Parliament. The Ningaloo, Exmouth, Learmonth and North West Cape areas have a great potential for tourism. Increasing our interest in this area is one way of ensuring a new throughput of tourists from our Asian neighbours which will contribute to the economic resurgence of the region, the State and the nation. I am conscious that the Government is due to receive recommendations from the consultants employed to examine questions associated with identifying sites for tourist developments in this area. It is appropriate that a committee of this Parliament is established to receive the consultant's recommendations at the same time the Government receives it.

A substantial number of tourists are already taking advantage of the beautiful coastline of the Gascoyne, north of Carnarvon to the point of North West Cape, both inside Cape Range national park and to the south of it. They are taking advantage of the waters, the reef and all that the region has to offer, which is a great deal. Only recently I became aware of some aspects of the history associated with the area. I had heard that a whaling station operated in the region many years ago, but I was not conscious that whalebone was used in road construction in the area. I was intrigued to find that whalebone ribs were used as a road base in the locality and this information is of great interest to tourists. They are interested to find the whalebone road and to visit the remains of the old whaling station.

Over the last couple of months approximately 1 800 people have taken up residence along the coastline, between points north of Carnarvon and south of the point of the North West Cape. I have visited this area of the coastline a couple of times, but I regret that these visits, apart from one, have been brief business trips. Tourists are arriving at spots along the coastline in their four wheel drive vehicles towing what one could call mobile condominiums which are positioned in the best spots. People who visit the area briefly, like me, cannot help but feel intimidated by the sight of rows of condominiums on the sand dunes along our coastline, both inside and outside the national parks. This coastline is begging for better management.

Immediately south of Cape Range national park is a bombing range owned and operated by the Commonwealth Government's defence services. It is now a most inappropriate site for a bombing range and the proposed committee's terms of reference raise the question of whether there is an opportunity to extend the boundaries of Cape Range national park. The future of the bombing range should be closely examined by the committee and it should make recommendations to the State and Federal Governments on whether the bombing range should continue to exist.

Hon George Cash: Some people think you should be delegated to wander around the bombing range at will for a while.

Hon TOM STEPHENS: I will leave that to members opposite.

The proposed committee must give consideration to the pastoral operations immediately south of the bombing range, the Ningaloo homestead and the pastoral lease. The pastoralist may be attracted by proposals that will lead to the extension of the national park and the opportunity may arise for sections of the lease to be incorporated in the extended national park. An alternative is that the entire lease may be available for sale to the Government for inclusion inside an extended Cape Range national park boundary.

I am sure the sheep find it attractive to sunbake on the beach of this beautiful coastline, but I suspect that the coastline could be better protected and managed if it moved into a new phase of its history. I anticipate that one of the committee's recommendations will be that tourists visiting the area will be mustered into appropriate areas to avoid further destruction of the sense of wilderness. Appropriate areas could be found for large caravans and for small and large tourist operations. Perhaps the coastline lends itself to the establishment of a substantial resort in a discreet area, similar to what is advocated by Club Med whose interest in the North West Cape appears to be waxing and waning. If it is not a proponent for a resort there may be other interests who can see the opportunities of a development on the north west coastline which will not destroy the sense of wilderness and will not offend the sensitivities of conservationists and the people who reside in Exmouth. Perhaps they will find a way of developing tourist facilities that will meet the needs of the hordes of tourists who visit the area and take advantage of what the coastline has to offer. I am conscious of the informal booking arrangements that are made for the sand dunes. A person can book a sand dune by sticking in it a star picket with a beer can on the top of it on which is written the date he will return, and woe betide anybody who has taken up residency on that sand dune in breach of the arrangements on the beer can. These sorts of arrangements have served the area well until now and we must move to the next phase of the history of this very attractive coastline.

The proposed select committee will provide an opportunity for members of this House to examine their own sacred cows. I have not canvassed the issue with Hon Jim Scott, but perhaps he has sacred cows in the area of conservation and environmental protection which need to be placed under close scrutiny. This is a large State with such vast tracts of land that it became obvious to me while in Government that we had Buckley's chance of providing the resources to manage our vast estate. There is only one way forward to manage those environmental assets appropriately and that is to find an appropriate blend of conservation strategies associated with tourist operations which have conservation and environmental management obligations attached to those operations in wilderness and similar areas.

It is no longer appropriate to leave our coastline and wilderness areas unmanaged and allow people to erect their mobile condominiums to become eyesores on the coastline in the eyes of anyone wanting to make a more gentle excursion into these areas. Further north people are shooting crocodiles in areas where we wanted to put wilderness lodges. The lodge owners would have to be the conservators and protectors of the environment in such situations in the absence of any chance in hell of establishing an environmental protection officer along that coastline. The place that I imagined we could have put a wilderness lodge has already seen crocodile hunters shooting the animals. I do not wish to protect crocodiles at all costs and if it were a question of them or us I would prefer them rather than us. However, in locations associated with the wilderness I see no justification for that happening. In a State such as this we must examine alternative ways of managing our environmental estate.

Hon Derrick Tomlinson: Land rights for crocodiles.

Hon TOM STEPHENS: Only gay ones.

Hon Derrick Tomlinson: They are always tearful, I am told.

Hon TOM STEPHENS: It is for these reasons that I am enthusiastic about the proposal put by the Leader of the Opposition. I appreciate the opportunity he extended to me to explore the terms of reference as drafted and for putting them before the House. This motion deserves the support of the House and the considered deliberation of a select committee of the Parliament. I would greatly appreciate the opportunity to work with the Leader of the Opposition on a select committee considering this matter.

HON P.H. LOCKYER (Mining and Pastoral) [3.13 pm]: I have been in this place for close to 14 years and can be accused of being somewhat cynical from time to time. When this motion first came before the House after Hon Tom Stephens' disgraceful behaviour and his outburst about the Ningaloo Reef during which he expressed his new found love for the area my cynicism increased. However, I put that aside because Hon

George Cash and I faced a public meeting in Exmouth and listened to people express their concerns about this matter as we said we would. An invitation was extended to Hon Tom Stephens to front up at that meeting, but I was not surprised when he did not appear. However, that is behind us. When the dust settled and the bulldust stopped, as I knew it would because people of Hon Tom Stephens' calibre run out of steam after a while, the people of Exmouth were a wake up to him.

Some sense has returned to this debate over the past few weeks. I saw Hon Graham Edwards last night to ensure that he was not attempting some cynical political exercise related to this matter - not that I thought he would. However, one could be excused for thinking that he may well have changed his ways.

Hon Sam Piantadosi: When will you change yours?

Hon P.H. LOCKYER: I was about to give the member who just interjected a pat on the back, but I may now cancel him from my list. I sat on a select committee with Hon Graham Edwards and Hon Sam Piantadosi during which time the latter's behaviour was much better than it has been during the past 30 seconds. That select committee looked into the fruit and vegetable industry. The late Hon Graham MacKinnon was the other conservative on that committee. I believe it was a good committee.

The long and short of the matter is that although this matter has not been discussed in the coalition party room I understand it will be discussed next Tuesday. I do not know the position taken by my colleagues but I may be persuaded to speak with them in the party room in an attempt to get them to accept the proposal put forward by Hon Graham Edwards, but with a few alterations. I believe this may be a useful committee and that it could provide an opportunity for this House to do what I believe it does best; that is, examine matters like this. I would be more persuaded to agree with the motion if the committee were to consist of four members rather than five; that is, a member from the Labor Party, the Liberal Party and the National Party, and an independent member. I would not be adverse to Hon Graham Edwards chairing that committee because I believe he has a long and genuine interest in the area. I know that long before he became a Minister of the Crown he went to Exmouth. I believe him when he says that he has a genuine interest in the area. I also believe that his motion is a genuine one. I may well be persuaded, if my colleagues think it appropriate, to serve on that committee as I have known the area well for a long time and have been representing it in this Parliament for close to 14 years. Unlike Hon Tom Stephens, I was going to areas such as the Ningaloo Reef swimming and watching the whale sharks years ago. I am neither a new found convert nor a zealot about the area.

I have always believed that this would be an important area for tourism. In his comments Hon Tom Stephens left out the fact that the Labor Party promised the people of Exmouth marinas and said that Club Med would be establishing a resort in the area. Hon Tom Stephens well knew the Government was fibbing when it said that and he would be fibbing now if he said that Club Med was thinking about establishing in Exmouth, because it is not, and never was. Its management was persuaded at the time that as they were in Australia they should recognise Exmouth as being on the map.

Not everything Hon Tom Stephens said was incorrect. The area is under pressure from tourists who today have access to facilities to which they did not have access a number of years ago. The first is the easy access to four wheel drive vehicles, and the second the sealed roads into places such as Coral Bay and Exmouth which are available today. In fact, those sorts of roads are now available throughout Western Australia. In addition, the dirt roads are getting better. The Western Australian Tourism Commission is pushing these areas and making them more available to people.

Pastoral properties are now looking at making dollars by inviting people on to them whereas in the past pastoralists were classed as rude by the tourists who encountered them on their properties. The farmers called tourists "terrorists" and ordered them off their properties. A farmer from down south wandered over to a station owner's property on one occasion while the owner was drafting sheep during shearing time to have a look. He was ordered off the property. I was astonished that happened and told the pastoralist

that. Things have changed in the past 10 years and massive pressure is now being put on some of the more delicate areas in the Cape Range national park. I was astonished by the local people in that area when the Ningaloo marine park was first mooted and most of them were vigorously opposed to its establishment. I had the duty of chairing a meeting in the hall one night, and all the local people were up in arms about the fact that a marine national park was intended for the area. It is funny to see how things have changed - the people there now see how important it is for their region.

Perhaps it is time we appointed a select committee to examine this matter, but if we do so the committee must be meaningful and no politicking should be involved. That is why I listened carefully to the previous speaker, Hon Tom Stephens, who is not known for his statesmanlike speeches in this House. He has talked himself out of more yeses than noes in this place. I warned his Whip that if he spoke it may well be the kiss of death for Hon Graham Edwards' motion to appoint this select committee.

Hon Tom Helm: You are wrong again, mate.

Hon P.H. LOCKYER: I am not wrong; or, if I am, I am glad I am.

Hon Tom Helm: You said it was a good speech.

Hon P.H. LOCKYER: It was one of his better ones. His comments today were far more mature than they were last time he spoke about the Ningaloo marine park, so the training Hon Tom Helm is giving him is obviously working. I just hope that Hon Tom Stephens can train Hon Tom Helm to get to a barber.

Hon Tom Helm: I didn't hear that.

Hon P.H. LOCKYER: The other day someone asked me why, with a head like that, the member would want a mane down his back. However, the member knows my opinion about this. I have spoken to his wife and she likes it.

The PRESIDENT: Order!

Hon P.H. LOCKYER: If the coalition parties agree next week to a modified version of this motion, perhaps either Hon Jim Scott or Hon Reg Davies may consider agreeing to it too, because there is no doubt that some parts of the motion will need modification. The very bottom line we should consider - which some of my colleagues may not like - is that the committee comprise two coalition members, one Labor member and one Independent. Many members of my party believe we should have a majority on every committee, on the basis that the party with the numbers always wins. That is not such a bad thing, and I respect those of my colleagues who think that. However, on this occasion I believe this select committee should not be affected by politics and we should be very serious about examining the issue very carefully. Let us do it properly, by all means. I hope my colleagues can be persuaded in this.

The Ningaloo area is there to stay; the marine park is in place. However, such things as the bombing range will be very difficult to shift. After all, where is a good place to put a bombing range? I not think anyone will be able to suggest an alternative site.

Hon Tom Helm: Coogee.

Hon Sam Piantadosi: There is a site in Carnarvon that may be suitable.

Hon P.H. LOCKYER: Some very delicate areas will need to be examined, including whether resort type facilities should be built on the west side of the cape or whether some areas should be totally locked up. I am not averse to what Hon Tom Stephens said about protecting some of those areas so that people could not cross them willy-nilly. Indeed, he may well be right. However, I sound a note of caution about the pastoral leases concerned. They have been there for a very long time and it is imperative that they be mentioned in the proposed select committee's terms of reference and that close consultation take place with those pastoralists. I understand only four or five pastoral leases are involved. The terms of reference should also allow the oil exploration industry to have input, whether or not we accept what that industry has to say.

Hon George Cash: What about the fishing industry?



Hon P.H. LOCKYER: The fishing industry is another important industry that should have a say. When this issue is discussed in the coalition party room next week I want these matters to be considered.

I am happy to give the motion my guarded support on the basis of the amendments I have foreshadowed, and the coalition parties agree to the establishment of the select committee in principle.

HON J.A. SCOTT (South Metropolitan) [3.25 pm]: I support the motion to form a select committee to inquire into Cape Range national park and Ningaloo marine park. I agree with many of the things that have already been said about the great beauty of this environmental jewel, and Hon Tom Stephens spoke about that at length on another occasion. However, I want to stress the importance of the peninsula to tourism in the region. I believe some \$57m was spent in the last year, and that figure is rising rapidly.

When I visited the area recently to meet a group of new Liberal Party members who were having a closer look at the Ningaloo Reef and the Cape Range national park, I was very pleased at their response to the area. They were obviously very impressed with the area's potential, as was I. While there, I spoke to a number of the local people about their concerns, not just for the park but for their own livelihoods. One of these concerns was that, as we all know, a balancing act must be done between the oil industry and the safety of the reef and the fishing industry there. One thing that was obvious from my discussions with those people was that the boundaries as they stand are not the best possible boundaries. In particular, members of the fishing industry were very concerned about some drilling that is happening on the reef, not in the park. They were more concerned about some drilling that was about to take place just north of the mangroves. This was extremely worrying to them because the type of muds in that area are anaerobic and if any oil spill occurs it will be virtually impossible to clean it out. The only way to get rid of it would be to suck it out in some way, and in the mangroves that would be impossible.

The local residents were also concerned about the area attracting too much tourism. Already some things such as turtle hatching are being affected. Apparently the turtles are not able to hatch their eggs and are forced to re-enter the water because of the number of people on the beach. Also, as Hon Tom Stephens mentioned earlier, some caravans - not so much in the park, but in the area immediately below the park - cause some damage to dunes south of the park where they are not controlled by the officials looking after the park.

One of the important things members should realise about eco-tourism as opposed to large scale tourism, which Hon Tom Stephens was mooted earlier as a possibility, is that eco-tourism is usually smaller and can be handled by the people in the area. It can happen with local investment and local employment, rather than someone coming into the place, putting up a big hotel and sending profits out of the area without necessarily employing local people.

Hon Peter Foss interjected.

Hon J.A. SCOTT: No, it involves local people and is a local industry. In industries like the oil industry people with specialised training are flown to the area.

Hon Peter Foss: Do you suggest that that is the case with tourism?

Hon J.A. SCOTT: Not necessarily. However, tourism should be conducted by local identities who know the area well and operate small businesses; I am sure the Minister would be in favour of that.

[Resolved, that the motion be continued.]

Hon J.A. SCOTT: Often large amounts of tourism cause an area to be degraded environmentally, and often the face of an area is changed so it is no longer a local Australian identity which was its original attraction. People do not seek to travel from one international hotel to another and live the same wherever they are. Therefore, the local flavour is important.

A major concern - which is greater than the possibility of oil spills for some people - is the close proximity of shipping lanes to the reef. Local people can do little about these shipping lanes, and they claim that some ships come very close to Ningaloo Reef. Some ships shed ballast water along the coast, and this can contain organisms from other parts of the world. For instance, in Tasmania the crown of thorns starfish is destroying the fishing industry. In fact, Ningaloo Reef is being attacked by a local snail, the name of which I cannot remember.

Hon Peter Foss: It is devastating.

Hon J.A. SCOTT: Any additional introduced predator could be very damaging to the area. This important need for care to ensure the survival of the area must be balanced with the needs of the local community, the State and the general environment.

Hon Peter Foss: The ballast problem almost needs an inquiry in itself as it is not isolated to the Ningaloo Reef.

Hon J.A. SCOTT: I hope recommendations will arise from such committees for the Federal Government to change the shipping lanes in the area.

Hon Peter Foss: It is a problem even if they discharge in port; it is not normally discharged in the shipping lanes.

Hon J.A. SCOTT: This select committee is more than appropriate - it is essential. I support the motion.

**HON P.R. LIGHTFOOT** (North Metropolitan) [3.34 pm]: I have qualified support for the motion. I propose at this stage to neither pre-empt my colleagues nor give unqualified endorsement for the various parts of the motion. However, members must be aware that this area, although ecologically fragile in some respects, is subject to some of the most rigorous natural impediments on the coastline from Perth to Darwin. These include a high incidence of cyclones, often being the epicentre as cyclones cross the coast with their resulting high winds and rain-bearing depressions. Therefore, the area is not fragile in that regard.

This area is also subject to one of the highest incidents of droughts in Australia. In fact, the area has an average 60 per cent variance in weather from year to year. This is not an area which needs to be put in cotton wool and treated with kid gloves. Strangely, it is also an earthquake zone and has a superficial cover of transportable material. This material tends to weaken the surface expression of earthquakes; nonetheless, the area has high incidents of earthquake relative to the rest of Western Australia.

Also, the area has had great environmental changes since 1870, which is a reason for this area to be studied. The area is also at high risk of desertification, which does not mean people leaving the area; it means that environmentally it is inclined to desert, not just aridity. It may be that further advice should be given regarding grazing in that area. I am not qualified to answer that matter as I have not been to the parks for several years. However, I assume that would be part of the wide ranging commission Hon Graham Edwards seeks.

Hon Graham Edwards: If such a committee were established, it would work out who would be called to give evidence. If one sets out with a process of total consultation, everyone who wants to have a say will be given an opportunity to do so. I am sure that the fishing, tourism, grazing and oil industries would all want to have a say.

Hon P.R. LIGHTFOOT: Indeed. Also this area has been subject for many millennia to a great deal of wind erosion, although that is again relative to other parts of the world. The potential damage caused by tourism and mining in the area is perhaps infinitesimal when compared with the damage the wind has done, continues to do and will do in the future.

The area has an Aboriginal population. Prior to 1870, the time the first non-Aboriginal settlers - as opposed to European settlers - went to the area, the population was estimated to be one person to 20 to 40 square km. The area has the ports of Karratha and Port Hedland to its north east which are the biggest in Australia - one of them is the biggest in the world - for tonnage shifted. It is an area that must at some stage be subjected to

detrimental effects as a result of having those ports. The point I want to make about any members who are likely to constitute this proposal is that there seems to be a general consensus of support for this proposal, equivocating on some areas of make up, number, political background of the people proposed for this committee.

Hon Tom Stephens: I hope because of your interests you would be available to go on the committee yourself.

Hon P.R. LIGHTFOOT: I would not dismiss out of hand any proposal that I should go on the committee.

Hon Tom Stephens: You would make an excellent contribution.

Hon P.R. LIGHTFOOT: I should like to think that a proposal for any contribution would be balanced between development and environmental necessity in that very sensitive ecological area, particularly the coastal dunes which are subject to the ravages of natural disasters, each year, each month and each day. It would seem to be futile to lock this area away from the study of development because of the ravages of natural disasters that occur annually in the area. It seems to be subjected to more damage from natural disasters than any other area on the coast that I can think of. We could harmonise any potential for development; that is, tourism, fishing, or mining, which would necessarily include the high potential that the area has for oil exploration. That is not to pre-empt that the committee may decide there should be willy nilly uncontrolled development; quite the opposite.

The potential for tourism in the area is magnificent. The marine park is undoubtedly a thing of beauty and if it cannot be accessible to all Australians, should they wish, it should be locked away where that area cannot be assessed or appreciated. The greatest protection that all areas of this nature have is that as many people as possible can see them, appreciate them and be opposed to their destruction in any way, peripherally or otherwise.

The balance of the committee should include members from both sides of this House. I do not necessarily believe, unlike my colleague Hon Phil Lockyer, that it should have an Independent member on it. It may be that the committee would decide to have an Independent on it; but that is not my belief. The committee would be best served by having the strongest voices in this Parliament: That is, those to the left of you, Mr Deputy President, and to the right of you, and not necessarily someone who has a particular and peculiar bent for conservation in isolation.

Debate adjourned, on motion by Hon Muriel Patterson.

## MINING AMENDMENT BILL

### *Third Reading*

HON GEORGE CASH (North Metropolitan - Minister for Mines) [3.45 pm]: I move -

That the Bill be now read a third time.

*Sitting suspended from 3.45 to 4.00 pm*

HON TOM STEPHENS (Mining and Pastoral) [4.00 pm]: I rise to speak on the third reading of this Bill for a simple reason; I know my colleague, Hon Mark Nevill, wanted to be ready for the next item on the Notice Paper, which has come before the House quicker than we were expecting.

Rarely has there been a clearer example of a Bill that should have been referred to the Standing Committee on Legislation than this Bill. Most of the time of this House could have been saved if that course had been adopted. Without dwelling on that matter too much because I fear it might attract the attention of the Chair, I wish to say also what a pleasure it was for me to sit and listen to a member contribute so solidly to a debate on a topic about which he knows so much. I refer, of course, to the contribution made by my colleague, Hon Mark Nevill, who, in his consideration of this Bill, brought his years of experience of mining issues to the fore so that his contribution was all the more informed.

Early in the debate, members will recall that questions arose about the definition of "navigable waters". It occurred to me at that time how our opportunities to consider legislation would be enhanced if we had the same computing facilities available to us as the Clerks have available to them. It allows them to call up at a moments notice words like "navigable waters" and to quickly refer to the Statutes of this jurisdiction.

Hon Mark Nevill: We could better navigate our way through the debates.

Hon TOM STEPHENS: Yes, including the third reading debates with more alacrity. Members of this House should have the advantage of being equipped with keyboard facilities and screens that would allow them to find definitions and Statutes of this jurisdiction and others.

Hon Peter Foss: Or we could ask the Clerks.

Hon TOM STEPHENS: We could. However, Mr Foss is more used to summoning people with a click of his fingers than I am. I am more used to doing the slave work myself.

The third reading of this Bill should not proceed without members recognising that it is a Bill that should have moved through the House with more speed.

Hon Peter Foss: I hope you are not criticising Hon Mark Nevill.

Hon TOM STEPHENS: Not at all.

Hon George Cash: I thought it was a good debate because Hon Mark Nevill could say many of the things in here that he could not say in the caucus room. They were good comments.

Hon TOM STEPHENS: Fortunately, we do not have the pleasure of Mr Cash's company in the Labor caucus room. I can assure him that Hon Mark Nevill is not one to hold his tongue in the caucus room or in Parliament. Every Labor Minister for Mines has experienced the same gruelling that the present Minister has experienced.

Hon George Cash: I thought it was handled in a very constructive way.

Hon TOM STEPHENS: I agree. It was a pleasure to sit behind my colleague and see this Bill put under such close scrutiny.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

## **MINES REGULATION AMENDMENT BILL**

### *Committee*

The Chairman of Committees (Hon Barry House) in the Chair; Hon George Cash (Minister for Mines) in charge of the Bill.

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

Hon MARK NEVILL: I want to ask a couple of questions about the interim mines occupational health and safety advisory board. It is not a part of the Bill, yet it is central to the course which the amendments to this Bill will take. The Opposition supports the establishment of an interim board. However, it has misgivings about the composition of that board. It will comprise three departmental members, four industry employer members, and four members who represent workers in the industry. Why is the worker representation so highly structured when the same does not apply to the employer representation? They have a fairly free choice. The workers have a highly structured form of representation; one from the Trades and Labor Council, one from the Australian Workers Union and two workmen's inspectors who have a dual responsibility to both the Department of Minerals and Energy and the work force. As such, that strengthens the Department of Minerals and Energy influence on this board and, to a degree, weakens the work force influence. Why was it necessary to highly structure the employee representation on the board, and why was it decided that these workmen's inspectors,

who are employees of the Department of Minerals and Energy, should be appointed to that board?

Hon GEORGE CASH: For some time the Government has felt it necessary to establish a mines occupational health and safety advisory board, and I have already established an interim mines occupational health and safety advisory board which will advise and make recommendations to the Minister for Mines on occupational health, safety and welfare matters relating to the mining industry in Western Australia. The functions of MOHSAB will also include the opportunity to inquire into and report to the Minister on any matters referred to it by the Minister, and make recommendations to the Minister with respect to the framing, amendment or deletion of laws relating to occupational health, safety and welfare which are administered by the Minister. It will also make recommendations to the Minister on subsidiary legislation, guidelines or codes of practice proposed to be made under or for the purpose of any prescribed laws, and a number of other functions.

The composition of the board appears to be the major question asked by Hon Mark Nevill. It is intended that the chairman shall be the Director General of the Department of Minerals and Energy, and Government representatives will be the State Mining Engineer from the Department of Minerals and Energy, a representative from the Department of Occupational Health, Safety and Welfare, four representatives nominated by the Chamber of Mines and Energy and accepted by the Minister, and two representatives from the work force, with appropriate mining industry experience, nominated by the Trades and Labor Council. One of those members must represent the coal industry and the other mine workers. The workmen's inspectors shall be one from the eastern goldfields inspectorate and the other from the Pilbara inspectorate. It is intended that the secretariat will be provided by the Department of Minerals and Energy. Both employer and employee representatives will be able to nominate alternates to deputise for board members in their absence or other unavailability.

I recently met with Mr Meecham, the Secretary of the Trades and Labor Council in Western Australia, and discussed the composition of the board with him. Mr Meecham and I generally agreed that it was important that employee representatives be available and appointed to the advisory board so that we did not lose the opportunity of receiving advice from that quarter. It was also agreed in general that the workmen's inspectors would not be referred to as union representatives, and there was no intention that that should be the case. They are very much persons who will represent the work force at large, as will the TLC representatives representing their areas within the industry.

Hon MARK NEVILL: I understand there is at least one workmen's inspector in the Pilbara, although there may be two. One of those inspectors recently passed away; is there another to take that person's place and has an election occurred since his death?

Hon GEORGE CASH: Yes, an appointment has been made.

Hon MARK NEVILL: A further question relates in general terms to the Kelly report, which on a number of occasions refers issues back to the occupational health, safety and welfare commission, which is a tripartite body. Did the Minister consider setting up this board under that commission and, if so, why did he not do so?

Hon GEORGE CASH: The proposed advisory board will report to the Minister for Mines. Although the commission referred to could be said to be an overarching system or institution with regard to occupational health and safety in Western Australia, it is considered that the mining industry has particular needs that must be recognised. The proposed MOHSAB will be able to provide that structure and advice to the Minister.

For the interest of members, I indicate that the advisory board will be able to establish subcommittees. It is anticipated that the first subcommittees likely to be established will be the legislation development subcommittee, the occupational health subcommittee, and the radiation subcommittee. There are further clauses within the Bill relating to this which we can perhaps discuss at greater length.

Hon TOM HELM: I have not seen a copy of the terms of reference of the interim advisory board, and I ask whether they will allow it to explore the Kelly report

recommendations with regard to the overarching responsibility of the commission. Will the board under its terms of reference be able to redefine minesites?

Hon GEORGE CASH: The health subcommittee will handle that area and it will be able to consider the Kelly report. More than that, in general terms it will be able to formulate the adoption of standards and other matters that it believes appropriate with respect to occupational health and safety in this State. The major responsibility will be the development of a system for mine workers' health monitoring. It is intended that this task will be completed within a reasonably short time, enabling the subcommittee to then deal with general occupational health and industrial hygiene issues. The occupational health subcommittee will take over responsibility for the tasks that were previously carried out by the ventilation board. One of the groups which will report to the subcommittee will be a specialist advisory medical panel, which will include the new consulting physician who has been employed by the Department of Minerals and Energy, occupational health physicians from the Health Department and the Chamber of Mines and Energy, and other appropriate persons who may be coopted. Again, the secretariat for the committee or panel will be provided by the Department of Minerals and Energy. The main function of this advisory medical panel will be to provide pooled specialist medical advice on particular issues referred to it and to provide the basis for wider advice to the mines occupational health and safety advisory board.

Hon TOM HELM: Just in case the Minister misunderstood me, I will elaborate the second part of my question about the definition of minesite. The Minister may not be aware of concerns that have been raised by the Mining Unions Association of Western Australia about some sites in the Pilbara which have been defined as minesites for the purpose of the Act. Many people - not necessarily the mining companies, but certainly their employees and the employee representatives - have expressed concern about whether the definition of minesite is appropriate in some areas. You may be aware, Mr Chairman, that the townsite of Dampier can be described as a minesite; in other words, there may be no responsibility. Other areas which are clearly construction sites are covered - and I do not mean this in a derogatory way - by the provisions of the Mining Act rather than by the provisions of the Occupational Health, Safety and Welfare Act. To a degree, the previous Government looked at that problem and went some way toward addressing it. Will the proposed committee have as one of its terms of reference the definition of minesite?

Hon GEORGE CASH: The interim mines occupational health and safety advisory board will have the opportunity of looking at the definition of minesite if it believes that is relevant; and, given the comments of the member, that is a strong possibility. I do not intend to direct the advisory board to do particular things. However, if the board believes that there should be some tidying up in respect of the definition of minesite, then clearly that matter would fall within its role.

Hon MARK NEVILL: Is my understanding correct that the interim advisory board will review the whole of the Mines Regulation Act and regulations? Can the Minister provide me with further information about the subcommittees and the composition of the board to which the Minister alluded earlier?

Hon GEORGE CASH: Yes. It is expected that the legislation development subcommittee will, as one of its priorities for the advisory board, revise and consolidate into one Act the Mines Regulation Act and the Coal Mines Regulation Act. That will be the prime responsibility of the subcommittee. It will be necessary at times for the subcommittee to delegate and assign tasks to appropriate working groups. The composition and membership of the various subcommittees has not yet been determined because the interim mines occupational health and safety advisory board has not met. It is intended that it should meet shortly.

I met with the Secretary of the Trades and Labor Council of Western Australia last week. One of the purposes of that meeting was to discuss the representation from the TLC and for me to genuinely say to the secretary of the TLC that we hope that the TLC will nominate representatives so that advice from that quarter is not lost to the committee. I

am more than happy to provide the member with advice about the number, composition and membership of the subcommittees when the advisory board makes that determination.

**Clause put and passed.**

**Clauses 2 and 3 put and passed.**

**Clause 4: Section 4 amended -**

Hon MARK NEVILL: Clause 4 will depend upon what happens to my amendment to clause 6 to oppose the deletion of division 2A, so I move that clause 4 be taken after consideration of clause 6.

Hon GEORGE CASH: The Government has no objection to that. As the member indicated, clause 4 is a principal clause, and whether it is carried will depend upon the success or otherwise of the proposed amendment to clause 6.

**Further consideration of the clause postponed until after consideration of clause 6, on motion by Hon Mark Nevill.**

**Clause 5: Section 22 amended -**

Hon MARK NEVILL: Clause 5 refers to disputes which can be taken to the ventilation board and appeals to the mines radiation safety board, which are also covered in clause 6, so I move that clause 5 be taken after consideration of postponed clause 4.

**Further consideration of the clause postponed until after consideration of clause 6, on motion by Hon Mark Nevill.**

**Clause 6: Divisions 2A, 5 and 6 repealed -**

Hon MARK NEVILL: I move -

Page 2, line 19 - To delete after the word "Divisions" the expression "2A,".

The Opposition is alarmed that division 2A, which relates to health matters associated with workers, is to be deleted from this Bill. My discussions with people in the mining industry indicate that they are as surprised as I am that division 2A is to be deleted by this Bill. Its removal is unacceptable both to the Opposition and to the majority of mine workers in this State. No doubt, shortcomings exist within division 2A but the section should not be removed until we have something to replace it.

Hon P.R. Lightfoot: Is not that an unaltered clause of your own Bill? The clause has not been altered since the Bill was drafted by the previous Labor Government.

Hon MARK NEVILL: I do not know whether we are on different planets but we are talking about an Act which has been around since 1946.

Hon P.R. Lightfoot: I thought the member was talking about a Bill. Did his Government not draft that?

Hon MARK NEVILL: The member is thinking of a different Bill. We are addressing the Mines Regulation Act not the Mining Act. For the benefit of Hon Ross Lightfoot, division 2A covers three main areas: Mines medical officers, covering mine workers' health certificates and the associated matters; the establishment and operation of the ventilation board; and the provisions which establish and regulate the mines Radiation Safety Act. They are the three areas being unceremoniously removed from the Act when we have nothing to replace them. The division gives protection to mine workers and should not be removed. The whole area will be left in limbo until the division is replaced. It is often the case with these review committees and review boards that progress is rarely as quick as people anticipate when the committees are set up. I will be very concerned if we knock out these three sections which give protection to mine workers and wait 18 months or two years until we introduce a Bill in this Chamber to replace the protections which are built into division 2A. Without argument, division 2A needs extensive amendment or perhaps adaptation into a new Mines Regulation Act. That is not the argument. The problem is that we will have a vacuum in mine workers' rights until a new Act is passed in this place. That is unacceptable.

The Bill will delete the review provisions. Section 62(1) of the Act refers to sections 23G to 23N, which cover the mines radiation safety board provisions. It reads -

The Minister shall carry out a review of the operation and effectiveness of this Act on every 5th anniversary of the date of the commencement of sections 23G to 23N and in the course of that review the Minister shall consider and have regard to -

- (a) the effectiveness of the Ventilation Board and the Mines Radiation Safety Board;
- (b) the need for the continuation of the functions of the Ventilation Board and the Mines Radiation Safety Board; and
- (c) such other matters as appear to him to be relevant to the operation and effectiveness of sections 23A to 23L.

The date on which this review was to be commenced was 3 June 1993. The latter sections relate to mine workers' health certificates, mines medical officers and the ventilation board. The review section requires that the continuation of the boards be examined. I wholeheartedly agree. However, I strongly object to the deletion of the boards before the examination is even started. That is what we will do if the Bill is passed. The Opposition is very concerned about the mining work force in this State. We have seen changes and proposed changes to a number of areas which can have dramatic effects on workers' compensation, industrial relations, and many of those matters are interlinked with this Bill.

The mines inspectorate of the Department of Minerals and Energy oversees health and safety in the mining industry. Many of the initiatives brought in by the Government emasculate and confiscate the rights that workers currently enjoy. We are very suspicious about the future of the mines inspectorate's ability to protect workers in this case. The Government has foreshadowed big cuts in Budget expenditure and big reductions in the number of people in the Public Service, and we are very concerned that some of those impacts will be felt in the crucial area of the mines inspectorate. We will examine closely the budget allocation received by the mines inspectorate because extra funding will be provided for environmental inspectors, which are part of this Bill. We support that, but we would also like to see funding for the inspectorate increased in the areas of mines health and safety, or at the very least maintained at its present real level.

We have great concern about the Government's real motives in removing these important sections from the Act when nothing replaces them. We are concerned that, having over recent months emasculated the rights of workers, the mines inspectorate of the Department of Minerals and Energy may also be emasculated and we will have fewer powers in the Act to protect mine workers. I ask the Minister to reassure the Committee, if he can, that the inspectorate will be given a high priority in any consideration of funding and staffing before this interim advisory board reports.

Hon GEORGE CASH: I am opposed to the deletion of the words, and will explain just why division 2A is being repealed. Hon Mark Nevill and those who have some knowledge of the Mining Act will recognise that division 2A provides for the appointment of mines medical officers and for the periodic medical examination of mine workers. It empowers a set of regulations which prescribe for identification and prevention of occupational diseases, including exclusion of medically unsuitable persons from employment in or about any mine. These provisions were included in the legislation many years ago when active pulmonary tuberculosis and silicosis were rife in the underground sector of the industry. Tuberculosis and silicosis have been virtually eradicated from the industry with very few carryover cases of silicosis being identified each year in workers involved in the industry during those early eras. The existing regime of the issue of mine workers' health certificates and periodic X-ray examinations to maintain their currency has been recognised by occupational health authorities for several years as ineffective and inappropriate. It imposes an unwarranted burden on scarce health resources and it incurs a considerable cost to the taxpayer.



In setting the scene in that regard it is important for the Committee to recognise that there is no intention in the repeal of division 2A of the Act to lessen health or safety standards in respect of the mining work force. In fact, the priority that the Government has set for these workers is to improve the health and safety standards of mine workers in this State. About 34 000 people work directly in the mining industry in Western Australia, another 100 000 gain indirect employment; that is, about 134 000 people have an employment interest in the mining industry. Those figures represent one in six of the work force. The Government recognises the contribution that the mining industry makes to the Western Australian economy and the national economy, and it will do nothing to endanger the health or safety of the work force.

When we talk about the mines radiation safety board and the ventilation board, if we refer to the Kelly report - Hon Mark Nevill made some reference to that report in his contribution to the second reading debate, but did not agree with all things in it - we will see clear evidence that the radiation board was not seen to be as effective as it might have been. The ventilation board dealt with general global matters. It is the Government's intention, by establishing the interim mines occupational health and safety advisory board and, in particular, its occupation health and safety subcommittee, to transfer certain of the projects that were being undertaken by the mines radiation board across to the advisory board so that nothing is lost.

I have spoken to Dr Phil Jennings who is the chairman of the radiation board to assure him that in the transfer of responsibilities we do not want anything to be lost, that the new advisory board needs to be informed of all of the projects that were under consideration. Indeed, Dr Phil Jennings gave me a commitment that he would agree to work closely with the new advisory board. When the new subcommittees were formed, the committees would have the power to co-opt expert persons onto them. We believe that the structure of the interim mines occupation health and safety advisory board will provide a greater opportunity to ensure better health and safety standards in the mining industry in Western Australia.

If Hon Mark Nevill implied in his comments that he was seeking some assurance that this is not a two-card trick, let me just say that we have looked at the repeal of division 2A very seriously. It has not been taken lightly. I have insisted that there be no lessening of the ability of the advisory board to investigate and report on those matters that were covered by the mines radiation board and the ventilation board. More than that, the advisory board should have a far wider role and functions than do the radiation and ventilation boards. It is not a two-card trick; it is a genuine attempt to modernise occupational health and safety advice to the Minister in this State so that there can be a rapid response where action is necessary.

In his comments in the second reading debate Hon Mark Nevill referred to the position of the State Mining Engineer in Western Australia and, quite rightly in my view, said that he had great respect for the person who occupies that position. For that and other reasons the State Mining Engineer is to be a member of the mines occupational health and safety advisory board. He is expert in that area. He has an inspectorate, a division, that is able to provide expert advice. In addition, there will be an opportunity to listen to expert advice from others.

As to the question of my guaranteeing that the inspectorate will not be short-changed in respect of funding and an assurance that it will be adequately funded, I will be working particularly hard to see that that happens. I have no intention of reducing the funds for that area, although the Budget is still being struck.

Hon Mark Nevill: It might be out of your control.

Hon GEORGE CASH: That is true. As a Minister I get one vote along with every other Minister; however, when it comes to priorities and the mining industry I have set a personal goal as I have moved around the State of emphasising that the health and safety of workers in the mining industry in this State is my priority. I might have only one vote, but I have a pretty loud voice when I must use it. It is a case of setting priorities, and worker health and safety happens to be my paramount priority.

Hon MARK NEVILL: The Opposition's real concern is that, despite the Minister's best effort and good intentions, the cuts to both budget and personnel will be so severe that the Minister will probably have to cop his share. The Opposition is concerned that the proposal to delete the health division from the Mines Regulation Act will remove the statutory protection that mine workers now have and, through no fault of the Minister, we could, after the Budget, have a greatly weakened mines inspectorate. I appreciate that the Minister can give only an assurance; nevertheless, it is a concern.

I am pleased to see the appointment of the State Mining Engineer to the interim advisory board. I would prefer that a mining person, perhaps the State Mining Engineer, chair that board, because mines regulations are a very specialised area. The board is responsible for formulating a regime of laws which will cover an area which is arguably one of the most dangerous areas in which to work, particularly in terms of fatalities. I would prefer to see someone with significant underground experience, in particular, as well as open pit experience chair that board. However, I am pleased to see that statutory officer appointed to the board.

This clause seeks to remove section 23A from the Act. The Government probably cannot make a strong argument to justify a statutory position of a mines medical officer, but it is absolutely necessary that persons with experience in respiratory medicine be available to make professional assessments of people's health. I wonder whether the Commission of Occupational Health, Safety and Welfare of Western Australia has discussed this matter. Eric Kelly's review of occupational health and safety in the mining industry stated that the commission should be asked to advise on the matter of mine workers' health certificates and mines medical officers as a matter of priority and whether the present arrangements should be suspended pending a final decision. Was this matter referred to the commission and did the commission recommend that this section be repealed? More importantly, did it recommend that it be repealed immediately without any other protection substituted in its place?

Hon GEORGE CASH: Yes, COHSWA referred it to the mining industry advisory council. At the moment little progress has been made in that area. Although it is convenient to quote selectively from the Kelly report because it suits one's argument, it is clear that the report said that all the evidence Kelly had reviewed suggested that the mines radiation safety board had achieved very little during its lifetime. Part 2 of the Kelly report referred to the ventilation board. The Government has picked up on various matters raised in the Kelly report, but more than that it wants to establish an advisory body that is superior to the existing bodies. That is why the other day I was stressing that the Government wants representatives of the union movement to be part of that advisory body. As members of the advisory body, they will have input to the various subcommittees which will be formed to discuss various facets of mining regulations.

[Questions without notice taken.]

Hon MARK NEVILL: To abolish division 2A from the Mines Regulation Act now would be to pre-empt the findings of the interim mines health and safety advisory board. It would be much more preferable to keep these statutory bodies in place until we are in a position to replace them with more suitable substitutes. There is no doubt that we need a system of health surveillance in the new Act which is sensitive to the needs of the work force, is able to adapt to changing technology and is flexible enough to address new problems without the Act's having to come back to Parliament to be amended. I reiterate that the present provisions leave much to be desired in many respects, and I questioned the need for mines medical officers when I attempted to redraft the Act some two years ago. I did not delete this provision from my redraft but merely reworded it in plain English and brought it up to date, because I believe debate should take place as to whether that statutory position is required.

I turn now to the Act itself. Basically, two provisions cover the activities of mines medical officers; namely, sections 23A and 23B.

Section 23B provides that -

... any person who is found to have pneumoconiosis or to be suffering from active pulmonary tuberculosis or to be otherwise medically unsuitable for specified employment shall not be so employed in or about any mine.

How will the employment in a mine of people with such conditions be prevented if that provision is deleted, and how will it be decided? Also, how will an epileptic be prevented from working in a mine? I clearly recall an epileptic miner with whom I worked; he worked underground in a stope with a yawning mill hole into which he could have easily fallen had he had an epileptic attack. What will be the effect of the removal of section 23B(1)?

Hon GEORGE CASH: Section 23B of the principal Act is within division 2A, regarding health. A person who suffers from pneumoconiosis is referred to that particular panel, although that process has somewhat diminished in recent years as the honourable member would be aware.

Regarding whether an epileptic should work in a mine, clearly a mine manager would have to rely on medical advice as mine managers have a duty of care. Instances have arisen in Western Australia in which controlled epileptics work on mine sites, but the nature of their jobs is considered by the mine managers as not putting them in any danger. To discriminate against a person because he or she suffers from a severe form of epilepsy, would be against the Equal Opportunity Act. Surely the member would recognise that a controlled epileptic should have a place in society and be entitled to work.

Hon MARK NEVILL: The Minister's comment is irrelevant to the point I was making. I am aware of an epileptic miner working at a stope with a large mill hole, which would be a very dangerous situation if that person had an epileptic attack. Obviously, an epileptic should not be placed in such a position. I have no problems with an epileptic working on mine sites, provided the person is not in any danger or does not present a danger to others.

Division 2 of the Act applies to part 9 of the regulations, relating to occupational diseases. When this section is repealed any regulations which rely on those provisions will lose their statutory base and become inoperative. Therefore, mine workers' health certificates will no longer exist. It might not be necessary for medical examinations to be as frequent as the current case, particularly for some mine workers; however, by deleting division 2A we will lose mine workers' health certificates and the whole range of matters that flow from such certificates. These are covered by section 9(2) through to 9(15) in the regulations. Those regulations require compulsory medical examinations. They require X-rays, although, rather strangely, they do not require lung function tests.

Regulation 9(13) will become inoperative if the Bill is passed. This regulation indicates that when a worker is examined by a mine medical officer and found to have pneumoconiosis, the medical officer shall issue him with a pneumoconiosis notice on form 14. What substitute will be used if that regulation is deleted?

Hon GEORGE CASH: Clearly, the duty of care is on the employer when employing people in the industry. It is intended that the new system will require a comprehensive baseline medical examination; in fact, that standard will be a more rigorous than is the case at the moment. A mine workers' health certificate is for thoracic or chest clearances. The new system is intended to upgrade that considerably. I said earlier that there is a falling incidence of pneumoconiosis in Western Australia. The repeal of that regulation will not be detrimental to anyone in the industry.

Hon MARK NEVILL: I could not agree more with the Minister that we will end up with a better system. If we do not, it will be a fairly futile exercise. I see a problem in that there is a hiatus between the passing of this Bill and the introduction of the new, improved system. When it passes, we will be between two stools and mine workers will be in limbo until the new system is established. Under section 9(14) of the regulations to the Act the mines medical officer, whose expertise is as a chest physician, thoracic surgeon, or something of that nature, shall submit monthly reports in writing to the

secretary of the ventilation board and the Commissioner of Health. That flow of information will cease. By what mechanism will the Commissioner of Health be aware of mine workers' respiratory health during this hiatus?

Hon GEORGE CASH: I think I said earlier that one of the reasons for establishing the mines occupational health and safety advisory board was to enable better advice to be given to the Minister. The object of the exercise is to improve worker health and safety. A specialist advisory medical panel is proposed. In showing its bona fides, the department has already employed a specialist physician who will advise that specialist advisory medical panel.

Hon Mark Nevill: Is it the same person who is the present medical officer?

Hon GEORGE CASH: No, it is a consultant physician. The other advisers who will be available to the medical panel will be occupational health physicians from the Health Department and the Chamber of Mines and Energy and other appropriate people. The good thing about the advisory board is that it will be able to establish subcommittees and working groups. The object of the provision is to make improvements, not lessen standards. Worker health and safety in the mining industry is a very high priority that I have set and I believe we will carry that through in the operation of this advisory board. That is another reason that it is important the union movement involve itself.

Hon TOM HELM: I agree with Hon Mark Nevill but not with the same militancy he is showing in this matter! I also agree with the Minister that there is a crying need for changes, as he has indicated, and he undoubtedly has a good opportunity to improve the health, welfare and safety of mine workers. Can the Minister prove his own bona fides, or that of the department, by explaining how wide was the consultation? I understand he spoke to members of the Australian Workers Union, the Trades and Labor Council and the Metal Workers Union. Can we review the results of his consultations? To some extent I agree with the Minister that the incidence of pneumoconiosis and silicosis has reduced. The Minister tied that to the justification for X-rays. Although I see some sense in that, how has that been determined? Perhaps the X-rays have a useful purpose in giving the industry an idea of how dust suppression, ventilation procedures and work methods are able to reduce the incidence of those diseases and improve the health of workers. Will the cost of the X-rays to monitor the health of mine workers be justified? I am also concerned about the vacuum that will be created. Inappropriate as the previous situation was, what will replace it? I believe it is the intention of both the Minister and the department to improve the health, welfare and safety of workers.

Hon GEORGE CASH: I met with Rob Meecham on two separate occasions to discuss the various changes. On the second occasion a couple of weeks ago, accompanied by a number of union officials, we discussed the advisory board at length. I am unsure of which unions the officials represented, but I think the Australian Workers Union was one; Gary Wood from the coalmining industry and Mike Beatty were present. I think Rob Meecham was seeking to gauge how genuine we were with our changes. I cannot tell Hon Tom Helm what he decided about that.

Hon Tom Helm: I don't know either.

Hon GEORGE CASH: The meeting was very amicable, as have been both meetings with him. I stressed to all the union representatives that, even though the Bill meant change, quite properly any change should be tested and monitored. I genuinely wanted the union movement to be involved so that it could participate in the process.

*Sitting suspended from 6.00 to 7.30 pm*

Hon GEORGE CASH: The panel is required to report on a regular basis on the incidence of pneumoconiosis, and that happens.

Hon Tom Helm: Is that brought about as a result of the X-rays?

Hon GEORGE CASH: In relation to the level of exposure to atmospheric contaminants and in particular silica on a very low level of exposure, the X-rays that are required to be carried out are not picking up the incidence until the disease has developed severely. The

argument that is being put at the moment is that the current system is not working in relation to the health of the workers. The system we want to put in place will better cater for those workers. Some people in the industry are prepared to go as far as to say that the current X-ray system is a waste of time; it is achieving very little.

Hon MARK NEVILL: Prior to the suspension we were discussing how the proposed amendments to the Act would affect the regulations. I pointed out that some regulations lose their statutory basis once division 2A is repealed. We discussed pneumoconiosis being found in a worker by a mines medical officer and we discussed the mines medical officer sending monthly reports to the secretary of the ventilation board and the Commissioner for Health. That will no longer occur. The requirement included in regulation 9.15(c) relating to employers' records will go with the repeal of division 2A, and that concerns me. We will lose that very accessible information by the repeal of that division of the Act. The information on mine workers' health certificates has allowed research to be done on the Wittenoom disaster because those certificates very clearly show which miners worked at that mine and the exact periods they worked there. That has been invaluable in tracing those people 20 or 30 years later because of the latency of the disease mesothelioma. I do not want to alarm people, but the mine I worked at in Kambalda for four years was a shaft; this was in the early years of the Kambalda operation. Most of the ore bodies which we called hanging wall ore bodies had rock underneath them which contained the asbestos minerals actinolite-tremolite. As I said, I do not want to alarm people.

Hon Derrick Tomlinson: Too late, you have.

Hon MARK NEVILL: I think it is important that we keep an eye on people who worked in those areas for some years to come and the mine workers' health certificates will allow us to do that very accurately. Members should remember that the Kambalda nickel mine first commenced in 1967 and these were some of the first areas developed. Those early miners would have had the biggest exposure to actinolite-tremolite. I am not saying that we need to be alarmed, but if there is a problem with this mineral, it would be showing up about now.

Some research carried out in Canada relates to two very large white asbestos mines in that country, one at the town of Asbestos and the other at Johns Manville. Altogether, 300 000-odd employees work at the mines, and one mine has twice the number of mesothelioma cases as the other. Before members become alarmed, I point out that the levels of mesothelioma are very low - almost the background levels one would expect in a population with no exposure. There were 10 cases in one mine compared with five in the other. The major impurity in the white asbestos from the mine with the higher incidence of mesothelioma is actinolite-tremolite. It does not mean there is a cause-effect relationship or that we should be concerned about it, but the situation should be monitored. Because of the latency period of mesothelioma, any problems will probably take between 20 and 40 years to become evident. Mining commenced in Kambalda in 1967 and if there is a problem it will begin to become apparent now, 25 years later.

The mine workers' health certificates have the precise places in which the miners have worked together with the dates on which they started and ceased employment. They provide very valuable information, particularly for respiratory diseases with long latency periods and those which progressively get worse even when a person has ceased employment. In my view we should not repeal this section of the Act unless we clearly have in place some mechanism for keeping those records within a Government department. It could be that in future some mining companies which are the sole custodians may cease to exist or be taken over, and the records may disappear. I do not for one moment think we can be complacent and assume that the Wittenoom disaster, or even much smaller problems, cannot occur again. We must be careful simply because of the latency period of many of these diseases. Some of the rock types involved are very different from the rock types mined in previous years. The same argument could probably apply to a lesser extent within the iron ore industry. We must be careful and make sure the records are available. If the Minister could assure me that they will be

kept in some other form by a Government department, I would be very pleased to hear that.

Hon GEORGE CASH: It is intended that the Department of Minerals and Energy will archive the records. Quite clearly they can be ordered to be retained. The new record keeping requirements are currently being determined by the consultant physician employed by the department. I remind Hon Mark Nevill that the inspectorate already has the power and authority to direct that biological or biomedical monitoring of individuals or groups of workers takes place where it is considered that the exposure is sufficient to warrant that attention. The records are safe and will be archived by the department.

I refer to the points made on the subject of asbestos. It is opportune for me to advise members that the mining operations division of the Department of Minerals and Energy will release later this week a publication called "Asbestos Management in Mining". Its purpose is to provide guidance to the mining industry and its work force on the management of the risks attached to sporadic occurrences of asbestiform fibre minerals found in some rock types in the course of mining. Some incidents were referred to in the earlier comments of Hon Mark Nevill. The document also provides answers to commonly asked questions and gives accurate information on issues sometimes distorted in the community. The publication was circulated in draft form to the Chamber of Mines, the Trades and Labor Council, COHSWA and Worksafe Australia for their comments. Mr Alan Rogers, the head of the occupational health and safety unit of Worksafe Australia, is an Australian authority on the subject, and he reviewed and advised on the publication. Constructive comment was received from the TLC, and I believe it will provide a valuable aid to those in the business of training mine workers. It will certainly also be of assistance to health and safety representatives in the mining industry and health and safety committees. I seek leave of the Chamber to table that document as members may be interested in its comments.

Leave granted. [See paper No 493.]

Hon MARK NEVILL: I am quite confident that the records up to the date of the repeal of this section of the regulations will be kept centrally, and I know that the Department of Minerals and Energy can get access to those records, if it has not already done so. However, it still leaves the potential for a period between the repeal of this section and the enactment of the proposed Act during which some information may go missing. Although the Minister correctly says that medical tests may be carried out on people now, I am more concerned about the diseases with a long latency period because in 30 years' time we may have a gap in the employment records during the period to which I refer.

Hon George Cash: The inspectorate has the authority to order the production of medical records.

Hon MARK NEVILL: Yes, but if they do not order them between the repeal of this section and the enactment of the proposed Act, those records will not be available.

Hon George Cash: I mentioned earlier that the consulting physician is currently determining the procedure to be adopted to make sure it does not happen.

Hon MARK NEVILL: I hope they have the power to do that. Another section could impinge upon this, and perhaps later we can backtrack to this section. The area of pneumoconiosis is of great interest to me because I have worked underground in the goldfields with many miners from the 1940s, 1950s and 1960s who have had both asbestosis and silicosis. The Kelly report states at page 71 that there were "13 cases of silicosis in the period 1985 to 1989, following only 18 cases in the previous five year period", which presumably was 1980 to 1985. Those figures are probably carryover cases from the 1950s and 1960s. Silicosis can be a progressive disease. It does not stop when a person stops mining. That is still a significant number, and I do not believe it serves much purpose to compare, as Mr Kelly has done here, those figures with the 847 cases in the period 1925 to 1929. The fact is that that disease is still around, albeit at a dramatically reduced rate.

Recently, I was alarmed at some information that was sent to me from Queensland. I worked at Mt Isa Mines for three months in 1973 in its rock mechanics laboratory and I went underground on a number of occasions. Mt Isa Mines 20 years ago was technologically much further advanced than any of the mines that we had in Western Australia, because of the scale of underground mining there. It had magnificent ventilation and good lighting, and all of the equipment that was provided was the best. Earlier this year, there was a survey of mine workers at Mt Isa. Usually there is the odd case of silicosis, but in that survey five miners were found to have silicosis. It amazes me that that is the case at that mine, because from my instinctive judgment as a person who has worked underground there, it is one of the best ventilated mines in Australia. The Minister's adviser was an engineer there, if my memory serves me correctly. I refer to an article from the *North West Star Editorial*, entitled "Silicosis Scare for five MIM workers", which states -

Five Mt Isa Mines employees have exhibited symptoms of silicosis, a fatal respiratory disease if not treated.

I am not sure whether the last part of that statement is correct. It continues -

Mt Isa AWU organiser Mr Roy Harris said there had been the odd isolated case of silicosis in previous years at the mine but this was the first time there had been a group of people.

It continues -

MIM yesterday announced an upgrading of its health screening program for employees.

About 4300 people are employed at the Isa and Hilton mines.

The program started this week for employees from areas with the potential to be exposed to respirable free silica.

A Mt Isa Mines spokesperson said the identification of silicosis is difficult as the clinical signs were not unique to the disease.

It continues -

Mt Isa Mines used to conduct annual chest x-rays of employees until the 1980s.

Another article from the *North West Star Editorial*, of 4 February 1993, entitled "MIM counters lead exposure", states -

Workers at Mt Isa Mines were subjected to excessive levels of lead, sulphur dioxide and respirable quartz, a State Government report has found.

That 34 page report was done by Simtars, the Safety in Mines Testing and Research Station in Queensland. It continues -

Mt Isa Mines acted on the report last September and has taken substantial steps to improve ventilation and suppress dust.

There are two issues here: Ventilation and dust suppression. It continues -

MIM executive general manager Barry Sullivan said some of the steps included:

- . improved ventilation;
- . additional resources allocated;
- . dust action committees formed in the lead and zinc mines;
- . improved use of water sprays in stopes;
- . and improved road maintenance and road surfaces underground.

Mr Sullivan said dust surveys conducted since the September report showed improved results.

The report and the action to be taken was discussed with employees.

What concerns me about this report is that Mt Isa Mines is not a mine where one would

expect high concentrations of respirable silica in the air, because a lot of the copper ores there occur with carbonate minerals, which are not silicates. The lead zinc areas would probably have more silica in them, but by our goldmining standards in Western Australia one would expect far lower levels of free silica in the air simply because there would be a smaller amount of free silica in the host rock that would be liberated into the mine atmosphere.

Another article from the same newspaper on 9 February reads -

**Health, safety changes likely to Mines Act**

Mount Isa AWU organiser Roy Harris said there should be mandatory legislated medical examinations for all "at risk" mine workers.

This is the case in Western Australia.

It will not be the case if my amendment is defeated. The article continues -

WA mines legislation provides for comprehensive medical examination of mine workers before they start work and annual examinations, including chest x-rays, for underground workers and examinations every two years for other mine workers.

I am not suggesting that we need in this State broad scale biennial X-rays and lung function tests for all mine workers but there would certainly be mine workers in this State that we consider to be in the "at risk" category. Those people probably should have some form of regular testing and be required to show that they have the satisfactory level of health; and the mine workers' health certificate indicates that people are able to be employed in the mines. The real point of my case is that given the information from Mt Isa I am concerned, and it makes me even more convinced that we should not be repealing this section of the Act until we have a new Act to replace the present provision. In other words, we should be replacing these provisions of the Act, not removing them.

Silicosis is not always easily identifiable. I worked with a man called Peter Zanotti, and I am certain that he would not mind my mentioning his name in this place. He spent 34 years in the mining industry underground, about 10 years of which were spent at Kambalda where he would have experienced a lower level of silica in the nickel industry, as one would have in the gold mining industry. He had roughly 25 years of exposure in gold mines. According to the pneumoconiosis medical panel, he had no dust, as it is called; yet he wheezed very loudly when he breathed. He retired to Esperance, and when I set up an office there in 1983 he came in to see me. He had been to the pneumoconiosis medical panel twice, and had been advised that he did not have any silicosis. I told him that I would get an application for him to fill in so that we could make an application for a hearing. One must admit that the pneumoconiosis medical panel will accommodate anyone who wants to appear before it. It is not difficult to revisit the panel, so he went a third time and again the result was that there was no dust on his lungs. Because he did not have silicosis he missed out on the wind-up of the mine workers' relief fund to which he had contributed for 34 years. Because he did not have silicosis he did not receive \$6 000 to \$7 000, which represented a lot of money for him and his wife, who were pensioners. He missed out.

After that third appearance before the panel, he came to see me. He was coughing up blood; not a large amount, but it was obvious that he would not live much longer. He asked what he could do about proving that he had silicosis. He knew he had it. I said that the only way he could prove he had silicosis was to have an autopsy on his lungs. He could have had a lung biopsy. He died about a fortnight later, and his lungs were examined by Sir Charles Gairdner Hospital. The test showed 25 per cent sub-microscopic silica. There is a difference between having silica in the lungs and having silicosis; but the silica in his lungs sure as hell affected his quality of life just the same as silicosis would. It certainly reduced the elasticity of his lungs, the same as silicosis and asbestosis do, and restricted the amount of oxygen he could take in. I gave that example to demonstrate that we must be more vigilant than just acknowledging the number of silicosis cases that occur. There are probably more, and there are people with respiratory



impairment as a result of mining that do not receive any compensation for pneumoconiosis. We should keep the present system in place until we have something to replace it.

I wanted to read an abstract from a report. People like Peter Zanotti were judged purely on X-rays that did not show up silicosis. There is no statutory requirement to check for lung function, the capacity of the lungs when we blow into a machine. It is important that we pursue this area of respiratory disease to make sure that we have a good workable system in place. The paper I refer to is entitled "Short term prospective spirometric study of new coal miners". Basically the study refers to a test of a cohort of new coalminers in America. It states -

The prospective study of 116 new coal miners was conducted in West Virginia to determine adverse occupational pulmonary effects. The cohort of new miners was followed from just prior to employment through two years of underground work. The subjects completed medical questionnaires and spirometry measurements were taken before and after work shifts. Changes in lung function over the work shift were compared. There was a 1.9 per cent drop in forced expiratory volume over the first six months' shift work. Miners who exhibited a shift decrement in forced expiratory volume greater than five per cent at the end of the first six months also exhibited accelerated annual decrements in lung function over the two year period.

There should be more of that type of testing among our workers. The research was done by J.L. Hankinson and T.K. Hodous. The abstract is one of the good services of the engineering services of the Department of Minerals and Energy.

Hon George Cash: It is also one of the things currently being looked at by the consulting physician, one of the matters that is being concentrated on.

Hon MARK NEVILL: I did not have any inside information on that.

Hon George Cash: It confirms the intention and the good faith in employing the physician in the first place.

Hon MARK NEVILL: The study also shows that some people have a predisposition for a certain type of disease, including silicosis. Some people have a predisposition for getting asbestosis very early. Some people lose their lung function a lot quicker than others.

I acknowledge that there are problems with these three statutory bodies in division 2A of the Act. I still do not understand why we need to get rid of them before they are replaced with a better system, although I am very confident that the system we replace them with will be better.

Another area of mine worker health research that has not been adequately covered is the study of silicosis among Western Australian workers. In my preparation for this Bill I read about longitudinal studies of miners who contracted silicosis. Silicosis is a progressive disease and it has wrought such havoc among mine workers in my electorate that there should be some ongoing studies of the progressive effect of that disease on those individuals so that we have a better understanding of the progressive effects of this disease after someone stops working. I remember working with a miner who had 60 per cent silicosis. If the figure was not 60 per cent, it was at least 40 per cent; I suggest it was 60 per cent. Depending on the rate at which the disease spreads, the period over which miners work and the level of exposure which results in people contracting silicosis, perhaps some of them should stop working sooner, such as those who contract silicosis over a much longer period of similar intensity of exposure. I wonder whether the Minister would like to make any comment before I move on to the ventilation board aspects.

Hon GEORGE CASH: Mt Isa Mines checked all of its underground work force of 2 000 when it identified the five - I think it was fewer, but Hon Mark Nevill said five - referred to by Hon Mark Nevill. I am not by any means suggesting that that is not significant; however, the Department of Minerals and Energy in Western Australia is aware of the

incident at Mt Isa to which the member referred. The department is aware also of the incidence of respiratory disease at Mt Isa; indeed, the department monitors statistics from around Australia.

As to the other area the member touched on, both industry and the inspectorate in Western Australia are fully aware that silicosis will always be a potential health hazard. That is one area that the mining industry will have to come to grips with.

Hon Mark Nevill: A lot of people talk as if it is disappearing.

Hon GEORGE CASH: It is also long term. As we both agree, X-rays do not necessarily pick up the fact that someone has contracted the disease. The person from Esperance to whom the member referred is a clear example of that; all the testing in the world did not show that he had that disease and did not prevent his dying 14 days after Hon Mark Nevill had spoken to him.

In Western Australia the inspectorate is achieving a 95 per cent plus compliance with the required standards. It is also fair to say that industry collaboration through the mines occupational health and safety advisory board will ensure greater health safety than is currently in place. Hon Mark Nevill and I are able to agree on one thing: The current system is inadequate when it comes to the long term protection of workers' health in the mining industry. MOHSAB will be required to look at other areas far wider than are the requirements currently under the Act. I have said that MOHSAB will have a specialist advisory panel. In support of that panel, the department has already employed a consultant physician. The current practices are inadequate. The new system is designed to set up a regime of surveillance which will be geared towards and be commensurate with the nature and degree of exposure. The new regime will also lean heavily on lung function tests. Lung dysfunction is indicated much earlier by lung function tests and can be supplemented by interviews, sputum tests and other procedures. In the case of underground workers, the regime will be more severe than that which would exist in some above ground operations. That will depend on the type of work being performed. The establishment of the advisory board, with its specialist subcommittees, is designed to improve health standards of mine workers in Western Australia. On past performance, the current situation is inadequate.

Hon MARK NEVILL: I turn to the provisions under division 2A in the principal Act which cover the ventilation board. The board is probably the most important of the three different statutory bodies that this Bill proposes to repeal. The ventilation board comprises medical and mine department specialists, with persons nominated by the Chamber of Mines and Energy of Western Australian, one person from the Trades and Labor Council of WA, and another from the Australian Workers Union, which represents the majority of the mining industry work force in this State. The functions of this board are to advise the Minister on standards of purity for ventilating air for breathing by mine workers and on instruments and methods to be used in determining dust concentration levels and the concentration levels of atmospheric contaminants. The board has the power to give advice and directions to mine owners about remedying dust problems. The board may also vary the requirements that apply to dust and other atmospheric contaminants and make them less than the normal standards. Under section 23D(1)(d) of the Mines Regulation Act the board has -

the power to hear and adjudicate on appeals in regard to disputes on the adequacy of mine ventilation, the control of dust and other atmospheric contaminants, and the efficiency and adequacy of instruments and monitoring devices used with respect to the control of dust and contaminants on mines as required by the regulations;

Under section 23D(1)(e) the board has -

a duty to receive and consider submissions of a technical nature from interested parties on matters related to ventilation and environmental atmospheric control in mines . . .

Therefore, the board has a wide variety of functions in providing advice to the Minister

and has powers in its own right to take action. Section 23E covers disputes which may arise from a decision made by an inspector regarding the inadequacy or standard of dust control or ventilation. If such a dispute is not resolved a person can appeal to the ventilation board within seven days. The board will hear that dispute and make an order after hearing the facts. That right of appeal is valued by mine workers in this State, but it will disappear if division 2A of the Mines Regulation Act is repealed.

The Kelly report states that the ventilation board has been in place since 1932. Kelly also states that no submission to the inquiry questioned the necessity for such a body. I am not sure whether he means by that comment that he is in favour of or against that. I found it difficult to restrain myself when I read this report because I thought it was poorly focused. However, I presume by that comment that Mr Kelly is saying that no-one questioned the need for a body such as the ventilation board. Under a new regime a mechanism will be in place to deal with those same issues; whether it is a ventilation board is yet to be seen. Mr Kelly also suggests that the commission should be the forum to determine whether the ventilation board should be reconstituted and have added functions, or any other matter that might be needed. Mr Kelly made a decision in his report, although he quite often refers matters to other people. What were the views of the Commission of Occupational Health, Safety and Welfare on the ventilation board? Did the commission recommend that the board be replaced before the new legislation came into force?

Hon GEORGE CASH: I understand that the Commission for Occupational Health, Safety and Welfare was not involved in the ventilation board. Page 73 of the Kelly report states -

However, in the course of reviewing and revising the Mines Regulation Act and regulations, which I do recommend be undertaken at the earliest possible time, consideration should be given to whether it is necessary or desirable to provide in detail in the Act, as is done now, for the constitution and functions of the ventilation board, or whether it might not be better for the Act simply to authorise the establishment by regulation of boards or committees having such membership and such functions in relation to occupational health and/or safety as may be prescribed. Such a course would seem to provide an advantageous flexibility enabling the functions of boards to be varied or the creation or abolition of boards to take place readily as new evidence or better knowledge relating to occupational disease revealed the need for such changes.

I am also aware that in the second reading debate Hon Mark Nevill, when referring to boards being established under regulations, made the general observation that he was not in favour of that situation. He said he preferred these boards to be established in accordance with the Act. Quite clearly, the Kelly report saw a need for change. The ventilation board was established some 20 years ago to take account of the dust problems. It has now outdone its usefulness. The board has been meeting approximately only four times a year. The Trades and Labor Council has not been represented on the board for a number of years, although I understand that in recent times it has been represented. The proposed mines occupational health and safety advisory board will be able to take a far wider look at the problems which the ventilation board was established to investigate.

Hon Mark Nevill referred to section 23D(d) of the Act when he spoke about the power to adjudicate in respect of appeals, etc. My advice is that the ventilation board had only one hearing in respect of that subsection in nine years. I am not denigrating the board, but the time has come to upgrade its functions to allow an advisory board to look far wider than the original role and functions of the ventilation board.

Hon MARK NEVILL: I put it to the Minister that there would not be a widespread appreciation of people's right to appeal to the board. The fact that there has been only one appeal in nine years does not surprise me. However, that appeal may have been very significant and it is a right which will be lost under this legislation.

Hon GEORGE CASH: The practical operation of mining in Western Australia provides

for people employed in the industry to make formal and informal complaints to members of the inspectorate, to the workmen's inspectors or to their own health and safety representative or the health and safety committees. Hon Mark Nevill is right: I believe there would be very few people in the mining industry who know what are the functions of the ventilation board or that the board does have the opportunity under the Act to adjudicate on appeals. The ventilation board has passed its usefulness and the mining industry has far wider occupational health issues that need to be investigated. The establishment of the advisory board proposed under this Bill will put workers in the mining industry in a far better position than they were previously.

Hon MARK NEVILL: The Act provides for occupational standards based on an eight hour shift and not environmental standards for continual exposure. I am concerned that we have a situation where people are working 12 hour shifts underground. These shifts are operated under exposure standards which are probably not appropriate for a 12 hour shift.

Hon GEORGE CASH: Hon Mark Nevill is suggesting that the difference between a daily working routine of eight hours as opposed to 12 hours will put people's health at risk and the likelihood of someone contracting a disease will be greater.

Hon Mark Nevill: Not necessarily a disease.

Hon GEORGE CASH: A person may suffer a particular illness. Diseases do not occur in a four hour span. The aggregate number of hours worked each month must be considered.

Hon Mark Nevill: And the exposure levels.

Hon GEORGE CASH: Yes, but the mere fact that someone is working an eight hour or 12 hour day does not raise the likelihood of his contracting a disease by 50 per cent. Other matters need to be considered. I make the point that we already recognise that the current system is not adequate and it must be improved.

Hon Mark Nevill: I agree.

Hon GEORGE CASH: The member and I agree. The advisory board, with its special medical panel, which has the ability to co-opt expert people to give it advice, will provide workers in Western Australia with a much better standard of health than currently applies.

When I referred earlier to the functions of the mines occupational health and safety advisory board I did not go through the list.

Hon Mark Nevill: How widely have those papers been circulated?

Hon GEORGE CASH: I will provide the member with a copy of them.

One of the functions of the advisory board is to recommend the adoption of standards, specifications or other forms of guidance for the purpose of assisting employers, self-employed persons, employees or manufacturers to maintain appropriate standards of occupational health, safety and welfare relating to the mining industry. The advisory board is also required to provide advice on education and training related to occupational health and safety in the mining industry; to assess and advise the Minister on publications and occupational health, safety and welfare relevant to the mining industry; to assess and advise the Minister on occupational health, safety and welfare courses for the mining industry; and to liaise with the Commission for Occupational Health, Safety and Welfare in order to coordinate activities on related functions and maintain parallel standards. The whole idea of setting up the board is to put in place a more effective and efficient system in an attempt to protect workers in Western Australia.

Hon MARK NEVILL: I turn to the mines radiation safety board, which is the final statutory board that will be abolished if this section is repealed. It has been said in recent years that the board was not working effectively. Probably some substance to that claim could be provided. I reiterate that during its time the board has served a useful purpose. It was an interim committee for a number of years before formally being constituted as a

board in 1989. It has been active and over the past two years, has held 26 meetings, and has twice visited each plant where radioactive materials have been processed. It has provided a forum for discussion between employers, Government and trade union officials and has provided advice to the Minister. I am not aware of what that advice was. Presumably it was more focused advice than advice that the Minister could expect to get from the competent radiological council. I understand that the board has sent out newsletters to keep industry aware of radiation safety practices. Those who think it did not make progress during its years of operation as an interim committee or when it became a board are incorrect because it has made much progress in the area of radiation safety despite some of the difficulties it faced.

I see no point in abolishing this board. It should continue until the new system is in place. The interim advisory board could still go about its business while these three statutory bodies are in place. No real conflict would arise in that situation. Some members may serve on both boards. The necessity may not arise for the statutory bodies to meet as often when the new system is in place.

It is certainly disconcerting to many mine workers who I know think that these extra bodies - even if they do not use them all that often - which are perceived to be protecting their interests are to be abolished. Mine workers are concerned about the effect of changes to the Workers' Compensation and Rehabilitation Act. They see the 30 per cent whole body impairment requirement being introduced knowing that many mining injuries are back injuries and that their capacity to sue for common law damages will be reduced severely even in situations where an employer is either grossly or criminally negligent. A certain amount of apprehension is evident among mine workers even if it is not focused. They still see these boards as a protection and are suspicious of the Government's motives in removing them. It would be in the interests of people's feelings of security and getting a good system in place if these boards were left as they are until something replaces them.

Fundamentally, no real difference has arisen in the debate tonight, with both the Opposition and the Government agreeing that the Mines Regulation Act needs a major overhaul. That overhaul has been on the burner for four or five years. Both sides agree that a new system should be put in place. The fundamental difference is that the Opposition does not want a vacuum between the repeal of this health section of this Act and the start of a new Act. It will not be costly or cumbersome to continue the old system for another six to 12 months. If that is done the new interim advisory board will be able to get on with its job without having any doubt cast on its intentions in that area.

My final point is that if I feel that an assault is being made on the mine workers in my electorate - and I am not saying that the Minister intends to do that; if a reduction occurs in the resources of the mines inspectorate, particularly in the areas of safety; if constraints are placed upon the inspectorate's capacity to enforce the Mines Regulation Act; or if workers do not have an avenue to express their grievances, those concerns will be expressed in this Chamber, which is not the place to do so. However, if that is the only avenue or opportunity available to do so I will certainly use it if I feel that the mine workers in this State have not been provided with adequate avenues to address their grievances. It is quite easy for me as shadow spokesperson in this area to set up hot-lines and that sort of thing to do this. This is the job of the mines inspectorate and it will remain so, as long as people have confidence in the new system. If the Government wants to maintain confidence in the new system I entreat the Minister to allow the three statutory bodies to continue until the new improved system is in place. I urge all members, in the interests of the mining work force in this State, to oppose the deletion of division 2A, the health division in the Mines Regulation Act.

Hon GEORGE CASH: The Kelly report commented about the mines radiation safety board, at page 73. The report has been referred to by both myself and Hon Mark Nevill a number of times tonight. I do not suggest that it is the Bible but it certainly is a report that considered in depth some of the problems of the mining industry. When commenting on the mines radiation safety board, the report states -

All the evidence suggests that it (the mines radiation safety board) has achieved very little during its relatively short life.

Mr Kelly commented about the lack of achievement -

... to be the result of the fact that the provisions of the Act which constitute the Board ... do not confine membership to persons having relevant experience in (radiation) technology.

Kelly recommended that -

... action should be taken as soon as it may be done to amend the Act so as to limit the membership of the Board to persons of suitable experience.

Hon Mark Nevill referred generally to the difficulties of the board. I will not claim tonight that the board has not been of some comfort to workers in Western Australia, and without doubt the board had a rather difficult time recently, but that in itself has not meant that it has been able to deliberate at length on various matters. The Government's view on the new advisory board is that it is intended to form a radiation safety subcommittee. It will be a small technical subcommittee and possibly will be chaired by someone of the status of Dr Jim McNulty, the Chairman of the Radiological Council of Western Australia. Discussions have been held with him and we hope he will accept chairmanship of the subcommittee. Its role will be to carry out the general functions that were previously handled by the mines radiation safety board. Again, that subcommittee will have the opportunity to co-opt other members, and to listen to expert advice, because in the end the subcommittee will be required to report to the advisory board with recommendations that, in due course, will flow through to the Minister - including any recommended changes to legislation or regulations in that area.

I ask members to understand that the reason the Government wants to repeal division 2A of the Mines Regulation Act is to enable the advisory board to get on with its job. Members should understand that the advisory board membership will include the Director General of the Department of Minerals and Energy, who has a genuine interest in making the board work. He has made it clear to me that he wants it to be a success; he wants it to operate and achieve more than the old ventilation board and the mines radiation safety board achieved. The board's membership will also include the State Mining Engineer, a representative of the Department of Occupational Health, Safety and Welfare, and four employee representatives - two from the Trades and Labor Council and two workmen inspectors. That is a wide and diverse representation. The advisory board will be able to form expert subcommittees so that the Minister and this place will receive the best possible advice. The most important matter that needs to be recognised is that the Government has an absolute commitment to improving worker health and worker safety in the mining industry in Western Australia, and that is the very foundation of the establishment of the advisory board.

I ask members to reject the amendment so that we can get on with the job and start improving the health and welfare of mining workers in Western Australia.

[Quorum formed.]

#### *Division*

**Amendment put and a division called for.**

Bells rung and the Committee divided.

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

Division resulted as follows -

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#### Ayes (12)

Hon Kim Chance  
Hon Graham Edwards  
Hon N.D. Griffiths  
Hon John Halden

Hon A.J.G. MacTieman  
Hon Mark Nevill  
Hon Sam Piantadosi  
Hon J.A. Scott

Hon Tom Stephens  
Hon Bob Thomas  
Hon Doug Wenn  
Hon Tom Helm (*Teller*)

## Noes (14)

Hon George Cash  
 Hon E.J. Charlton  
 Hon M.J. Criddle  
 Hon B.K. Donaldson  
 Hon Max Evans

Hon Peter Foss  
 Hon Barry House  
 Hon P.R. Lightfoot  
 Hon P.H. Lockyer  
 Hon Murray Montgomery

Hon M.D. Nixon  
 Hon B.M. Scott  
 Hon Derrick Tomlinson  
 Hon Muriel Patterson (*Teller*)

## Pairs

Hon Cheryl Davenport  
 Hon T.G. Butler  
 Hon J.A. Cowdell

Hon W.N. Stretch  
 Hon N.F. Moore  
 Hon R.G. Pike

**Amendment thus negated.**

Hon MARK NEVILL: Clause 6 proposes to repeal divisions 5 and 6 of the principal Act. Division 5 covers employment, and division 6 relates to Sunday underground labour. Therefore, this clause represents a significant amendment to the Mines Regulation Act. The amendment has been prompted by the situation which occurred at Kambalda last year, and the amendments will result in many constraints being removed from the industry. Although those constraints are handled to a large degree by exemptions already, the amendments will result in mine workers undergoing significant changes to work practices. What constraints will be placed on shift changeovers under the proposed new regime?

Hon George Cash: Will the member explain a little more about what he means by shift changes?

Hon MARK NEVILL: Will underground miners be required to come to the surface to change shifts if the legislation is passed, or will one crew take over from another underground? The latter case is known as a hot shift changeover and enables continuous shift work with no stoppage. This involves a critical time in which information is exchanged and carries with it other ramifications and risks.

Hon GEORGE CASH: Shift changes are to be determined by the normal industrial practices. The member will be aware that within the principal Act certain provisions concern blasting and require that a mine be cleared at certain times. Obviously, as part of the hand over procedure and the general management of the mine, matters such as blasting requirements will need to be taken into account. The purpose of repealing division 5 is to enable mine managers to be available to manage mines in a more efficient and effective way and to determine by normal industrial practices the hours to be worked and management issues such as changeovers.

Hon MARK NEVILL: Will mine workers have access to the accident statistics of a mine when contemplating working for that mine to get an indication of whether the mining operation has a good safety record? Does the Minister consider that a prospective worker should have the right to that information?

Hon GEORGE CASH: Workers are entitled to that type of statistic. Interestingly, I have received a number of representations from miners who already work continuous shifts imploring the Government to ensure that the legislation is passed in this regard. Equally, I have received letters suggesting that continuous mining operations will cause social disruption in some areas. A few weeks ago I had the opportunity of visiting the Kambalda area and inspecting the Revenge Mine. I am not sure whether Hon Mark Nevill worked at the site but he is familiar with it. This mine has been working on a continuous basis for some time. I was implored by a number of workers to ensure that continuous mining was facilitated through the proposed amendments to the Act. In that way, they would be able to operate as they had been doing for some time. At least 27 mines in Western Australia work continuous hours, and there may be more exemptions in force.

The situation at the moment is that, where a mining company is able to negotiate with its work force and reach an agreement on continuous mining operations, the company makes

an application for exemption to the Minister for Mines that is considered by the inspectorate. Assuming a positive recommendation comes from the inspectorate, it is usual for the Minister to grant that exemption. Continuous mining in Western Australia is not something new, but it requires an exemption to be applied for, and approval is usually given on a 12 month basis. It is said by some that by retaining the need for exemptions the work force is able to enter into some pretty hard negotiations with the company as that exemption period draws to an end. The Government wants to see the industry given the opportunity to get on with the job, to make its own decisions in that regard, and to use some of the hugely expensive capital equipment that is used in mines in a more efficient and effective manner.

It is important to note that Western Mining Corporation Ltd has indicated to the Government, as it did to the former Government, that when divisions 5 and 6 of the Mining Regulation Act are repealed it will spend \$105m upgrading its Kambalda operations. The former Government was in favour of repealing divisions 5 and 6 of the Mining Regulation Act; however, for reasons best known to the former Government the matter was not proceeded with. I understand there was some conflict within Labor's ranks and it was not able to be proceeded with. The result was that Western Mining refused to spend its multimillions of dollars on the upgrading of the Kambalda operations, and of course the State was the loser. The Government has an opportunity of getting Western Mining to spend that money as long as these divisions are repealed.

Hon MARK NEVILL: The Minister said he had letters from workers at the Revenge mine strongly supporting 12 hour shifts. Mining companies in this State have had no problems getting exemptions under the Mines Regulation Act. Probably 30-odd exemptions have been granted. The only two that have not been granted are for the Normay and Bamboo Creek mines at Marble Bar. People who want to work continuous shifts can apply for an exemption and they invariably get an exemption.

Continuous mining has not really been a major issue at Kambalda. The first point of the 9 November 1991 memorandum of understanding between the previous Government and Western Mining is that underground mining will operate seven days a week on a continuous roster system. The point on which the negotiations have always fallen down is the 12 hour shifts. Despite that, mines at Kambalda have been granted that 12 hour shift. For example, an exemption was granted for the Victor and Long underground mines at Kambalda. An exemption allows conditions to be placed on mining operations. At these two mines the exemption order puts the following caveats on those operation: A person shall not be rostered to work in or about the mine for more than 21 days in a 28 day period. Another is that a person shall not be employed to work underground in a mine for more than 12 hours in any day. A third condition is that a person shall not be employed to work in or about the mine for more than 13 consecutive days without a break of 24 consecutive hours. The repeal of divisions 5 and 6 will mean the loss of that capacity to put conditions on particular mines, and to place constraints on some operations which are not run as professionally as others, particularly when they are very isolated. These conditions were deemed necessary. How will those things be handled after these two divisions are repealed?

Hon GEORGE CASH: One problem that occurs when we talk about continuous mining in Western Australia is that of separating industrial matters from other matters. The Government intends to introduce safety regulations to provide that winder drivers are not permitted to work more than eight hours on any shift. That is being introduced because it is believed to be proper in the interests of mine safety. The number of days that any miner is able or required to work is an industrial matter and must be negotiated between the mining company and the mine work force. Clearly the mining unions have particular views on this and it is recognised that there will be negotiations through the union movement.

Another aspect of continuous mining that needs to be considered is the location of the mine. As Hon Mark Nevill said, Kambalda has had successful continuous mining for some time, and there has been general agreement between Western Mining and people who wish to work in the mines to get exemptions. Western Mining also operates mines



for miners who would prefer to work fewer hours. However, some remote areas operate with a system of compaction of hours and days worked. Again, that is done by negotiation. It is an industrial matter and the companies will be required to work that out with the work force.

Hon MARK NEVILL: Not all mine sites are covered by unions. Will the Minister sanction persons working for more than 21 days in any 28 day period? Does he believe there should be restraints on the number of continuous days and hours a person may work? If the Minister considers that is not his concern, it will put lives at risk unnecessarily. We can see from the conditions that are imposed on the exemptions that have been granted over the last five or 10 years that that is a concern of the inspectorate.

Hon GEORGE CASH: We have to recognise, firstly, that a duty of care is imposed on the employer and, secondly, that the number of days worked on a continuous operation is a matter to be decided by the operator and the work force. Some in the industry prefer to work longer hours and fewer days. Others are prepared to work a limited number of hours per day on a regular monthly basis. It is not the Government's responsibility to lay down the law about how people conduct themselves. Industrial laws take care of that, and trade unions have interests in those areas. The Government wants to try to make the mining industry in Western Australia internationally competitive. We want to remove some of the constraints that currently face the mining industry. By providing continuous mining which, as I said, is available right now if a company wants to apply for an exemption, we will be able to get some of the underground mines operating in a much more efficient and effective manner. That has to be good for the companies and the work force and, more importantly, it has to be good for the economy of Western Australia.

Hon MARK NEVILL: The Minister seems to be denying any need to recognise that constraints should be placed on the number of hours, days, etc, that people should be allowed to work underground. Those same sorts of constraints apply to people in other occupations which require concentration, if not a great depth of knowledge. Constraints exist for people who fly aircraft, and they are based on safety factors. Constraints also exist for people who dive beneath the sea. Those constraints are put in place for safety reasons. If those constraints are not put in place, operators will learn their lesson at the expense of their employees' lives and health.

Hon P.R. Lightfoot: Are you suggesting that politicians should work only eight hours a day?

Hon MARK NEVILL: I would be surprised if the member ever got his hands dirty. Working underground is a trifle more hazardous than sitting in a red, polished leather chair in this Chamber.

Hon P.R. Lightfoot: Are you saying that this should be restricted only to people who work underground?

Hon MARK NEVILL: I referred to two other examples, including people who work in the pearl diving profession and people who fly aircraft. Air traffic controllers are another example of a profession that works restricted hours because of safety factors. I understand Hon P.R. Lightfoot has a different philosophy from mine.

Hon P.R. Lightfoot: Obviously, otherwise I would not be on this side of the Chamber.

Hon MARK NEVILL: If an airleg worker did not want to work more than an eight hour shift, should he be made to work 12 hours or be forced to leave his position? That task is very physically demanding. Few miners over the age of about 30 could handle a 12 hour shift if they were fully occupied during that 12 hour shift.

Hon GEORGE CASH: Hon Mark Nevill raises an interesting point. Airleg mining is a very strenuous, physical activity. It also happens to be a very highly paid area of the mining industry. It is not usual for airleg miners to work more than eight hours at the moment, even in mines where an exemption exists. That is the nature of the mining industry. However, it does not seem reasonable for the Government to tell someone involved in the mining industry - that is, apart from winder drivers - that they can work a set number of hours each day. Clearly, the question of safety arises in all operations of a

mine. A duty of care is imposed on the employer in respect of those operations. The Government has considered the question of safety and the question of industrial relations as matters that fall within the area of industrial relations.

The Government has said that winder drivers will be prevented from working more than eight hours a day for safety reasons. However, other classes of employment in mine operations are matters for negotiations between the employer and the employee. As I said, at the moment airleg miners do not work more than eight hours a day. It is a strenuous task and, by negotiation, they have been able to gain high pay for the task they do.

Hon MARK NEVILL: I find it very difficult to believe that airleg miners will not be asked to work longer shifts.

Hon George Cash: They are not forced to at the moment in mines on a continuous roster basis.

Hon MARK NEVILL: Very few mines in the continuous roster area operate with airleg stopping. Many are probably more mechanised than other mines. I must check the hours of work of airleg miners in current exempt mines. Knowing some mining operators, I would be very surprised if airleg miners were not requested to work a 12 hour shift. I know of one mine in which the 12 hour shift is being talked of for airleg miners, and I know of another mine in which I am told airleg miners may be required to do light duties for the remainder of the 12 hour shift. When discussing this with a 45 year old miner from Kambalda he said that after a seven and a half hour shift he was completely shattered. I do not believe many of the older miners will be able to keep up with that sort of regime. They need some protection. The washout of all this will be the safety performance of these companies, and I see from the trend of this debate tonight that it is the area on which I must focus over the next year or two.

Hon George Cash: I hope you will talk to the chaps at the Revenge mine because they are hoping you will support this.

Hon MARK NEVILL: Revenge is a fairly mechanised mine and this does not apply to it. No problem arises with the continuous shifts, and with jumbos and the like a 12 hour shift is not as onerous as some of the other work. I certainly do not agree to airleg miners working more than an eight hour shift.

Hon George Cash: The legislation does not require them to.

Hon MARK NEVILL: It is absolutely dangerous and I think it will occur. I refer to one fundamental point; that is, these two divisions and division 2A do not need to be repealed tonight. In my view a review of the Mines Regulation Act could have been completed and exemptions could have continued until the new legislation was in place. The exemption system works quite well. This whole debate about getting rid of these divisions at this stage, when they are not interfering with bona fide operations, was precipitated by Western Mining Corporation Ltd at Kambalda. Many other companies have invested large amounts of money on the basis of exemptions and in only two cases have companies not been granted exemptions. Those involved fairly small, remote mines - Bamboo Creek and the Normay mines near Marble Bar - and I am sure the requests for exemption were rejected for good reason. It was probably because the inspectorate was not confident about the operators of the mines and its own ability to keep a close watch on them.

I point out that we have gone through a period of industrial unrest at Kambalda for two years because of Western Mining's desire to remove these two sections from the Act. It is quite clear that any review of the Mines Regulation Act would have drastically modified these two divisions and it seems to me that the whole process was unnecessary in the first place because consensus had been reached that the Act needed to be thoroughly overhauled. That was delayed by the debate over the occupational health and safety amendments to the Act. It is a sad reflection on the industry that these disputes have occurred and that we have found it necessary to repeal divisions 2A, 5 and 6 before the review of the Act is completed. The mechanisms were there to avoid the problems

operators had. Although the Opposition is opposed to the passage of clause 6, it acknowledges that it was made clear before the election that the Government's policy was to repeal divisions 5 and 6. That was not the Labor Party's policy. It was not the former Government's policy before the election to repeal division 2A, and people in the mining industry expressed their surprise to me when the repeal of that division was announced. I urge members, particularly my colleagues and the Independent member, to vote against clause 6.

Hon GEORGE CASH: I want to read a letter to members which will put some of the matters raised by Hon Mark Nevill in context. It is a letter to a person in Boulder and, for the time being, it is not necessary to identify that person. I ask members to remember the last comments of Hon Mark Nevill who said that the repeal of divisions 5 and 6 was not part of the Labor Party's policy. The letter reads -

I refer to your letter of 12 July in which you express concerns over the issue of exemptions to provisions concerning days of work under the Mines Regulation Act, and seek responses on a series of specific issues.

As you appear to have some misapprehension of the issues involved, I will provide a background to the current developments before dealing with the specific points raised. You may have been misinformed on some issues.

The Mines Regulation Act and its Regulations are framed to provide for the health and safety of persons working in mines. The use of such legislation to achieve industrial, moral or religious ends (of whatever persuasion) in the community can not be contemplated.

The provisions of Mines Regulation Act Division 6 (Sunday Labour Underground) have for some time been recognised as placing a restriction upon underground mining operations which can not be justified on the grounds of health and safety.

The provisions in this Division and in Division 5 (Employment), are peculiar in this State to the mining industry, and have no parallel in mine safety legislation in those states of Australia where mining is of significance to the economy. Moreover, such constraints do not prevail in those countries overseas which are in competition with the Australian mining industry in a limited and tight market.

It is the intention of the Government to remove Division 5 and 6 from the Mines Regulation Act, but in the interim period required for this to take place, exemptions have been granted to those operations which can not operate efficiently or economically under these constraints. Several of these are long distance commute (LDC) operations, and some are for limited period construction operations.

It is necessary to point out, at this stage, that most mining enterprises require a considerable degree of continuous operation on a seven day roster basis.

Included in this are iron ore, alumina, mineral sands, base metals and gold mining enterprises. Treatment plants, power stations and services have to be operated on a continuous basis, and the massive capital investment in production mining equipment requires maximum utilisation to provide an economic return on investment, and hence continuous usage.

A relatively small percentage of the 34,000 persons currently employed in the State's mining industry work underground and so a substantial percentage of the workforce is already on continuous rosters and has been for many years.

This situation is not unique to the mining industry. There is a broad spectrum of industries and service functions in the community which operate continuously. Power stations, water supply, gas, hospitals, police, fire brigade, petroleum production and refining, railways, airlines, shipping, road transport, milk supply, foodstuff distribution, newspapers, electronic media, are among the extensive range of continuous operations which are to be found in the community, together with retail trading at a range of levels.

The origin of the Mines Regulation Act restrictions early in the century was probably a perceived need to prevent unscrupulous employers from demanding a seven day working week, which would have led to fatigue and unsafe working practice. Moreover, ventilation in mines did not meet the health protective standards which are obligatory in the present era, and relief would have been achieved for at least one day.

It is likely that at that time a significant percentage of the mining workforce, and indeed the community, held religious beliefs such that the exclusion of Sunday was deemed appropriate. Even then, a considerable range of work was acknowledged to be necessary . . . and was therefore exempted. In essence, full scale production was prevented, but essential work allowed to continue.

In the present era, industrial legislation and social community norms protect persons from being compelled to work unreasonable hours or rosters.

Up until the last 25 years or so, much underground mining work was labour intensive and large scale mechanisation (except in special ore bodies) was rare. Diesel equipment began to be used underground some 25 years ago in Australia.

Individual items of equipment now operated by one man range from \$250,000 to \$750,000 in capital cost. In a highly competitive world, this level of equipment investment must be utilised. It is not a matter of attempting to maximise profits, but of remaining viable at all.

The letter then refers to some specific points that were raised. The reason I have read part of that letter to the Chamber is that Hon Mark Nevill has indicated that it was not his party's general policy to repeal divisions 5 and 6. That letter was written in July 1991 by the previous Minister for Mines, Gordon Hill, to a person in Boulder. The former Government, of which Hon Mark Nevill was a part, recognised clearly that divisions 5 and 6 had to be repealed if we were to have an efficient operation.

Hon Mark Nevill: You are conveniently leaving out the question of timing.

Hon GEORGE CASH: That letter is dated. It seems to me to express the same argument that I would use today to introduce a system of continuous mining in Western Australia. I summarise the need to repeal divisions 5 and 6 as follows: The detailed examination by the Commission of Occupational Health, Safety and Welfare found no valid safety ground for the retention of the provisions, and their removal was supported by the commission. The previous Government decided to remove these provisions but did not act upon that decision - I refer to the letter that I have read in part. Neither the other States of Australia nor our international competitors are constrained by such provisions. The Government believes that removal of these constraints will allow greater flexibility in arriving at systems to meet the needs of each operation and its work force. I do not believe that Hon Mark Nevill and I have great disagreement about this area.

Hon MARK NEVILL: There is no doubt that divisions 5 and 6 are outdated and outmoded. However, I doubt whether the section could be amended in any sensible way to bring those divisions up to date. The issue that precipitated the need to repeal those two divisions was the demand by Western Mining that they be repealed before it would invest money at Kambalda at about that time. That could have been done by exemption, and exemption was quite satisfactory to mining companies in every other case. I put it to the Minister that it was part of the ideological approach of Western Mining. Even before that time, the need for a complete review of the Mines Regulation Act was accepted. It was delayed first by the occupational health and safety amendment and then by the Kelly inquiry. As I have said to the Minister, it is a great pity that the matter had not progressed earlier. The action by Western Mining precipitated many of the problems that we have had. We could have had a review of the Act, and the Act can work quite adequately with exemptions without the need to repeal divisions 2A, 5 and 6. I am not against the repeal of divisions 5 and 6, and certainly it has been our policy since Western Mining put the gun to the former Government's head, but I am saying that it is unnecessary; it could have been done by exemption. What we now have is basically an

amendment of an Act that is incredibly disjointed. I know that from my own efforts to rescheme and rewrite that Act in the hope that I could interest the parties in the debate in pushing ahead with the real problem, which was a complete overhaul of the Mines Regulation Act, and not these bushfires of companies not being happy with exemptions, and the other issues which have caused so much trouble in the mining industry over the last two years. Despite those problems, the industrial disputes within the mining industry have decreased to an all time low. Continuous rosters have not been the problem; the main sticking point has been 12 hour shifts in the Kambalda dispute.

The Opposition totally rejects the Government's relinquishing its capacity to place some constraints on the number of continuous days a person can work, particularly underground. Also, we reject the proposal that people should be underground for more than 12 hours in one day - unless an emergency arises. This issue is not only industrial but also about safety. Such matters apply in other professions such as with pilots, divers and sailors on watch, in which restraints are placed on hours of work for sound safety reasons. If this amendment is passed, I hope nobody loses his or her life after driving a dump truck for 15 hours up and down a decline, or after using an air leg - which is very heavy work - in a mine for 11 or 12 hours. There is a limit to people's capacity to concentrate for long periods.

I was going to refer to a number of extracts regarding the social effects of compressed work schedules and shifts and the problems of the changeover of shifts. I have a mass of information on the problems which can arise, even in the current situation which the Government is totally deregulating. I have a strong suspicion that this deregulation will be evident in the serious accident rate in the future, and possibly with the fatality rate. Therefore, the Opposition strongly opposes this unnecessary amendment.

The interim mines occupational health and safety advisory board should proceed with its inquiry, and I am sure it will receive the support of the union movement. The statutory bodies in division 2A should continue. If so, we will see at the end of the day this State's mines safety record improve, as it has done dramatically during the past 10 years under the previous Labor Government. This occurred particularly since Mr Jim Torlach became the State Mining Engineer, as his appointment represented a major turning point in the performance of the mines inspectorate in this State.

Hon GEORGE CASH: I agree with none of Hon Mark Nevill's comments on this occasion apart from his reference to Mr Jim Torlach, our State Mining Engineer. I recognise the tremendous work that Mr Torlach has done, and I am pleased Hon Mark Nevill has done so also.

However, when the member talked about exemptions being a safe way of dealing with continuous mining, he forgot to mention that Western Mining Corp Ltd had at least five exemptions held up for something like nine months under the previous Administration. The company could not obtain exemptions because of the industrial conflict in the operations. Western Mining said it would not proceed with its \$105m investment to upgrade its Kambalda operations because it could not operate under a system in which the Government, at will, could refuse to issue an exemption. No company wants to involve itself in a continuous mining operation if it is refused the opportunity to do so on nothing more than industrial conflict grounds. That is no way to be internationally competitive. That is one reason for the repeal of divisions 5 and 6 within the principal Act. Governments must not hold up companies unreasonably for political purposes. I ask members to support clause 6 to allow the Bill to proceed and, more importantly, to allow the mining industry to get on with the job it does so well in Western Australia.

Hon MARK NEVILL: I correct an impression that the Minister gave regarding the Western Mining dispute: When Western Mining initially applied for an exemption, it later asked for the application to be put on hold before it was granted. The next step was that Western Mining wanted legislation. At that time the then Opposition, the current Government, introduced a Bill into this House dealing with this matter. The Bill was amended by the then Government in the Legislative Assembly. After that impasse the Government offered Western Mining an exemption. I am not sure, but I believe that the

exemptions fell down on the hours to be worked in one day, and not on the matter of continuous shifts. Western Mining chose not to take up the offered exemption and said that the legislation was the only acceptable avenue. Clearly, it was unnecessary for Western Mining to hold a gun at the head of the previous Government on that issue. The former Government believed exemptions were adequate. We believed the Act should be reviewed in one process, rather than in the piecemeal fashion that we have had with this Bill. I urge members to oppose the clause.

**Clause put and passed.**

**Postponed clauses 4 and 5 put and passed.**

**Clause 7 put and passed.**

**Clause 8: Section 61 amended -**

Hon MARK NEVILL: I will not move the amendment standing in my name. I have always held the view that the regulations in the Mines Regulation Act are far too detailed. They are concerned with a number of matters which are quite unnecessary in an Act of Parliament. I mentioned them in the second reading debate, so I will not go over them now. The power to make regulations covers about six or seven pages in the Act and the amendments that are proposed are also quite detailed. Basically they relate to radiation safety in mines. I hope that in any review of the Act a bit of streamlining might be put into effect. At the end of the day the regulations usually say, "For any other matter that might be required". We have a catch-all regulation at the end that allows us to make any other regulations. There is little point in moving the amendment. I just wanted to focus attention on the view that perhaps the present regulations are far too detailed.

**Clause put and passed.**

**Clauses 9 to 13 put and passed.**

**Title put and passed.**

### *Report*

Bill reported, without amendment, and the report adopted.

## **SUPREME COURT AMENDMENT BILL**

### *Second Reading*

Debate resumed from 6 July.

**HON N.D. GRIFFITHS** (East Metropolitan) [10.06 pm]: The Opposition supports the Supreme Court Amendment Bill. There are two aspects to it. The first is to enable judges of the courts to make rules delegating authority to registrars of the court. This is proposed to be arrived at by a change to section 167(1)(c). That section, if read with section 155(1), discloses that registrars and deputy registrars are already officers of the court. Therefore, the change proposed by the Bill does not really matter; it does not add anything to the law. Notwithstanding that, the Opposition is quite happy to accept what is proposed by the Government.

One area of concern relates to masters and registrars. Masters are appointed under section 11A of the Supreme Court Act, and they have certain qualifications. They perform essentially a judicial function. Registrars are appointed pursuant to section 155 of the Supreme Court Act, and they have different qualifications, although those who have been appointed registrars in the recent past have tended to be people who have achieved the qualification that would have entitled them to be appointed as masters. The legislation, if eventually passed, will leave it to the good sense of the Supreme Court judges through the proposed rule making power to decide just what masters, registrars or, in certain circumstances, other officers of the court will do in carrying out their functions. The Government may consider down the track that it is more appropriate for the Parliament to set out guidelines in considering the respective roles of the masters and registrars.

The second purpose of the legislation is to enable judges to make rules for the mediation of matters in dispute between parties; that is, the addition of proposed paragraph (q) to section 167 of the Supreme Court Act. I note that, in his second reading speech, the Minister indicated that the Government was seeking to associate this Bill with the so-called August blitz of the Supreme Court.

A media statement issued by the Attorney General, dated 29 June, stated that these were essential requirements. The Attorney General was referring to this Bill when it was introduced in another place. She said that these were essential requirements for the August blitz and measures which would also result in improved case management and control of court business. I do not think that can reasonably be said to be so. As members of the public who take an interest in these matters would be aware, the August blitz of the Supreme Court commenced at the beginning of last week. Therefore, if these are essential requirements, the Attorney General is displaying her penchant for retrospectivity.

**HON PETER FOSS** (East Metropolitan - Minister for Health) [10.13 pm]: The Government welcomes the support of the Opposition in this matter. I acknowledge the point made by Hon Nick Griffiths about whether the first of the amendments is essential. As he rightly points out, section 167 already allows delegation to officers of the court. In its broadest possible terms that includes barristers and solicitors of the court and, presumably, certainly those registrars who are legally qualified. Apparently the judges were in some doubt about whether, firstly, section 167 is in some way to be read *iusdem generis* so as to restrict the meaning of the words "officer of the court" and in view of the fact that the Act itself is not terribly helpful. It has an inclusive definition of an officer of the court which says it includes a referee.

Various other sections within the Act provide that certain people are officers of the court; for instance the sheriff. The judges were concerned that under this section it was not intended to allow that type of delegation. I would have thought there was another argument which would indicate that the Act regards registrars as officers in a narrower sense. Section 165, the section Hon Nick Griffiths referred to, provides there shall be appointed a principal registrar and such registrars and other officers as may be necessary for the administration of justice and execution of all the powers and authority of the court. It seems to be almost an express statement in the Supreme Court Act even though they are not exclusively officers of the court, but they are one of the officers of the court. I agree with Hon Nick Griffiths on that point - as there is some doubt, why not? Quite a few Bills emanate from concerns on the part of judges. I suppose their worry is that as they are the ones who must enforce the law they should not take advantage of the fact that they could easily interpret it to their benefit.

With regard to mediation, again there may be some doubt about whether it is absolutely necessary because the judges have already passed rules relating to mediation. However, to some extent it may be argued that those processes can be used only on a voluntary basis rather than on a compulsory basis. I know the judges have been concerned about whether they could go through the mediation process. I understand that the August blitz has taken place and mediation has taken place, much of it on a voluntary basis. The effect on the list, even at this early stage of the month, is quite spectacular. It is obviously a very good sign for the people of Western Australia that the court is now intending to go to the next stage of using the same procedures for the case management process. If that works, it will be extremely desirable.

These are positive measures by the Supreme Court. It is good that this legislation is being passed to resolve those doubts which are presently troubling the judges of the Supreme Court. It will enable them to go ahead quite securely with their efforts to bring justice up to a state where there is no delay. As we know, justice delayed is justice denied.

Question put and passed.

Bill read a second time.

*Committee and Report*

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

*Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Minister for Health), and passed.

*House adjourned at 10.20 pm*

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## QUESTIONS ON NOTICE

## TRANSPERTH - MANDURAH, COMPREHENSIVE INTERNAL BUS SERVICE PLANS

49. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is Transperth going to implement a comprehensive internal bus service within the Mandurah area?
- (2) If yes, when?

Hon E.J. CHARLTON replied:

(1)-(2)

There are no plans for Transperth to implement a comprehensive internal bus service in Mandurah; however, the Department of Transport is currently working with the City of Mandurah to address concerns with this issue.

## TRUCKS - THE LAKES DISTRICT, 90 PER CENT OVERLOADED

329. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it correct that 90 per cent of trucks operating in The Lakes district are overloaded?
- (2) If so, what does the Government intend to do about this?

Hon E.J. CHARLTON replied:

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

## WESTRAIL - LAND INVENTORY

332. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the Government completed an updated inventory of all Westrail land?
- (2) If it has, when will this inventory be published?
- (3) If it has not, when will this inventory be completed and published?

Hon E.J. CHARLTON replied:

- (1) No.
- (2) Not applicable.
- (3) In conformity with a whole of Government property register being coordinated by the Department of Infrastructure and Government Assets, the anticipated completion date is 30 June 1994. Publication will be subsequent to this date.

## ROAD TRAINS - ROAD DEGRADATION COMPARISON, SCIENTIFIC EVIDENCE

333. Hon JOHN HALDEN to the Minister for Transport:

What scientific evidence can the Minister provide to support his claim that road trains cause less road degradation than conventional semitrailer and truck/trailer units?

Hon E.J. CHARLTON replied:

There is extensive evidence from research literature that road degradation results mainly from a combination of the load on each axle and the number of axle passes. The payload to tare ratio of road trains is higher than for smaller vehicles and their axle loading is similar. They can,

therefore, deliver a given load with fewer axle passes. Consequently, road trains result in less road degradation than would be caused by conventional semitrailers and truck/trailer combinations.

**PORT AUTHORITIES - CONSTRAINTS REMOVAL LEGISLATION**

334. Hon JOHN HALDEN to the Minister for Transport:

When will the Government legislate to remove constraints on the State's port authorities and allow them to operate on a proper commercial basis?

Hon E.J. CHARLTON replied:

Drafting of the legislation is nearly complete and I intend to introduce the Bill in this session of Parliament.

**ROAD TRAINS - MAIN ROADS DEPARTMENT REPORT**

336. Hon JOHN HALDEN to the Minister for Transport:

In reference to the answer provided by the Minister to question on notice No 55 of 22 June 1993, will the Minister now release reports by the Main Roads Department on road trains in the metropolitan area?

Hon E.J. CHARLTON replied:

The Main Roads Department is considering conditions under which road train trials might be conducted and will report to me shortly.

**ROAD TRAINS - SELF-REGULATION 500 METRES APART, EFFECTIVENESS**

337. Hon JOHN HALDEN to the Minister for Transport:

- (1) How is the Government monitoring the effectiveness of self-regulation with respect to road trains staying at least 500 metres apart when driving on the road?
- (2) Does the Government believe that self-regulation on this matter is currently working?

Hon E.J. CHARLTON replied:

- (1) The Main Roads Department has instrumented sites on highways and main roads which can record the distance between vehicles. The effectiveness of self-regulation will be monitored using data from the sites and by observation by heavy haulage personnel.
- (2) Yes. The road transport industry is keen to demonstrate that self-regulation can be effective.

**WESTRAIL - MERREDIN**  
*Transfer Crane, Retention*

342. Hon JOHN HALDEN to the Minister for Transport:

Is the transfer crane at Merredin's Westrail depot to be retained?

Hon E.J. CHARLTON replied:

The transfer crane at Merredin was sold in January 1991. The crane has not yet been removed from Westrail land by the owner.

**ROADS - SOUTHERN CROSS-MUKINBUDIN ROAD, SEALING**

343. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is the Government proposing to seal the Southern Cross to Mukinbudin road?
- (2) If yes -
  - (a) when and at what cost; and
  - (b) what is the current usage of this road?

Hon E.J. CHARLTON replied:

- (1) There are no immediate plans to seal this section.
- (2) Not applicable.

**ROADS - BROOKTON HIGHWAY, UPGRADING**

344. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the Government given any priority to repairing the Brookton Highway?
- (2) If yes -
  - (a) has any work commenced, or is it likely to commence in 1993-94; and
  - (b) specifically where is that work going to happen?

Hon E.J. CHARLTON replied:

- (1) Yes. Earlier this year I announced a five year upgrading program for Brookton Highway, involving a 100 km section of the highway between Roleystone and Brookton at a cost of \$20m.
- (2) (a) Works will commence in 1993-94 with a planned allocation of \$4.4m.
- (b) Between Chevin Road and the eastern boundary of the State forest.

**ROADS - LAVERTON-ALICE SPRINGS HIGHWAY, COST**

345. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the Government investigated the cost of a Laverton to Alice Springs highway?
- (2) If yes, what is the cost?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) Approximately \$14m for an improved gravel road within Western Australia.

**RAILWAYS - LEONORA-ESPERANCE RAILWAY, GOVERNMENT SALE**

349. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is the Government proposing to sell to private enterprise the Leonora-Esperance railway?
- (2) If yes, when and who is proposing to purchase the railway?

Hon E.J. CHARLTON replied:

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

**RAILWAYS - LEONORA-NEWMAN RAIL LINK, FEASIBILITY STUDY**

350. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is the Government proposing to undertake a feasibility study into the viability of a rail link from Leonora to Newman?
- (2) If yes -
  - (a) has the work commenced;
  - (b) who is undertaking the work; and
  - (c) what is the cost?

Hon E.J. CHARLTON replied:

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

**ROADS - SOUTH WEST, UPGRADING**

352. Hon JOHN HALDEN to the Minister for Transport:

What roads in the south west are likely to be upgraded in -

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

Hon E.J. CHARLTON replied:

- (a) I expect to be able to release details of the road program shortly. The unsympathetic response of the Commonwealth Government to the State's request for additional funds both for national highway and national arterial projects will require some changes and these are under consideration with a view to achieving the most appropriate balance between competing projects.

(b)-(d)

Details of future years' programs will be decided in the context of the overall Budget. I am pleased to say, however, that this Government has and will continue to give priority to road funding.

**MIDLAND WORKSHOPS - REDUNDANCY PACKAGES**

366. Hon JOHN HALDEN to the Minister for Transport:

As of 26 July 1993 could the Minister advise how many workers at the Midland Workshops had accepted redundancy and departed?

Hon E.J. CHARLTON replied:

At 26 July 1993, 290 Midland Workshops employees had accepted the voluntary severance package, and of these 125 had departed Westrail.

**MIDLAND WORKSHOPS - WORK RELOCATION, COUNTRY DEPOTS, COST**

371. Hon JOHN HALDEN to the Minister for Transport:

What is the expected cost for relocating work from the Midland Workshops to country depots?

Hon E.J. CHARLTON replied:

It is estimated that capital expenditure of \$3.11m will be required to upgrade country depots to carry out specific tasks previously carried out at Midland Workshops.

**RAILWAYS - INFRASTRUCTURE INVESTMENT, TRACK SPEED MAINTENANCE**

380. Hon JOHN HALDEN to the Minister for Transport:

- (1) Does the Government propose to invest in infrastructure so that track speed for rail can be maintained or increased?
- (2) If so -
  - (a) how much will be invested;
  - (b) when will this investment occur; and
  - (c) what will the money be spent on?

Hon E.J. CHARLTON replied:

(1) Yes.

(2) (a)-(b)

Investment under consideration for the next five years is to the value of \$97.6m.

(c) Sleepers, rail, bridges and plant.

#### RAILWAYS - BUNBURY STATION-WOLLASTON TERMINAL, RAIL LINE REINSTATEMENT

381. Hon JOHN HALDEN to the Minister for Transport:

(1) Will the Government reinstate the rail line into the old Bunbury Station from the present Wollaston terminal?

(2) If yes -

(a) when will this job commence;

(b) what is the anticipated date of completion;

(c) what will be the estimated cost;

(d) will the job be done by Westrail workers or private contractors; and

(e) will it be just a single line to take the *Australind* rail car or will it have a runaround loop for locomotive hauled tourist trains?

Hon E.J. CHARLTON replied:

(1)-(2)

Westrail appointed engineering consultants CMPS & F Pty Ltd to investigate the feasibility of alternative station sites in Bunbury for the *Australind* service. A report has now been received from the consultants but no decision will be made until there has been adequate community consultation on the matter.

#### HENSHAW, BARRY - WESTRAIL EMPLOYMENT

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

(1) When the decision to close Midland Workshops was made, was Mr Barry Henshaw the General Manager of the Workshops and Supply Midland?

(2) Did Mr Henshaw cease to be employed by Westrail on 30 July 1993?

(3) Did Mr Henshaw take up a redundancy package, and if so what was the amount of his redundancy package?

(4) Is it correct that Mr Henshaw now has a commercial relationship with Westrail?

(5) What is the nature of that relationship?

(6) When was the relationship entered into?

(7) What contracts, if any, has Westrail entered into with Mr Henshaw, either directly or with Mr Henshaw as an employee on behalf of somebody else or an agent on behalf of somebody else?

Hon E.J. CHARLTON replied:

(1)-(2)

Yes.

(3)-(4)

No.

(5)-(6)

Not applicable.

(7) Nil.

**PARLIAMENTARY SECRETARY - PIKE, HON R.G.**  
*Charter Aircraft Trips*

412. Hon A.J.G. MacTIERNAN to the Parliamentary Secretary, Hon R.G. Pike:

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

Hon R.G. PIKE replied:

- (1) The Parliamentary Secretary has not used charter aircraft.
- (2)-(4) Not applicable.

**MINISTERIAL TRAVEL - CHARTER AIRCRAFT TRIPS**

417. Hon A.J.G. MacTIERNAN to the Minister for Transport representing the Minister for Local Government:

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

The answer was tabled.

[See paper No 492.]

**MINISTERIAL TRAVEL - CHARTER AIRCRAFT TRIPS**

419. Hon A.J.G. MacTIERNAN to the Minister assisting the Minister for Commerce and Trade:

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

The answer was tabled.

[See paper No 491.]

**FORTESCUE HOTEL - CARETAKER APPOINTMENT**

500. Hon MARK NEVILL to the Minister assisting the Minister for Commerce and Trade:

Would the Minister advise what arrangements have been made since the permanent caretaker ceased employment at the Fortescue Hotel in July, to ensure the Fortescue Hotel building is not vandalised?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -  
Mr Geoffrey Bell, a resident of Wittenoom, has been appointed to the position of caretaker of the Fortescue Hotel. He will commence duties on Thursday, 12 August 1993. Arrangements were made with Mr Frank Soter to ensure the hotel was secure during the time taken to advertise for and appoint the caretaker.

## QUESTIONS WITHOUT NOTICE

STATE GOVERNMENT INSURANCE COMMISSION - THIRD PARTY  
INSURANCE*\$15 000 Compensation Threshold - Legislation*

253. Hon N.D. GRIFFITHS to the Minister for Finance:

I refer the Minister to his answer to questions 162 and 163 which I asked on 8 July 1993 in which he referred to a \$15 000 threshold for common law claims arising from motor vehicle incurred injuries coming into effect on 1 July 1993 for accidents occurring on and after that date without it being necessary to pass a law, and to the Minister's subsequent personal explanation on that day in which he stated -

I want to make a personal explanation in relation to a question to me this afternoon about motor vehicle third party claims. There will be amendments to the relevant legislation. However, we are still looking at what those amendments will be.

Can the Minister confirm, as reported in *The West Australian*, that he said on ABC television on 6 August 1993 on the issue of the \$15 000 threshold -

It is in effect now. I do not have to legislate. I made it quite clear in Parliament yesterday. I've been advised it does not require legislation.

Hon MAX EVANS replied:

I want to get one thing clear in this exercise suggesting that the Government is all about trying to bring about increases in compulsory third party premiums for the public of Western Australia.

Hon Mark Nevill: You're reducing the premium?

Hon MAX EVANS: The Government is all about trying to maximise them. The member should check the tape of the ABC interview; it may have been a cut and paste job. I said on Thursday that it would not require legislation.

Hon Tom Helm interjected.

The PRESIDENT: Order! Let us listen to the answer.

Hon Tom Helm: That is forgery.

Hon MAX EVANS: I said legislation was not required for the \$50 levy. Legislation is required, and has been drafted, for the \$15 000 threshold and the cap. I said on television, and I clarified in the House the day before, that the legislation for the \$50 levy had been drafted. The third draft is in place, and I hope the legislation will be ready next week.

STATE GOVERNMENT INSURANCE COMMISSION - THIRD PARTY  
INSURANCE*\$15 000 Compensation Threshold - ABC Misrepresentation*

254. Hon GRAHAM EDWARDS to the Minister for Finance:

Is the Minister suggesting that the ABC may have knowingly edited comments that he made in order to misrepresent his position?

Hon MAX EVANS replied:

I am not saying that the ABC knowingly did that. But in such sessions - I was interviewed for approximately 25 minutes by two stations - many things are said which must be edited to fit in with the bulletin. I did not say that the ABC knowingly did it. I said that I referred to a statement made to the House the day before about the \$50 levy. The member can check that in the answer.

STATE GOVERNMENT INSURANCE COMMISSION - THIRD PARTY  
INSURANCE  
*\$50 Levy*

255. Hon N.D. GRIFFITHS to the Minister for Finance:

On what parliamentary authority is the Minister relying to impose the annual \$50 levy on motor vehicle third party insurance as announced by the Premier in his media statement on 29 June?

Hon MAX EVANS replied:

I was advised by the State Government Insurance Commission that I could approve that levy, because it was done in the previous year on premiums by the previous Government. I was told it could be done by the Minister and did not require legislation.

HOSPITALS - BUNBURY  
*Co-location - Misleading Allegations*

256. Hon BARRY HOUSE to the Minister for Health:

- (1) Is the Minister aware of the misleading allegations in the media by the member for Mitchell and others concerning the proposed co-location of hospital facilities in Bunbury?
- (2) What is the Minister's response to those misleading allegations?

Hon PETER FOSS replied:

(1)-(2)

I thank the member for his concern about his constituency. He is a member representing that area, and is rightly concerned about the way in which members opposite are misrepresenting what is occurring in Bunbury. The member, as am I, is concerned to ensure that Bunbury residents have the best possible medical care. As members know, and as the member for Mitchell has said, the best possible medical care is to have co-location. Notwithstanding that belief, the most incredible misrepresentation is taking place. I became aware of a press release issued by Hon David Smith, in which he said that the Bunbury Regional Hospital would no longer have people admitted to theatre on the basis of clinical need. However, people are already being admitted to Bunbury Hospital for operations on that basis. That is the proper way they should be admitted, and that will continue to be the case. The member for Mitchell is trying to make the point that some change is to occur; however, there is to be no change. That is the case at present, and it will be the case later. Opposition members are doing their best to scare people in Bunbury, to take them away from what their own people admit - what Mr Smith and Mr Wilson have admitted - will be the best possible solution for Bunbury.

I draw the attention of members opposite to another item in the *Harvey Reporter*. The complaint expressed by Mr Smith in that newspaper relates to the lack of detail about how the co-location will take place. The situation occurring in Western Australia is somewhat similar to that which occurred in Poland after years of communist rule where people were not used to being consulted. One of the things we have done as a Government is tell people at the earliest possible stage, before we have fixed up the details, that we intend to do something. We have allowed people to be consulted so they have the opportunity of participating in putting forward those details. The member for Mitchell never consulted anybody in my electorate about the details when minor amendments were proposed to the metropolitan region scheme. In fact, he never used the process that allowed people to be consulted at all. This Government is going to the



people as soon as possible, before we have worked out the details, to allow people to participate in that discussion, and to fill in those details themselves.

Several members interjected.

The PRESIDENT: Order! Yesterday I said that we had a score of 10 out of 10; however, the score is really bad today. Bearing in mind what I told members would occur tomorrow, I thought we may have had a nice rehearsal today so that we would sound a bit reasonable in front of the television cameras. No need exists for the Minister to have to talk to the Hansard reporter in another place; the reporter present is sufficient. However, the other members who are interjecting should cease. If the Minister is not giving the answer to the question which makes members happy, they should ask him another question when he finishes.

Hon PETER FOSS: The process of consulting people before the details have been worked out is perhaps something to which the Opposition is unaccustomed. That is exactly what is occurring in Bunbury. It is extraordinary for the member for Mitchell to query that process of our going to the people without those details and asking them about their views and how they believe this process should be carried out. It does not seem appropriate to complain that after 10 years the process of democracy is at long last taking place.

#### TRADING HOURS - DEREGULATION

##### *Mingenew, Misleading Media Statement*

257. Hon TOM STEPHENS to the Minister for Consumer Affairs:

- (1) Does the Minister's media release of 10 August about the deregulation of retail trading hours in Mingeneew, which was reported on page 2 of today's *The West Australian* with a photograph of the smiling Minister, represent an attempt by the Minister to recreate history in his own image and likeness by suggesting that he has deregulated a town in Western Australia for the first time when towns north of the 26th parallel have operated on the basis of deregulated trading hours for decades?
- (2) Will the Minister take the opportunity of circulating a media statement to correct his misleading media statement of 10 August which has him recreating history?

Hon PETER FOSS replied:

(1)-(2)

The member may refer to anything he likes, but he should firstly refer to the Retail Trading Hours Act. If he refers to that he will understand what I was referring to.

#### WESTRAIL - MERREDIN

##### *Meeting 7 August, Minister's Attendance*

258. Hon KIM CHANCE to the Minister for Transport:

- (1) Did the Minister attend a meeting of Westrail personnel in Merredin last Saturday, 7 August?
- (2) If so, what was the purpose of the meeting?
- (3) Apart from the Minister and Westrail personnel, who else attended the meeting?

Hon E.J. CHARLTON replied:

(1) No.

(2)-(3)

Not applicable.

**WESTRAIL - MERREDIN**  
*Control Officers Taking Over Signalmen's Function*

259. Hon KIM CHANCE to the Minister for Transport:

- (1) Is it intended that the control officers at Merredin will take over the function of the signalmen?
- (2) If so, what arrangements have been made for the signalmen made redundant by this decision?
- (3) Can the Minister assure the House that safety standards will not be compromised by reallocating this responsibility to control officers on top of their present duties?
- (4) How many Westrail jobs in Merredin will be affected by this transfer of responsibility?

Hon E.J. CHARLTON replied:

(1)-(4)

I will certainly obtain the answers to the questions the member has asked, but I suggest that he put them on notice.

Hon John Halden: He will never get an answer.

Hon E.J. CHARLTON: No-one receives more answers than Hon John Halden.

A number of the points raised in the member's question relate to decisions which were taken before I became Minister for Transport, and the member knows that. The decisions were made many months ago and some of them are now being implemented. Obviously the safety standards will not be compromised, otherwise the decision would not have been made. I will certainly provide detailed answers to the member.

**HOSPITALS - FREMANTLE**  
*PDP Networks Pty Ltd Computer Contract*

260. Hon REG DAVIES to the Minister for Health:

Notice of my question has been given to the Minister. I refer the Minister to the early 1991 agreement between Fremantle Hospital and PDP Networks Pty Ltd to develop a computer system for the hospital's radiology and laboratory departments.

- (1) What was the original development cost and how was this amount appropriated?
- (2) Were public sector guidelines for public tenders adhered to?
- (3) If no, what procedure did the hospital adopt to allocate the contract?
- (4) What is the current estimated cost of the project?
- (5) What was the original estimated completion date of the project?
- (6) What is the current estimated completion date?
- (7) What are the reasons for a relatively straightforward contract such as this taking so long to complete?
- (8) Was any formal contract signed with PDP Networks?
- (9) If no, why not?

Hon PETER FOSS replied:

(1)-(9)

I thank the member for advance notice of the question. The same matter he raised has been raised with me previously by other members. As a result, I have arranged for an independent inquiry into the matters he

raised and when I receive the results of the inquiry I will be in a position to bring the information to the Parliament.

#### TITLES, OFFICE OF - BROWNRIGG CASE

261. Hon JOHN HALDEN to the Minister for Lands:

Some notice of my question has been given to the Minister.

- (1) Is the Minister aware of the case of Mrs Brownrigg and her claim against the Registrar of Titles in respect of the registration of fraudulent documents at the Office of Titles?
- (2) If yes, when is it likely that a decision will be reached on the claim?

Hon GEORGE CASH replied:

I thank the member for notice of the question.

- (1) I am aware of the Brownrigg case and Hon John Halden's interest in and correspondence relevant to this case. This was a most disturbing case which resulted in a criminal conviction of the perpetrator of the fraud. Such fraud gave rise to a claim by Mrs Brownrigg against what is known as the "assurance fund" for damages resulting from the registration of fraudulent mortgage documents.
- (2) I am pleased to advise the House that the claim has recently been settled, although I do not believe it appropriate to detail the quantum of settlement in *Hansard*. However, I am happy to advise Hon John Halden, who has made a number of representations to me on this matter, of the details of that settlement behind the Chair.

#### HOSPITALS - CO-LOCATION, BUNBURY

##### *Caesarean Section Birth, Tubal Ligation*

262. Hon DOUG WENN to the Minister for Health:

The Minister will be aware that women sometimes arrange for a tubal ligation at the same time as a Caesarean section birth. Will these women have access to this procedure under the new co-location hospital at Bunbury, which will be managed by the St John of God administration?

Hon PETER FOSS replied:

I am happy to take the question on notice.

#### HOSPITALS - CO-LOCATION, BUNBURY

##### *Day Surgery Clinic - Pregnancy Termination, Ethical Problems*

263. Hon DOUG WENN to the Minister for Health:

Further to my previous question, if complications arise during a termination procedure in the proposed day surgery clinic which require access to vital and perhaps life saving hospital treatment and expertise, will the St John of God administration refuse treatment because the complications arose from a procedure which is contrary to the ethical and moral teachings of the Catholic Church?

Hon PETER FOSS replied:

Quite obviously the answer is no. The reason the St John of God administration has these ethical difficulties is that it is totally averse to anything which interferes with people's lives. The order is completely averse to terminating a life. It would be contrary to the ethics of that administration to refuse help under those circumstances. It is extraordinary to suggest otherwise.

**HOSPITALS - CO-LOCATION, BUNBURY**  
*Day Surgery Clinic - Pregnancy Termination, Ethical Problems*

264. Hon DOUG WENN to the Minister for Health:

As the Minister has accused the people of Bunbury of spreading untruths, I would like to get this absolutely correct. If a woman were put in this position, what would be the Minister's advice to that person as to where she should go for emergency treatment?

Hon PETER FOSS replied:

I do not know what the member means by that question.

**HOSPITALS - ST JOHN OF GOD**  
*Pregnancy Termination Transfer*

265. Hon DOUG WENN to the Minister for Health:

In an earlier question I referred to a woman who had complications during a termination procedure. She may need treatment which is not available at the day care centre, but is available at the St John of God hospital which is next door and is controlled by the St John of God administration. The Minister said that the St John of God administration would not accept that person into that hospital. Where would that person go?

Hon PETER FOSS replied:

I said that the hospital would not refuse that person. Mr President, I really cannot handle this member because he does not listen to the answer. He asked whether the hospital would refuse that person and I said no, it would not. Of course it would take that person into the hospital and I made that clear. The ethics of the order require the hospital to preserve human life. It is logical to assume that if a person required emergency treatment the hospital would admit that person. The member is assuming that it would be necessary to transfer the person from the day surgery to the hospital. That is an assumption with which I do not necessarily agree. If that were the case then, of course, the person would be accepted into the hospital as that is its ethic. I am now starting to understand why so many misrepresentations are taking place in Bunbury; if the member who asked the question cannot understand a basic answer like that, I am not surprised that this is occurring.

**FREMANTLE PORT AUTHORITY - PILOTAGE, PRIVATISATION**

266. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is the Fremantle Port Authority to privatise its pilotage service?
- (2) If so, will the authority pay the insurance for private operators or will they be required to pay it themselves?
- (3) If the port authority pays, how much is it expected to cost?

Hon E.J. CHARLTON replied:

(1)-(3)

Pilotage at Fremantle is currently in the hands of the pilots who are to come forward with a proposal as to how they wish to participate. Until they have a proposal to put to the port authority and the Government a decision cannot be made about other aspects of present arrangements.

**STATE GOVERNMENT INSURANCE COMMISSION - THIRD PARTY  
INSURANCE**

*Previous Government's Levy*

267. Hon N.D. GRIFFITHS to the Minister for Finance:

The Minister referred to the previous Government's making a decision to

impose a levy on third party motor vehicle insurance. Was such a decision implemented and, if so, when?

Hon MAX EVANS replied:

So far as the State Government Insurance Commission is concerned this relates to the amount charged for third party insurance. In the 1991 financial year the amount was increased by 30 per cent from \$154 to \$199. It should have been increased by another 12 per cent last year. The Government reduced the premium from \$199 to \$192, which was immediately accepted, but added a \$50 levy. That is the same as adding a premium. My advice was that we did not need any legislation to do that as it was part of the cost of CTP.

The Government sought to quarantine the recovery of money to pick up WA Inc losses. An amount of 30 per cent was picked up in 1991, but there was no follow on. We have tried to quarantine the amount so that we can show the true cost of insurance premiums. They will be about \$192 this year, not \$199. That is the actuarial amount required for insurance premiums. Previously the two figures were not separated but were added together. The Government has quarantined the \$192.20 plus \$50 so that the total amount charged is shown as a levy so it can be quarantined. Next year we will be able to show the result of what we are doing so that we can decrease premiums for the public of Western Australia.

#### STATE GOVERNMENT INSURANCE COMMISSION - THIRD PARTY INSURANCE

##### *Premiums, \$50 Levy*

268. Hon N.D. GRIFFITHS to the Minister for Finance:

Is the Minister saying that the previous Government increased premiums as distinct from the Minister's proposal to impose a levy?

Hon MAX EVANS replied:

I should make it quite clear that the Government actually reduced the premium this year from \$199 to \$192. As part of the overall cost we are showing another amount of \$50 as a levy. The Government wishes to show the public how much it requires to pick up the WA Inc losses. This is the same as the charge for compulsory third party insurance. The two amounts will be shown separately so that the public will be well aware of what they come to.

#### STATE GOVERNMENT INSURANCE COMMISSION - THIRD PARTY INSURANCE

##### *Premiums, \$50 Levy*

269. Hon N.D. GRIFFITHS to the Minister for Finance:

Is the Minister suggesting that the parliamentary authority for the premium rate is the same as the parliamentary authority for the imposition of the levy?

Hon MAX EVANS replied:

My understanding is that they are one and the same; both are a charge for compulsory third party insurance. There is a cover there. That shows two amounts to indicate the terrible tragedy of the previous Government's losses built up to some \$400m. The Government wants the public to be aware of the cost of WA Inc losses and is seeking to quarantine one amount from the other. The amount is charged as a total figure but the Government wants the two figures separated.

Several members interjected.

The PRESIDENT: Order! Let the Minister answer the question.

Hon MAX EVANS: Yes.

**ROAD TRAINS - OLD COAST ROAD, RESTRICTIONS LIFTING**

270. Hon JOHN HALDEN to the Minister for Transport:

- (1) Can the Minister confirm that restrictions on road trains using the Old Coast Road are about to be lifted?
- (2) If yes, will certain sections of that highway be available for 24 hour use by road trains?

Hon E.J. CHARLTON replied:

(1)-(2)

This issue has been raised by a number of members of late. I have made no decision regarding changes to that operation. I will check to ascertain whether an application has been made for the change outlined by the member and supply him with that information. A number of comments have been made and there has been much speculation about the movement of road trains. Road trains are often confused with B double combinations, so it is important that when members make these assumptions they ensure that they are talking about the right combination.

**RACING INDUSTRY - TAX REDUCTIONS, LEGISLATION**

271. Hon P.H. LOCKYER to the Minister for Racing and Gaming:

Can the Minister assure the House that present arrangements for tax reductions to the racing industry will be implemented without specific legislation being introduced into the Parliament?

Hon MAX EVANS replied:

I am pleased to confirm that the rebate system implemented by the previous Government is resulting in the same amount of tax being collected. The Government is dropping the tax rate from six per cent to five per cent from next year. As a result of the Government's tight legislative program this year it was decided that the necessity did not arise to change the relevant legislation, so the industry will get the same amount of money.

Hon P.H. Lockyer: Without question?

Hon MAX EVANS: None at all.

**FLORISTS - LICENCING LEGISLATION; FLOWER SELLING REGULATIONS**

272. Hon BOB THOMAS to the Minister for Health:

- (1) Given the large number of roadside vendors and shops other than florists, does the Minister intend introducing legislation to licence florists and regulate the selling of flowers?
- (2) If so, when?
- (3) If not, why not?

Hon PETER FOSS replied:

(1)-(3)

I have been given no reason why I should do this and unless some particular public need or requirement is demonstrated I would not think of introducing such legislation.

**CONSUMER AFFAIRS, MINISTRY OF - REGIONAL OFFICES, CLOSURE**

273. Hon BOB THOMAS to the Minister for Consumer Affairs:

- (1) Has the Government made a decision to close any regional offices of the Ministry of Consumer Affairs?

- (2) Are any proposals currently before the Government to close these offices?  
 (3) If not, will the Minister guarantee the future of those offices?

Hon PETER FOSS replied:

- (1)-(3)  
 No.

#### PASTORAL LAND - TRANSFER OF NON-VIABLE UNITS POLICY

274. Hon TOM STEPHENS to the Minister for Lands:

Is the Government's policy for the transfer of non-viable units of pastoral land the same as that of the previous Government; namely, that in the first instance that land will be made available for purchase by adjacent pastoral leaseholders?

Hon GEORGE CASH replied:

The Government is currently considering its position on pastoral lands and pastoral leases in Western Australia, and I hope to bring a Bill to the House before the end of this year. That Bill will contain some changes, but until it has been approved by the Cabinet I will not be in a position to advise the House.

#### PASTORAL LAND - TRANSFER OF NON-VIABLE UNITS POLICY

275. Hon TOM STEPHENS to the Minister for Lands:

Supplementary to my previous question, prior to the introduction of any legislation what is the policy of the Government on people wanting to purchase sections of pastoral land that are not viable in their own right? Are they available for transfer to any party other than an adjacent landholder?

Hon GEORGE CASH replied:

I am bound under the provisions of the current Act and in that regard I seek the advice of the pastoral board about the sale of pastoral leases around Western Australia. In the advice the pastoral board tenders to me it often recommends conditions that should be attached to any subsequent sale of a property. From time to time some conditions in effect require the vendor to offer that land to an adjoining landholder.

#### SWAN BARRACKS - WESTERN AUSTRALIAN MUSEUM PURCHASE

276. Hon J.A. COWDELL to the Minister for the Arts:

Can the Minister report on any progress that has been made in the acquisition of Swan Barracks by the Western Australian Museum?

Hon PETER FOSS replied:

I do not think it was ever intended that the Western Australian Museum would acquire Swan Barracks. There were a number of proposals for the acquisition of Swan Barracks, or at least for their diversion by the Federal Government towards some culturally appropriate activity, but to date we have not been able to take that to any stage where either a proposition has been settled upon or anything has been agreed with the Federal Government.

#### ROAD TRAINS - B DOUBLE THREE TRAILER COMBINATION

*North West Coastal Highway South of Carnarvon, Permission*

277. Hon KIM CHANCE to the Minister for Transport:

Is the road train configuration of a B double followed by a dolly and trailer - which is ostensibly a three trailer combination with the first two trailers made up of a B double -

Hon John Halden: Would you draw him a picture?

The PRESIDENT: Order!

Hon KIM CHANCE: It does require some spelling out. Would a road train with that configuration be permitted to travel on the North West Coastal Highway south of Carnarvon?

Hon Graham Edwards: Which means down the side.

Hon John Halden: We will help you, don't worry. Trust your mates!

Hon E.J. CHARLTON replied:

Help from my mates on that side of the House is something I can do without - I have enough problems over here without having help from them!

As Hon Kim Chance is obviously aware, the road south of Carnarvon has a two trailer limitation. I understand that a B double is a combination in its own right and does not allow for a trailer behind it; however, I will check that for the member. By way of extra comment for the member, and because it is important for many other questions that are being asked of me, I advise that the road transport industry believes B doubles will take over a great number of current road train operations in this State.

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