



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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1998

LEGISLATIVE COUNCIL

Thursday, 29 October 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report

Hon Murray Montgomery presented the report on the Operational Accountability of the Anti-Corruption Commission and the Protection of Rights Under the Anti-Corruption Commission Act 1988, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 330.]

OFFICE FOR CHILDREN - ESTABLISHMENT

Motion

Resumed from 28 October on the following motion -

That an office dedicated to the wellbeing and interests of children be established and report directly to the Premier. This office to study all government initiatives, legislation and actions by government agencies and report on the way in which such action could impact on children. That this office studies issues across agencies and portfolios to provide a coordinated, holistic approach to all matters which affect the interests and wellbeing of children.

HON CHERYL DAVENPORT (South Metropolitan) [11.04 am]: At the conclusion of the debate yesterday, I was saying that during Child Protection Week in 1997 the Vice-President of the National Association for the Prevention of Child Abuse and Neglect had called for an office for children in all States and the Commonwealth. During Child Protection Week this year, I attended a breakfast on 7 September at which a number of speakers talked on this very question. One of the keynote speakers was Carol Kagi, who is the current director of the Domestic Violence Prevention Unit. She was speaking in her private role as Chair of the Western Australian chapter of the National Association for the Prevention of Child Abuse and Neglect. Once again, she called for an office of children's interests to be set up in Western Australia. That speech was heard by such prominent and august pillars of the Western Australian community as the Minister for Family and Children's Services, the member for Ballajura; the Director of Public Prosecutions, John McKechnie; Judge Hal Jackson; a number of senior people from the Police Department; and other parliamentarians. Therefore, there is a general sense in Western Australia that this would be a very good idea for the State to adopt.

Last year I received a letter from the Australian Association of Paediatric Teaching Centres, the national president of which is Dr Gareth Goodier, who I think is about to move on from his role of Chief Executive Officer of King Edward Memorial Hospital and Princess Margaret Hospital for Children. Hon Barbara Scott outlined a number of issues raised in the association's letter last year. The response to that letter by my colleague and shadow spokesperson for Health, the member for Fremantle, was that the Australian Labor Party supported the call and, when elected, Labor would move down that path.

As Hon Barbara Scott mentioned, the South Australian Children's Interests Bureau has now been subsumed into the equivalent office in South Australia of our Family and Children's Services. However, in 1995 the then director of that bureau argued forcefully that, despite the limitations of the South Australian model, after 11 years she was as convinced as ever that children needed an office like hers. She said -

The Bureau has influence and impact because it concentrates on children as a discrete group whose needs and interests cross over a number of government portfolios.

That speaks volumes when an officer who has headed a bureau of that nature for such a long time continues to state that it is necessary. I see it as a watch-dog of children's interests.

In December 1996 the Chief Justice of the Family Court, Alistair Nicholson, presented a paper entitled "Advancing Children's Rights and Interests: The Need for Better Inter-governmental Collaboration". It appears in the *University of Western Australian Law Review*, volume 26, No 2 of that year. In this paper he refers to the need for a children's commissioner, and I quote -

It seems to me that a system needs to be established whereby the proposed legislation of Commonwealth, State and Territory governments is assessed for its conformity with the Convention on the Rights of the Child prior to Parliamentary debate. Within such a process, I think there may be a role to be played by a Children's Commissioner who is responsible to the Federal Parliament. The establishment of such an Office is a measure which I and many others believe is essential for concentrating Australia's efforts on compliance with the

Convention. This option was pioneered in Norway and followed in Sweden and New Zealand with considerable success.

Appropriate funding and independence would be necessary for this statutory position, which should be empowered to investigate breaches by State and Territory as well as Federal governments and their instrumentalities. It should also be charged with the responsibility of scrutinising legislation of all levels of government for their conformity with the Convention.

That says it all. Like many others in this Chamber, I was horrified to read of the tragic deaths of the Jonker family last weekend. Criticism has been aimed at the Family Court as a result of that tragedy. Given that Mr Jonker had counselling by the Family Court last week, one wonders whether some of the policy initiatives were put into practice in organisations such as the Family Court when they were put forward by the Federal Government. Had there been an office of children, a different set of circumstances might have happened in the Family Court process to deal with such problems as that dreadful incident last week.

I see a difference between an ombudsman and a commissioner. If an office of children were to have a commissioner who was answerable to the Parliament, it could incorporate complaints, investigation and resolution as well as policy development and child advocacy, which would make the office both reactive and proactive. Like Hon Barbara Scott, I believe that such an office must be proactive and reactive. As Hon Barbara Scott mentioned yesterday, there are certainly international trends towards the appointment of children's commissioners around the world. My experience in relation to this was that in 1992, during the investigations that the Standing Committee on Legislation conducted into the Crime (Serious and Repeat Offenders) Sentencing Act, I and a number of members and former members of this Chamber had the opportunity to visit New Zealand. As part of that process we talked to the Commissioner for Children in New Zealand. The office was set up in 1989 under the auspices of the Children and Young Persons and Their Families Act. The office is under the Department of Social Welfare in New Zealand but it has a significant amount of independence. The Act is 10 years old and is still acknowledged internationally as being at the forefront of child welfare legislation. Four key points underpin the Act: First, that the child is of paramount importance; second, families are empowered to make decisions in respect of their children; third, principles of the Act endeavour to enhance relationships between children and their families; and fourth, the Act acknowledges that the family has a key responsibility in caring for and protecting their children and young persons.

What became very clear to us during that visit and in talking with the children's commissioner was the tremendous integration between Maori and Pakeha, the white people in New Zealand. One can compare that with the situation in Australia. One of the reasons that is able to occur is because the Maori culture is one culture with one language. They are a lot further down the path of land rights than we are in Australia. Racial undertones were not evident in their participation under the Act. I am very pleased to say that some of the role models we saw who were in very senior positions under the Act were Maori people. The chief judge of the children's court in New Zealand, Judge Mick Brown, is a Maori. Many of the senior social welfare officers are Maori. The chief executive officer of the one juvenile detention centre in New Zealand - they call them residences - was a Maori woman. A number of politicians are Maori. Maori people head up non-government organisations and the like. It was somewhat of an eye-opener to see what a senior role Maori people were taking in the rehabilitation of young people who had been caught up under this Act. As I have said, the New Zealand Office of the Commissioner for Children was set up under the Children and Young Persons and Their Families Act. The commissioner is concerned primarily with youth justice, care and protection and the wellbeing of children but the commissioner also plays a part in other areas. A pamphlet which I brought back with me in 1992 states in relation to the wellbeing of children -

The work of the commissioner extends beyond children in trouble. An important focus of the commissioner's role is to ensure that the interests and needs of children are taken into consideration at all levels of government.

The commissioner must:

- review proposed legislation and advise the Government of the implications for children,
- lobby for changes in current legislation and policies which are detrimental to children's interests,
- monitor the activities of government departments so children's rights are not infringed,
- and advocate for the acceptance of international commitments to children's rights and standards for children's well-being and development.

It also reads -

The work of the commissioner is established on three important principles. These are:

- the humanity of children,
- the individuality of children,
- the diversity of childrearing practices.

Children are people too. Their rights must be acknowledged and protected just as we take care that their needs are met.

Those are pretty powerful principles. As I said, the Act came into operation in New Zealand in 1989. It was a bipartisan approach to the problems that were then occurring in New Zealand with children and young persons and their families. The Act seems to have stood the test of time. The then Commissioner for Children was Ian Hassell, who was formerly a paediatric doctor in New Zealand. He held the office for a number of years. I managed to find some of the notes that I took. One of the things he said in March 1992 was that in monitoring the process of the Act the office needed more resources to adequately and independently reach a conclusion on the operations and rehabilitation of young people and for the programs offered to assist young people. The office was very small. In trying to set up a children's office, we are requiring it to do a lot of work. Hon Barbara Scott said that it will be a small office. The New Zealand experience of six years ago was that the resources provided were inadequate. A small office is a start, but it will need to be reviewed in light of what it achieves.

Like Hon Barbara Scott, I have a copy of the bulletin from the NZ Commissioner of Children dated March 1992. Western Australia copped a serve in this edition, at the time that my Government introduced the Crime (Serious and Repeat Offenders) Sentencing Bill. An office of children would certainly have considered that legislation before its introduction. The recommendation of the Standing Committee on Legislation, despite the fact it reviewed the Act, not the Bill, recommended that the Act be repealed and that we start again. An office of children might have prevented the 1992 legislation from being enacted. To acquaint members with what was said about our community in New Zealand, the bulletin reads -

The call by some to weaken rights in relation to police questioning prior to arrest, arises from a young thug image of adolescents that has become popular recently. Such an image can be repeatedly presented by the news media without any counter image and have an important effect on public opinion and political responses to it. This appears to have happened recently in Western Australia resulting in a hastily enacted and repressive law which comes into effect on March 6th.

I, along with many people, realise that the legislation was a response to a very serious occurrence on Christmas Day of 1991 and the community's calls for harsh action to be taken by the Government; nevertheless, we reacted too quickly and did not look at all the ramifications, and it was bad legislation. It was allowed to lapse and was replaced by the Young Offenders Act, which I remain to be convinced is as good as it could be. However, it is certainly better than the legislative attempt by my Government in 1992. When decisions are made on the run, without checks and balances in the system, poor results are achieved. An office of children could have played a prominent and important role in preventing such mistakes. Also, another good matter in the newsletter was a section entitled "Informing Children", which reads -

One of the Commissioners functions is to inquire generally into, and report on, any matter relating to the welfare of children and young persons. The Commissioner is interested in hearing directly from groups of young people about issues that affect them. Recently this office has sent every school in New Zealand a copy of our pamphlet written for children and an information sheet on the Office of the Commissioner for Children. Schools have already responded and we have requests daily for more pamphlets. We look forward to hearing from children and young people themselves.

That is a very direct response. Young people and children do not have the vote. As I said yesterday, the 1991 census indicated that 20 per cent of the Western Australian population is aged under 12 years. A significant number of people need to be looked after and asked for input. I am not talking about pre-primary age, but certainly from age 12 to 15 years up to adulthood people should be involved and have a say about various issues which affect their lives.

Hon B.M. Scott: The youth councils are serving that purpose - they are a good initiative.

Hon CHERYL DAVENPORT: They could feed into an office of children through such consultation.

Hon B.M. Scott: Indeed.

Hon CHERYL DAVENPORT: In conclusion, as a community, and as members of Parliament, if we are really serious about the future of our children in Western Australia, we are duty bound to ensure appropriate mechanisms are in place to deal specifically with the coordination of policy relating to outcomes which affect the wellbeing and health of our children. In 1989 Australia signed, and has since ratified, the United Nations Convention on the Rights of the Child. If we are serious about that agreement, it is incumbent on us as a State, through the Government, to ensure that an independent office is established to compare policy against the intent and spirit of the convention, and to provide an advocacy mechanism on behalf of our children.

The positive outcomes of such action might just begin to deal with a lack of coordination in the portfolio areas. I indicated yesterday that during the Standing Committee on Legislation's consideration of the Crime (Serious and Repeat Offenders) Sentencing Act, we looked at not only the measure, but also the whole question of crime prevention. We found serious neglect in coordination across portfolios. An office of children must undertake that coordinating role, particularly in the

Health, Education, Family and Children's Services and early childhood programs. We talk all the time about early intervention, but we have not come to grips with the issue. That is why we still have groups of children identified early in their lives as potential problem children. This mechanism may help to deal with that inadequacy.

It is all very well to talk about harsh penalties - I realise that the community makes such calls - but ultimately, if we do not look at why young people go off the rails, we will be building more juvenile detention centres rather than dealing with the causes of the problem. Governments always ask how one quantifies and determines economic outcomes.

Hon M.J. Criddle: It is difficult to identify at times.

Hon CHERYL DAVENPORT: It is very difficult to identify. If we could reduce the number of young people in that stream, savings would be involved.

Hon M.J. Criddle: I agree.

Hon CHERYL DAVENPORT: Keeping a young person in a detention centre costs in the vicinity of \$60 000 a year. A surprising result in New Zealand was that in a population of 3.5 million people, only 57 young people were in detention.

Hon M.J. Criddle: What sort of mechanism is in place? Is it reflected in how they do things?

Hon CHERYL DAVENPORT: Absolutely.

Hon M.J. Criddle: How do they go about it?

Hon CHERYL DAVENPORT: It is a family group conference. We have picked up an element of that in our youth justice conferencing. They have been successful because of the number of people involved in the process, and the ability to come together culturally. A great deal of work needs to be done so Aboriginal people will participate in youth justice conferencing in Western Australia. I have collected the statistics over the years - I must do it again this year - and it is clear that a low percentage of Aboriginal children and young persons participate in that process. Until that can work, the level of success in New Zealand will not be achieved in Australia.

Hon M.J. Criddle: Is it done through Family and Children's Services?

Hon CHERYL DAVENPORT: Juvenile justice used to be dealt with by the Department for Community Development, which has been renamed Family and Children's Services. However, when the Ministry of Justice was set up, juvenile justice was transferred to that department, and it has been subsumed because adult justice has taken the emphasis off juvenile justice. I suspect that numbers are increasing partly because it is part of such a big ministry and it is not getting as much attention as it could. Hon Barbara Scott's proposal has great merit and the Labor Opposition will certainly support the motion. I hope the Government will take on board the issues she has brought to the attention of the Parliament today. There is great merit in setting up such a process. Certainly, if this Government does not move towards that process, the Labor Party will. An election will be held in 2000 and, when elected, the Labor Government will certainly introduce it. On that basis I support the motion.

HON NORM KELLY (East Metropolitan) [11.31 am]: I shall speak briefly on this motion because I defer to the experience and knowledge of Hon Barbara Scott and Hon Cheryl Davenport, who have so eloquently put forward arguments for the establishment of an office for children. Such an office must be independent of other agencies. Even though in some areas such an office could take a reactive role, it is primarily an agency that should be proactive, as Hon Barbara Scott said yesterday. There is a degree of concern about duplication of roles between the office for children and other government agencies. To avoid this, if a small staff of three to five were employed, I am sure they would be kept fully occupied without wanting to take on roles best kept in existing government agencies. That would be a way of minimising those concerns.

I appreciated Hon Barbara Scott's analogy involving the federal Office of Road Safety, and the benefits of its structure as an independent authority that can make recommendations about its only or primary concern to ministers but be independent of them. In the case of the office for children, that concern would be the welfare and future of children. It would be preferable for the office to be responsible to Parliament, rather than to the Premier, to maintain that degree of independence and also to avoid any perception of its not being independent if it were too closely connected to the Premier's department.

I will listen to any arguments against the proposal, but a well and thoroughly-researched argument has been put to support the motion. There is definitely a need for a coordinated approach across children's issues, along the lines of the development of a child welfare register where coordination between government agencies is necessary so that children can be protected. I know that Family and Children's Services has that primary role and handles 90 per cent of the workload of cases on that register; however, that is not so much because it should be dominant but because the beast has evolved from that department. An independent body whose primary focus is children can consider other agencies that deal with children and determine whether they are operating effectively to protect the interests of children. At this stage I fully support Hon Barbara Scott's motion.

HON J.A. SCOTT (South Metropolitan) [11.35 am]: The Greens (WA) wholeheartedly endorse Hon Barbara Scott's motion. It is a very important one in today's context. Vast changes have occurred in society in recent years and the motion refers to the office studying all government initiatives, legislation and actions by government agencies and reporting on the way in which such action could impact on children. Clearly, significant changes have occurred in the way in which our economic system has overtaken society in a range of ways. Initially, more women entered the work force; that was followed by changes to working hours, and this has impacted very badly on the community through the children. It may have brought more wealth in some areas, but it has also resulted in a great deal of social disruption. Members must look at many of the matters which come before the Parliament in that context and recognise the broader social implications of those changes.

Also, there is a trend today away from Governments being prepared to put funding towards bodies which comment on government policy, because Governments fear their criticism. This is a very bad move because it results in bad policy. Governments must take that input and suggestions from independent bodies such as the office for children would be. In other areas, for example, organisations such as the Australian Council of Social Service and the Western Australian Council of Social Service have been attacked because they articulated problems with the system. This is very much a head-in-the-sand approach, and Governments must recognise that if people are jumping up and down and complaining about problems in the community, those problems should be addressed at the causative end. The Government should not react at the other end by building jails and so on when social problems arise. It is a very ineffective use of money, economically and, even more so, socially.

Hon Cheryl Davenport: It does not rehabilitate them.

Hon J.A. SCOTT: No. I have been an advocate in this place for the regulatory reform that the Joint Standing Committee on Delegated Legislation has been considering for some time with regard to regulatory impact statements. That would very much merge in with this proposed office. An office of regulatory reform would ensure regulations went through the proper consultation process through bodies such as an office for children, to consider the impacts and the angles of regulations in an ordered way. Such a body would be very valuable for the interests of not just children but the rest of our society. Clearly our society is suffering from huge problems with petty crime in our suburbs. Probably the worst symptom is this massive rise in youth suicide in this State, to the point where it has become an epidemic. Any Parliament which continues to ignore this epidemic does so at its peril, because it will become an epidemic not just of suicide but of anti-social behaviour throughout our community. If we do not tackle it, we will see the eventual breakdown of our society. Although this is a dramatic description, we are heading in that direction. We are probably the first one-fifth of the way there. We need to redirect our thoughts away from thinking that economic rationalism is the right answer and start looking at the effects of that policy on our community, because it impacts severely on our children and, beyond them, our youth.

In recent years we have seen a massive increase in youth suicide and an increase in youth crime. I do not know whether my memory is correct, but I understand that in Western Australia we have the highest percentage of young people in jail in Australia. It does not seem to be solving the problems; they seem to be getting worse. We need to change our direction dramatically. Such an office, I believe, would help reduce those problems and make our community a much healthier and enjoyable place for all concerned. Further, in solving the problems of young people, we will also solve the problems of the elderly who are frightened to go out, as well as the problems of insurance companies and others who feel that the impacts on their budgets are such that they must continually increase the cost of insurance or whatever, to the point where it is affecting all of us.

What we have seen from Governments around Australia is reduced funding for such bodies. For instance, the Youth Affairs Council of WA is a body which brings together youth interests, and it lobbies the Government on those issues. It has fallen from favour because it has said things that the Government has not liked. That is a great disaster.

Hon Cheryl Davenport: We need checks and balances in the system.

Hon J.A. SCOTT: Indeed, we do, and the so-called balance that replaced it, I think, will have a once-a-year meeting of 50 young people brought together for a quick bash, probably in Canberra. That will provide the Government with little information of value to it in forming a decent youth policy. Again I stress that an office for children would not be about children only but about the whole of our society, now and in the future. I very much endorse this motion. I wish the member every success, because I understand there is some reticence by the Government to move in this direction. I commend the member for continuing to push this, because it is an important issue.

Constituents have come to my office who are concerned about the Government wanting to introduce legislation to have child protection services registers wherein matters such as assaults, sexual assaults, abuse of children and so on would be held. These people were concerned that that information would be held by an office of that type. They felt it would be far better to have the abusers on the register rather than the abused, and that such information concerning children in particular should be handled only by an office for children. They also felt that the office should have the right of refusal when it felt it was not in the interests of a child to provide those details.

The office proposed in this motion is important. The Greens support this wholeheartedly. To help proceed the matter, we

are happy to give the member any assistance and feedback that we can. I hope that other government members in this place who I understand are resisting this move will think about what is building up out there in the community. I hope they understand that if we do not tackle it with positive moves, such as those proposed by Hon Barbara Scott, none of the Government's economic rationalist policies will do any good for anybody, because at the end of the day we will be like the people of Los Angeles and spending our lives behind locked doors. We will not be able to wind down the windows of our cars when we are stopped at stop signs or traffic lights. We will end up in the same mess as Los Angeles.

Hon B.K. Donaldson: The member amazes me. He says we will develop into this society and that we will live behind locked doors. What is he going to do with all the children? Is he wanting to lock them up?

Hon J.A. SCOTT: No. I am saying that if we do not tackle the causes of our problems and identify the legislation that is impacting badly on our children - for example, the number of children who are not receiving any attention today because of various industrial laws -

Hon B.K. Donaldson: What about the parents? Parents used to raise children once. Now the member wants the Government to raise them.

Hon J.A. SCOTT: The member does not seem to understand that when both parents are working and are not there to look after their children all the time, these problems can occur. These are the types of issues that this office can identify. It can offer suggestions to Government, and the Government can make changes to allow its economic system to operate in a way that looks after the interests of the people who live in that system, so that not only the financiers and others profit from it, but all people. If the Government cannot understand the relationship between the legislation that is causing these breakdowns in our community today, then God help us, because we will be in a very bad way. Members opposite need to think more deeply than they are at the moment about the effects of various pieces of legislation. This office will help to provide that thought-provoking information to enable better legislation to be enacted to provide a better community for all of us. I support the motion wholeheartedly.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [11.50 am]: The Labor Opposition, as expressed through the contribution of Hon Cheryl Davenport, welcomes the motion that has been moved by Hon Barbara Scott, and calls upon the House to carry it. I join with other members in this place - Hon Barbara Scott, the Australian Democrat speaker, the Greens (WA) speaker and Labor's lead speaker Hon Cheryl Davenport, in supporting this initiative. I note this initiative has been on the Notice Paper for some time. I also note that another motion relating to speed trials which was recently on the Notice Paper and which was moved originally by a member who is now a minister and was carried by the House, has been dismissed out of hand by the Premier in a doorstep interview. I hope that the Government will not simply adjourn the motion that has been moved by Hon Barbara Scott and leave it to languish at the bottom of the Notice Paper, unresolved and without a response. I call upon the Leader of the House to give an undertaking that this motion will be brought forward for an early resolution by this House and be acted upon by the Government in double-quick time for all of the reasons that have been given to this Chamber by the previous speaker in this debate.

This is a vitally important issue for the children and future adults in my electorate. I hope many members saw the *Four Corners* program screened on the ABC this week. They would have seen the despair of the Aboriginal children of my electorate and the youth suicide problems in that community. That program showed the need to monitor what is being said by those children and for Governments, Parliaments, parties, communities, families and parents to respond. We must recognise the fly in, fly out phenomenon that was put in place by a Government of which I was part, and policies of Parliaments both national and State that deliver fly in, fly out arrangements that result in children being without both parents to protect them and form them into adults who can produce a better society. Instead of a policy that perpetuates and compounds that problem, we need an agency like the office of children to be vigilant for the interests of those children who have been bereft of both parents. Single parent situations have been created as a response to government policies and employment strategies that compound the problem on the streets of the metropolitan area and create huge costs for short-term economic benefit for families, industry and the State. In the long term they compound the structural problems for society. For all of those reasons that Hon Barbara Scott and others have articulated, and that I note in passing, this motion deserves to be passed in double-quick time - neither adjourned, nor filibustered, but carried and acted on.

HON SIMON O'BRIEN (South Metropolitan) [11.53 am]: I will be brief, because I do not have a great deal of experience and I want to learn more about this rather than try to offer opinions. I acknowledge that my colleague, Hon Barbara Scott, has consistently advocated, not only in this place but in other forums, for the rights of children without fear or favour and with some passion and obvious commitment. If any members are not aware of that I advise them of it now. I admire her commitment and her passion for the interests of children, which is real and sincere. That has been given voice in this motion to establish an office dedicated to the wellbeing and interests of children and reporting directly to the Premier.

I will be interested when the minister representing the Premier responds to this motion to know - apart from the general views and perspective from the Government on the motion - in what way this idea, which has considerable support, might be implemented. I would appreciate some feedback on the initial response of the Government to the ideas expressed.

I have listened with interest to the debate. Hon Barbara Scott has pointed out that she envisages, at least initially, a small unit located within the Ministry of the Premier and Cabinet that will report to the Premier; she did not envisage the creation of a new bureaucracy. I do not know what might then flow from initial endeavours in this field, but I think that is the way to go.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will have her opportunity in a moment.

Hon SIMON O'BRIEN: This could be a case of "Tall oaks from little acorns grow". If members want to get somewhere with this issue, they should look at ways that might occur. Speakers subsequent to Hon Barbara Scott told us about their plans for a huge bureaucracy that will intrude on every aspect of human existence. It will be run by all sorts of experts and will do all sorts of things. It will save the world, because it is on the edge of the abyss. All those speakers ignored the role that families and parents should be playing, and used to play, in the upbringing and protection of their children. That is not what this motion is about. It appals me to hear speakers like Hon Jim Scott telling us that they support this motion, which says one thing, and then tell us how this Government is failing all and sundry.

Hon J.A. Scott: I said "Governments".

Hon SIMON O'BRIEN: Hon Jim Scott did not miss the opportunity on several occasions to lambast members on this side of the House for what he states is a lack of concern, an absolute carelessness and disregard for the rights of children in the pursuit of what he calls economic rationalism. Those sentiments are extremely offensive to members on this side of the House, and they are wrong. I reject the notion that our society is headed inexorably towards decay and ruin. All societies, at any point - no matter how civilised they think they might be - are only a step away from anarchy. We saw that in the collapse of civilisation in Germany in the 1930s.

Hon J.A. Scott: You are not worried about suicide levels.

Hon SIMON O'BRIEN: That is just a stupid interjection, Mr President. I am not talking about suicide levels and Hon Jim Scott interjects suddenly out of the blue to say that I am not concerned about suicide levels. That is an offensive and stupid remark.

Several members interjected.

The PRESIDENT: Order, members!

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Ecologically Sustainable Development - Second Report - Management of and Planning for the use of State Forests in Western Australia: The Regional Forest Agreement Process

Resumed from 22 October on the following motion -

That the committee recommends the Legislative Council endorses the findings and recommendations of the Standing Committee on Ecologically Sustainable Development - Second Report, and requests the Minister for the Environment to reconsider the Regional Forest Agreement process in light of the committee's approach

to which the following amendment was moved -

That all words after the words "Second Report" be deleted.

Hon NORM KELLY: When I started my comments last week I referred to the long history of reports, recommendations, royal commissions and the like. I will go through some of that history briefly. Back in 1890, more than 100 years ago, a select committee of this Parliament looked at the system of forest conservation and the levels of logging in our native forests. Problems were occurring at that stage. Even early this century, in 1903, a royal commission was established and also a forestry advisory board to look at conservation practices for logging of native forests. In 1919, a new forest department was established. This was done because previously forestry matters came under the Department of Land Administration. However, land and forestry were separated because of conflicting interests. Despite that, a few years later, in 1922, yet another royal commission was established, once again to look at conservation and logging practices. Further down the track, in 1950, the forestry ministry was combined with the housing ministry. That caused a great deal of debate and furore because of the conflict of interests created by combining those two ministries. Recently, the Department of Conservation and Land Management was formed within which conflicts of interest have arisen and been dealt with. This House also

established a select committee in 1979-80 to look into forests and national parks. That is a little of the history of the inquiries that have been conducted into our forests, timber industries and conservation over the past 100 or so years.

There is a danger that the report of the Standing Committee on Ecologically Sustainable Development could be just another one in a long line of ignored reports and may gather dust or, hopefully, be recycled. However, there are dangers in continuing on the path towards the signing of the RFA as this Government currently seems intent on doing. It is a very dangerous path because of the inevitable conflict and turmoil such a process will create. The committee worked towards producing constructive amendments to the process which would not stop it, but which would resurrect it and enable the RFA to be signed with the support of the wider Western Australian community, something that will not be achieved if the Government goes along its current path.

Our proposals will create greater security than those with which the Government is currently working, not only for industry but also for conservationists and, most importantly, for future generations who will be involved in intergenerational debt as a result of the overlogging of our forests, which will take from future generations the benefits of those resources. In particular, I refer members to some of the recommendations of the report. The first recommendation, which is basically in line with the original intent of the RFA, states -

that the WA Minister for the Environment ensure that the intention of the "Scoping Agreement for a Western Australia Regional Forest Agreement", Attachment 1, Paragraph 5, be carried out by release of a draft RFA for public comment and assessment by the State Environmental Protection Authority.

This is critical to the process. People have been given a consultation paper which includes three options for a possible reservation and areas which will be open for logging. They were told that the Government may choose not to accept any of those three options but may come up with something different. Therefore, it is difficult for people to present detailed submissions because anything is possible in the future. That is the reason it is important to have a draft RFA so that people may present legitimate and well-researched submissions. Fights may occur about individual blocks or areas, but that is what the RFA is all about; that is, resolving issues forest-by-forest, block-by-block.

Recommendation 10 of the committee's report states -

That the Minister for the Environment seek to enhance acceptance of the RFA process by establishing and adequately funding an accord process to assist in the Minister's review of the RFA process thus far and in preparation of the Agreement itself.

The accord process is critical so that we can bring together all the warring sides. The different groups involved are set out in recommendation No 11 and include industry, local government, tourism, the Forest Protection Society, the Australian Workers Union, the conservation movement, indigenous people, non-timber forest-based industries and the like. It is important that we bring them together around the table and come up with an agreement that has the support of the majority of Western Australians.

The Australian Democrats will support this motion in its amended form. I appreciate the comments of Hon Dexter Davies. Bearing in mind the urgency of the matter, it is important, as the amended motion states, that the committee and the Legislative Council endorse the findings and recommendations of the report of the Standing Committee on Ecologically Sustainable Development rather than simply note it. As the Minister for Finance stated yesterday in response to a question, the RFA will be signed as soon as possible. Therefore, it is important that we send this message rather than note the report and put it aside, as we do with so many other reports.

In conclusion, I shall read a quote which, unfortunately, I was not aware of before the committee reported. Had I been, I am sure I would have recommended to my fellow committee members that this quote be incorporated in the report. It states -

State acquiescence in the destruction of good timber only because the trade demands it, is a crime against coming generations; and any attempts to increase the exportation in the interest of foreign companies, or with the object of inducing more men to join in timber getting at the expense of posterity, needs wise resistance . . .

That quote sums up what Western Australia is facing today. Interestingly, that quote comes from the royal commission of 1903, which identified the dangers of overlogging of our native forests. It seems that 95 years later we still have not learnt our lesson. This motion gives us an opportunity to correct those previous wrongs.

Hon BARRY HOUSE: I am uneasy with the amendment. It is usual at this stage in which the Chamber debates committee reports, for the Committee of the Whole to note, not endorse, the committee's report. There is a further stage in which the House, if it wishes, can take some action or a position on the content of a particular report. I am opposed to endorsing the report at this stage. I believe that the motion, which will be moved by another member, will be changed from "endorsed" to "note" and then the Committee can further debate the issues.

Hon Max Evans: We will put Hon Dexter Davies' amendment and then we will come back to debate that.

Hon BARRY HOUSE: It is probably more appropriate that I make the bulk of my comments at that later stage. It was mentioned in a contribution last week that the standing orders of the House allow for the second part of the original motion to be dealt with; that is, that the Government must respond to the committee's report within a certain period. It is taken as read that a committee's findings and recommendations are merely that: A recommendation to the House and the Government to pursue a course of action. I will confine the rest of my comments to a later stage of this Committee.

Hon GREG SMITH: I support this amendment and I support the foreshadowed amendment by Hon Barry House. This committee report is just that: A committee report. It is unfortunate that Hon Christine Sharp added the extra words after the report to try to ensure that the Regional Forest Agreement process continues. During the entire time that we have been involved with the RFA report, the environmental movements boycotted involvement. They have not taken any opportunity to be present or a part of it. There was always a seat for them. This is a continuing effort to have a second bite of the cherry. I support the amendment.

Hon CHRISTINE SHARP: Can the member clarify his remarks which suggest that I have added words after the committee's deliberations? I do not understand the implication of his remarks. I am simply requesting the endorsement of the findings of the committee, of which the member himself is a signatory, and nothing additional to that.

Hon GREG SMITH: I was referring to the request that the Minister for the Environment reconsider the Regional Forest Agreement process.

Amendment put and passed.

Hon W.N. STRETCH: I move -

To delete in the first line of the motion the word "endorses" and substitute the word "notes".

It is the longstanding practice of the House that committees of inquiry have no real force of their own. They have the recommending strength and effect of bringing their exhaustive inquiries to the House for consideration and noting. Inserting "endorse" in such reports gives a connotation of pressure on the House. I do not believe that is acceptable and it is not in the spirit of the process. The report already states that the committee recommends that the Legislative Council note the findings and it carries out the same purpose without that extra connotation, which worries me.

I have read this report and it is very comprehensive. It contains many recommendations, many of which I support and many about which I have severe doubts. Therefore, it is difficult for members to be faced with such a large report and have to pass it with an endorsement to it as if it all carried the support of the House. In their heart of hearts, many members would wish to pass parts of the report and might even endorse parts of it, but they would also find it very difficult to endorse all of it. I have lived virtually all of my adult life in the south west end of the great southern area and have had an enormous exposure to the region. It is an area of conflict and always will be. Therefore, to put forward a blanket-type recommendation which carries an endorsement of the Committee is asking too much at this stage. Therefore, the word "note" is more appropriate than "endorse". I ask the Committee to support the amendment.

Hon BARRY HOUSE: I support the amendment. It is the common practice of the Committee to note the report. We would be taking a step that the House is not necessarily prepared to take if we endorse the report.

Hon LJILJANNA RAVLICH: I oppose the amendment. This proposed change to the motion simply waters down the motion. It should come as no surprise that the Government wants to move down this line. Given the work that has been put in by members of this committee and given that the committee has worked so hard to ensure that the recommendations made in the report were not overly prescriptive, I cannot see a reason that this Committee should have difficulty endorsing the findings and the recommendations of the Standing Committee on Ecologically Sustainable Development.

Hon Bill Stretch made the most revealing comment as to why this debate is not moving forward when he said that he has lived in the south west for a long time and the south west will always be an area of conflict. The south west has historically been an area of conflict. That should not be of surprise to us because that is where the forest industry is based. However, to predict that the south west will always be an area of conflict is almost like saying that we have a problem down there which will always remain and so what is the point of doing anything about it? The committee's view is the total opposite. Our view is that conflict has occurred down there, but let us move on and try to come up with a set of recommendations which will move the agenda forward. We were prepared to put party differences and ideology aside and as representatives of different political parties to give ground so that we could come up with a report which we thought would be acceptable to this Chamber, and certainly a report which is demonstrably acceptable not only to the industry but also to the Green movement and the general public in the south west. It is an excellent report. I do not accept the member's view that because there will always be conflict in the south west, we should do nothing. We want to minimise the level of conflict in the south west. A way of doing that is in ensuring that the Chamber endorses rather than simply notes some of the specific conflict resolution recommendations and some of the broader recommendations in the report. Until such time as this report is endorsed and there is a concerted effort by this Chamber and also by the minister to take on board the outstanding recommendations in this report there will not be progress.

Members opposite should hang their heads in shame. If they were interested in moving the agenda forward, they would support the substantive motion and oppose the amendment. What is the point of simply noting something? I cannot understand what would be the advantage of a motion that states that the Chamber should simply note. I want action in respect of this matter. Western Australians want progress in respect of this matter. We want movement and resolution of some of the fundamental issues. That cannot occur until such time as this report is endorsed. As a paid member of Parliament who survives on the public purse, I have worked very hard on this report. I do not think that I have put more energy into anything else since coming to this Parliament than I have in contributing to this report. I have said on other occasions that part of that effort was based on the fact that my knowledge of the area was somewhat limited. With hindsight I think that was an advantage, because I came into the area without any preconceived ideas about who was right and who was wrong. I worked my way through the issues to come up with something which I thought was fair, reasonable and progressive. I think I have managed to do that, but it caused me many sleepless nights in trying to grapple with the complex issues. While some members might have been travelling, I was labouring over piles of technically difficult documents. Nevertheless, I made the effort to do that. Quite frankly, given my personal sacrifice I want more than this Chamber simply to note. I want the Chamber to endorse the recommendations and the minister to put them into practice. I want to see positive outcomes and all the key players who are involved in this issue come together and sort out their differences and work in a spirit of cooperation so that we address the problem in the south west and so that we do not have senior members of this Chamber, like Hon Bill Stretch, throwing his hands up and saying there will always be conflict so let us live with it as it is. That is totally unacceptable. I am pleased that other like-minded members in this Chamber feel as I do with regard to this matter.

Fundamental to this whole issue is the fact that this conflict cannot be allowed to continue. That is fundamental to the economic and the social wellbeing of our communities in the south west. If all the Chamber will do is note this report and take no action, one thing we can be guaranteed of is that conflict will continue and that there is a high probability that not only will it continue but also it will escalate. I vehemently oppose the amendment.

Hon CHRISTINE SHARP: I also oppose the amendment proposed by Hon Bill Stretch. I thank Hon Ljiljanna Ravlich for a very eloquent and articulate exposé of the difference between noting and endorsing the report. Hon Bill Stretch said that he supports much of the contents of our committee's report, but not everything. I am very pleased to hear that he supports much of the contents. I would be pleased to hear from Hon Bill Stretch which contents of the report he supports. It is important for him to understand that the committee report is in a sense a package to get the Regional Forest Agreement back on the rails again and to turn it into an agreement process. That is why members can feel confident in endorsing the report. Although it is dealing with very complex issues, it has an integrated approach. I endorse Hon Ljiljanna Ravlich's argument about the reasons that it is important that the report be endorsed rather than noted. A comment by Hon Bill Stretch was that it is normal for committees' reports to have "no force" and it is not normal to expect "that they carry the support of the House". I want to know why not. It seems to me as a new member of this place that a very substantial part of members' work effort is in committees. Every one of us probably does very good work in that regard. I want to stand up for the role of parliamentary committees in giving advice to the Executive Government about how to approach matters. What better example for this can there be than the forest and the level of conflict that we saw yesterday and that is occurring at the moment? If all we are asking for is a conflict resolution approach, what could be better for the Parliament to endorse the report and try to get the Executive Government to listen to the committee? Therefore, in opposing this amendment, I stand up for the role of this House of Review. I acknowledge the work of all five members of the Standing Committee on Ecologically Sustainable Development. I assure the Chamber that every member of that committee has made a contribution to the report. It was not drafted by the research officer, who did a brilliant job, and the influence of all members can be found in the report. We put our heads together. I thank the committee for the enormous time and effort devoted to producing a very practical and useful contribution to the debate.

Hon GREG SMITH: I agree with the amendment, and not because I do not agree with much of the report. As Hon Ljiljanna Ravlich said, the committee spent a lot of time looking at forests, where much conflict exists between the environmental movement and the timber industry. I hope for a resolution of the conflict, but that is unlikely given the extremes in the argument. As a result of the time taken to prepare the report, and the changes since the matter was investigated, it could frustrate the signing of the Regional Forest Agreement if the report were followed to the word. The RFA process has been ongoing for a long time. We all agree that the process has produced much good work, including the compilation of figures and noted biodiversity types throughout the forest previously not known. The amount of a knowledge gained in the RFA process is mind boggling.

As Hon Bill Stretch said, the report contains many recommendations. Some of them move across to the forest management plan as well as the RFA process. I refer to matters such as the projected long-term sawlog levels. I am worried that if we endorse the report per se now, we might frustrate the RFA process and its signing. The forest management plan is causing much argument in this debate as well. The committee is looking at harvesting levels. This report considers the Regional Forest Agreement process, which in itself did not contain many flaws. If the minister notes the report and, we hope, follows some of the recommendations, we can move on after the RFA is signed and deal with the forest management plan and the surrounding conflict.

Hon CHRISTINE SHARP: The ESD committee considered the important issue of the RFA time frame. I understand that the RFA, in no statutory sense, requires completion before the end of 2000. Therefore, the committee considers that ample time is available to slow down the process and improve it so it works.

Hon BARRY HOUSE: It is appropriate that I say a few words at this stage. We are debating this amendment because we want to note the report. As a member said previously, we may agree with large sections of the report - as I do - but not agree with everything in it. That is why we take the first step to note the report. If we then want to take a specific action on part of the report, we do so at a subsequent stage. I will not agree to endorsing the report in toto as argument still exists on many aspects of the issue. The debate as we know has raged for a long time - too long in most people's eyes. Much of the debate has involved hyperbole, emotion and a lack of scientific base. We all know that different people with an interest in aspects of forest management have taken points of view at opposite ends of the spectrum. I do not pretend to know the answers to all the issues involved. However, I know a couple of things: First, the debate has taken place for too long without any understanding or agreement about where we go in the future in forest management.

Hon Bob Thomas: Which debate - the forest debate or today's debate?

Hon BARRY HOUSE: I refer to the forest debate in general. It has been around for 20 years or longer.

Hon Norm Kelly: One hundred years.

Hon BARRY HOUSE: I have not been around that long. The public debate has been around since the day Chester blew up the woodchip terminal in Bunbury. Debate has raged to the level of division within the community, particularly the south west community. As a representative of the South West Region, I am particularly concerned that the debate rages continually without resolution as it is dividing communities and families from within. No tolerance is being shown to people with alternative points of view, which is the most disappointing aspect. Also, the debate is based to a large degree on emotion, not objective assessment. Many people who live and work in the south west are sick and tired of people from outside their community telling them what to do and what is best for their community. With other issues involving planning, water, tourism and development, we are bombarded - probably because it is a desirable place in which to live and work - by opinions from outside. Often it is disappointing to people who reside in the townships in the south west as we are told what to do by a wide array of people with different points of view. Some high profile people have received media attention. Sportspeople of the calibre of Craig Turley, Mick Malthouse and Luc Longley gained extensive media coverage for their activities in the forest. This is always against the existing forest management.

Hon Norm Kelly: Is that because the industry cannot get high profile people to support it?

Hon BARRY HOUSE: Not at all. It is the way it is reported. I have a great deal of respect for Mick Malthouse for his Australian Football League expertise; for Luc Longley for his abilities and achievements in the American National Basketball Association; and for what Craig Turley has done on the football field. Nevertheless, I suspect that they know as much about forest management as I know about coaching an AFL team or playing NBA basketball. I do not suggest that they cannot have a view, but it is disappointing -

Hon Bob Thomas: Are you saying that you object to the way they express that view?

Hon BARRY HOUSE: Partly. I object to the way their opinion is given more credence simply because it has been expressed by them rather than by a person who may be an expert in the field and has worked in the industry for decades.

Hon Bob Thomas: Who will make those value judgments?

Hon BARRY HOUSE: We all make value judgments. That is what society is all about. That is why I am saying we should look at a scientific basis for this argument rather than at emotion; and that emotion is driven by high profile people.

Hon Norm Kelly: Are the forests in the south west a regional resource or a state resource? Who owns those forests?

Hon BARRY HOUSE: They are a state resource; there is no doubt about that. However, the communities are south west regional communities; and the divisiveness within those communities is often fuelled by comments from outside. Other high profile people who have made comments are well respected conservationists David Bellamy and David Suzuki. I do not doubt their expertise in particular areas, and I do not doubt their passion; but I do doubt their objective understanding of how a south west timber community operates, and I do doubt their understanding of the needs of the Western Australian community for timber products. I cannot leave out people from the leafy suburbs of Perth, who are often very forthright in giving their views about what the south west timber communities should be doing with their timber. They speak for the most part from a very privileged position, which is often also a very selfish position; and while they are very keen and have the means to purchase the high grade products from the timber industry and do not necessarily want to deprive themselves of the opportunity to do that, they want to deprive other people of that opportunity.

A wide variety of issues is at stake. I have tried, in a fair way, to segregate the issues about the use and management of the state forests. The committee has done that to a certain extent in its report. The first issue that we need to consider is our need for forest products. The need for timber is obvious in the building industry, which as we all know is cyclical and has

been for time immemorial. However, competition from alternative products is having an increasing impact on the building industry. One alternative to hardwoods is softwoods, and I think most of us are thankful that the majority of ceiling timbers are now constructed out of softwoods rather than prime jarrah, as was the case in years gone by.

Hon Bob Thomas: Homeswest specifies that jarrah timber be used.

Hon BARRY HOUSE: That matter may need to be looked at.

Hon DEXTER DAVIES: Mr Chairman, I seek your guidance. If this report were noted, what process could be taken to endorse the recommendations in the report?

The CHAIRMAN: That matter could certainly be brought to the attention of the House by moving a further motion; or there might be an opportunity at the report stage. The usual procedure is to move a substantive subsequent motion.

Hon DEXTER DAVIES: As a member of the standing committee, I endorse the 22 recommendations in the report, and bring to the attention of the Chamber the committee's term of reference (d), which is to review the Regional Forest Agreement process. The report does not say anything about how much forest should be cut, or under what rules and regulations. All of the recommendations are about facilitating the RFA process in order to achieve the outcomes in a logical and clear way. The report does not take one side or the other. It has been said that this report would produce all sorts of heat and light. However, it has been accepted by everyone - the industry, the unions and the conservationists. There was no opposition to it anywhere, to the extent that it did not even get a run in the paper when it was supposedly one of the most controversial things that could ever happen, simply because the 22 recommendations in the report are about how the RFA process can be facilitated. The remainder of the terms of reference - paragraphs (a) to (c) and (e) to (g) - may well produce some heat and light, because they deal with how to decide whether to increase or reduce the cuts, and how that may impact on timber mills and towns in the south west. However, none of those issues is addressed in this report, which addressed how the RFA process, which has been agreed to by everyone, can be facilitated. The report was agreed to by all members of the committee, and it was then released at a press conference and given to representatives from all sides of the argument - tourists, timber workers, unions, shire councils and conservationists - who all gave it a tick. Therefore, I endorse the recommendations in the report; and if they cannot be endorsed by the Chamber through this Committee, obviously they can be endorsed through another procedure.

Hon B.K. DONALDSON: Mr Chairman, the advice you gave to Hon Dexter Davies is correct. The normal procedure at the committee stage is that the report be noted. The Committee can do no more than that. The House will determine whether to endorse a report; and that normally takes place as the result of a motion on notice to the House. That does not in any way deny a member the right to pursue that matter. The second point is that the minister must respond to the report within four months. The normal procedure is for the Committee to note the report today; and if after the report has come back from the Government, members want to debate it further in the House, that can be done. A lot of work has gone into the report. No-one is trying to brush aside the recommendations in the report. However, that is the normal procedure. I do not want to sully my speech, but I must say that we are very fortunate to now have a very good federal Minister for Forestry, Hon Wilson Tuckey. He is a Western Australian and is fully aware of what is going on. He has made the statement that his door will be open to all the stakeholders in the timber industry. I have been a good friend of Wilson Tuckey, the federal member for O'Connor, for 40-odd years and I have always admired his frankness and his fairness.

Hon Kim Chance: Mr Howard has not.

Hon B.K. DONALDSON: That is Mr Howard's problem not mine. The most important issue is that he is a Western Australian and he stands up for Western Australia. He will take on board all the facts in this issue which has caused a lot of division within our society. I support the amendment moved by Hon Bill Stretch, because it is a normal procedure of this Chamber. I also acknowledge the important contribution of the Standing Committee on Ecologically Sustainable Development through its comprehensive report. I look forward to the Minister for the Environment responding to this report, which could then be the subject of an interesting debate in the House under the normal House procedures.

Hon CHRISTINE SHARP: My concern is that if this matter is not brought to resolution in committee today, and the alternative process is that I move a motion in the House, that motion will not be debated and resolved by the Council before the Regional Forest Agreement is signed. This is really urgent. If we do not form a position today we will miss the boat.

Hon W.N. STRETCH: I am interested in the various responses that this amendment has evoked. Hon Ljiljana Ravlich, in a good high school debating manner, managed to shift the debate off the subject very quickly. My comment that there will always be conflict in the south west was made because it is such an attractive area. As Hon Barry House said, virtually everybody who visits the south west falls in love with it and takes it on as a particular interest. It brings to mind the visit of a noted Liberal Party federal leader to Alice Springs to attend his first corroboree. A senior Labor minister commented that it appeared the minister was just one more corroboree away from a change in policy. Very much the same thing occurs when people visit the south west. It is an attractive place and it stirs the emotions. Unfortunately, it does not evoke the same enthusiasm for an immediate study of the history of the area. People base their judgments on what they see and not on the history and the evolution of the forest.

The old forest department worked on 100-year time scales. One of the disasters in the State was the combination of the forestry and national parks departments. There were many reservations about that in the debate in 1984-85. It was pushed strongly by the Labor Party, particularly in its lay-organisation by Mr Neil Bartholomaeus. The Labor member for Warren threatened to resign when Premier Brian Burke tried to put in place a number of reserves, particularly over the Shannon basin. We now have a degraded part of the Shannon which is mismanaged in forestry terms, although it is dear to the heart of the conservation movement.

The south west has a long history of conflict, and it is not only over the forest, which is where Hon Ljiljanna Ravlich ran off track. The conflict covers many other matters, from planning to the points raised by Hon Barry House like the interface of farming, horticulture, the growing wine industry, the growth of towns, subdivisions and small holdings. A raft of matters will, unfortunately, always cause conflict.

One of the most recent outbursts of conflict has concerned the timber industry. Hon Barry House pointed out that this conflict began at least 20 years ago, and probably a good deal earlier than that. People looking at this issue today must recognise that it is a growing and evolving area. Because the forest is rapidly changing and responding, as is the timber industry around it, we have changed management practices over the years. I often take a back road from Collie to Harvey coming to Parliament. In the 1930s and 1940s we faced a major shortage of timber and we planted pine in a big way. Those pines have been recently harvested. Some of the best pine in the world came from the Grimwade and Mornington areas. That has now been processed, and it has been planted back to blue gum. That is a pity because there is a place for pine and we shall probably be importing it one day. Even though we can import pine cheaper than we can grow it, it is a pity not to have that diversity in our forest product. Be that as it may, we are extending the growth of maritime pine out into the dryer areas and that may be successful.

One of the other conflicts is the term "old-growth forest". In my lifetime the definition of what are essentially old trees has changed probably half a dozen times. We started off calling it virgin forest, which had all sorts of connotations. We could find six-foot wide tree stumps while we were driving through virgin forest, so we changed the definition to "native forest". That was not too good either, because it also had connotations. If it was native forest, did it belong to certain Australians? That caused other problems. It is now called "old-growth forest", which is an interesting term. It is subjective. It has various definitions depending on whether one looks at JANIS or other definitions therein. There are so many scientific sides to it that the only people in this debate who know what they are talking about are the trained foresters. I know that is anathema to Hon Christine Sharp and the people whose sole object is to destroy the Department of Conservation and Land Management and its credibility. I have a great respect for many of the foresters in CALM. I have an equally great respect for the foresters who have retired from CALM because they cannot stand the constraints put on their scientific assessment of their industry by the conservation movement and the people who seem to hang on to the fringes of that movement; we have a shortage of real science in that side of the debate.

The best school on tree management in the world used to be the Canberra school of forestry. Most of the old foresters in Western Australia attended that school. They set the old forest department on a sound forest basis. From the mid to late-1970s they realised that the forest cutting and the demand for timber at that stage was above sustainable level. There was a major closure of mills and a great deal of heartache. However, it was done on a purely scientific basis. They did something positive about the problem. They increased the plantings of pines; they moved into the degraded eucalypt forest and they planted pine because the people of Western Australia were demanding wood product. All sorts of cynical definitions are around - for example, a conservationist is a person who built his house of wood last year. There is a little truth in that. People can say, "My conscience is clear; I use only steel and glass in my house; I do not use wood any more." However, when one considers the environmental effect of producing steel and glass in sufficient quantities to build housing, perhaps what we are doing in the forest is not all that bad after all.

We had an interesting debate on whether young trees have a better effect on the environment than old trees. There are good arguments for sticking to the current tree management practice as it maintains a balance of old trees - trees past their timber-yielding years - to be retained as nesting and habitat trees along the forest and river reserves. One of the effects of the closure of Shannon to logging was that we had to narrow those streams and road reserves.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm

MAIN ROADS WA INVESTIGATION

Statement by Minister for Transport

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [2.02 pm]: Earlier this year, and prior to my appointment as minister, the Commissioner of Main Roads, Ross Drabble, initiated an inquiry into the unauthorised release, or leaking, of Main Roads WA information to the Opposition between November last year and January this year. The inquiry led to one staff member becoming the focus of the investigation. Upon my appointment as minister, I expressed my concerns to

the Commissioner of Main Roads and publicly about the duration of the inquiry and the costs associated with it. In August I requested the Minister for Public Sector Management to conduct a review into the investigation. That review, carried out by the Director General of the Ministry of the Premier and Cabinet, concluded that the Commissioner of Main Roads had been justified in carrying out the investigation, had acted correctly and had followed due process.

Main Roads WA is responsible for delivering the State's road program and oversees an annual budget of \$660m. Main Roads officers deal with a huge amount of commercially sensitive information and any unauthorised public release cannot, and will not, be tolerated. The unauthorised release of information from Main Roads' files, which has been the subject of this investigation, has been viewed with dismay and profound concern by staff in general at Main Roads who conduct business in a professional and ethical manner.

The investigation at Main Roads is now complete, with the staff member at the centre of the inquiry having been advised in writing by the commissioner that the evidence has proved inconclusive. I have been advised that the cost of the inquiry will not exceed \$116 000. I have told the commissioner that I concur with the need to have carried out the investigation and that he continues to have my full support. I table a letter from the Commissioner of Main Roads advising me of the outcome of the investigation. I now consider this matter closed.

[See paper No 333.]

ACTS AMENDMENT (CRIMINAL PROCEDURE) BILL

Introduction and First Reading

Bill introduced, on motion by Hon M.J. Criddle (Minister for Transport) on behalf of the Attorney General, and read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [2.05 pm]: I move -

That the Bill be now read a second time.

The Bill enables Courts of Petty Sessions to take as proved any allegation in the summons served on the defendant in relation to the complaint in which there is no appearance by a defendant.

Background: In the 1997-98 year, 33 217 persons, involving 51 120 complaints, were summoned to appear in Courts of Petty Sessions throughout Western Australia. In the Perth Court of Petty Sessions alone 14 380 defendants involving 22 400 summons complaints were dealt with. Flowing from this were 1 357 hearings held in the absence of the defendant. These ex parte hearings were held as defendants failed to appear either in person or by notifying the court of their intention to plead guilty or not guilty. This equated to 148 listings in Perth, where at present three half-day listings per week are scheduled for ex parte hearings in the Court of Petty Sessions.

The Auditor General in his November 1996 performance examination "Order in the Court, Management of the Magistrate's Court" found that in ex parte hearings, police witness affidavits were submitted 20 per cent of the time, and on average 1.5 civilian witnesses were required to attend court to give evidence. Based on the number of ex parte hearings held in the Perth Court of Petty Sessions in 1997-98, it has been estimated that in the order of 1 600 witnesses were required to attend court to give evidence. This is an inconvenience to the community and an unnecessary cost to taxpayers for the payment of the requisite witness fees and loss of earnings of the witnesses. More importantly, it is a significant expenditure of police time in what is seen as a somewhat futile exercise.

Overview of current procedures: Currently police and other prosecuting agencies summon defendants for simple offences to be heard and determined in Courts of Petty Sessions. Such a summons must be served upon the person to whom it is directed by one of a number of means provided for in the Justices Act.

At this point several options are open to the defendant: First, if the defendant has by written notification advised the clerk that he or she wishes to plead guilty to the charge, the court proceeds to hear and determine the complaint as though the defendant were present and had pleaded guilty. Second, a defendant may plead not guilty by endorsement. When the clerk receives such notice, the defendant is advised of the date allocated for the hearing of the complaint. If the defendant fails to appear at this time, the court may proceed to hear and determine the matter in the defendant's absence. Importantly, in the context of the purposes of this Bill, a hearing under these circumstances requires the attendance of all prosecution witnesses. Third, if a defendant fails to appear and does not lodge a plea of guilty or not guilty, the court proceeds to hear and determine the complaint. In this circumstance, the court, upon proof of service of the summons, may proceed to hear and determine the complaint in the absence of the defendant; or adjourn the hearing of the complaint and may issue a summons and, if not obeyed, a warrant, or a warrant to apprehend the defendant and bring the defendant before the court.

In certain circumstances where the court proceeds to hear and determine the complaint in the absence of the defendant, section 135(2) of the Justices Act enables the prosecution to rely on affidavit evidence. These situations are restricted by

the section, and include simple offences against the Road Traffic Act and any subsidiary legislation made under enactment prescribed for the purpose. Reliance upon affidavit evidence obviates the need to call witnesses but it creates problems for prosecuting agencies because of the need to prepare and swear affidavits. At present, a number of safeguards are balanced against the provision which enables defendants to be dealt with in their absence. Specifically, protection is provided in section 56A of the Justices Act 1902 for defendants who were unaware of the existence of the complaint made against them and who became aware only on notification of the penalty imposed. In these instances defendants may apply to have the decision set aside and the matter reheard. Also, section 136A of the Justices Act enables defendants who were unable to attend the hearing to apply to set aside decisions made in their absence. Considerable cost is associated with hearing and determining matters where the summons is issued and served on the defendant, and no response is received by the court. These costs, delays and inconvenience accrue because on the return date the court must adjourn the matter so that evidence can be produced either in the form of affidavits or witnesses.

As earlier stated, this Bill enables the court to hear and determine summons matters in the absence of a defendant for simple offences that are not indictable offences, and in doing so the court may take as proved any allegation in the summons served on the defendant in relation to the complaint. The heart of the Bill is that affidavit evidence and the requirement to call witnesses will no longer be necessary where defendants fail to respond to a summons.

Provisions in the Explosives and Dangerous Goods Act 1961, the Taxi Act 1994 and the Transport Co-ordination Act 1966 are repealed because the provisions of the Bill will similarly render the use of affidavit evidence as no longer necessary.

As noted earlier, the matters covered by this Bill relate to simple offences that are not indictable offences, where the complainant is a public officer. For the purposes of the Bill, a public officer is defined in section 1 of the Criminal Code, and includes, among others, police officers, public service officers and local government officers. The Criminal Code currently does not contain provision for the prosecution of complainants who knowingly make or swear a complaint which they know to be false. The introduction of section 133A to the Criminal Code is appropriate, given that a complaint may, without any evidence being adduced by the complainant or anyone else, result in a conviction. Section 133A of the Criminal Code makes this offence a crime punishable by seven years' imprisonment. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

COAL MINES LEGISLATION AMENDMENT AND REVIVAL BILL

Introduction and First Reading

Bill introduced, on motion by Hon N.F. Moore (Minister for Mines), and read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Minister for Mines) [2.13 pm]: I move -

That the Bill be now read a second time.

The purpose of this legislation is to provide for the wind-up of the coal mines accident relief fund, which has served its purpose and is no longer needed. The fund was established under section 38 of the Coal Mines Regulation Act 1946 for the purpose of providing relief to injured mine workers and to the widows and children of mine workers who were killed or died as a result of their employment. The Coal Mines Regulation Act was repealed on 9 December 1995, when the Mines Safety and Inspection Act 1994 came into force. The intention was for the fund to be wound up upon the repeal of the Coal Mines Regulation Act, but this did not eventuate due to lack of agreement at that time between the affected parties concerning the winding-up arrangements.

These affected parties had previously agreed that the fund should be wound up, because the amounts of payments to members were being superseded by the increased amounts available under workers compensation. As a consequence, the continuing expense of operating the fund could no longer be justified. Agreement has since been reached by all affected parties on the required arrangements for the wind-up of the fund. These arrangements are reflected in this Bill which will -

Amend the Coal Miners' Welfare Act 1947 to provide for a different fund - the coal miners' welfare fund - to receive moneys standing to the credit of the coal mines accident relief fund at its wind-up, and the levy from mine owners on the output of all coal sold which is currently payable at a rate of 0.410¢ per tonne to the coal mines accident relief fund; and

revive certain provisions of the Coal Mines Regulation Act 1946 in order to validate the operations of the coal mines accident relief fund since the Act was repealed in 1995, and provide for the wind-up of the fund and associated matters, including the lump sum payout of all remaining beneficiaries of the fund.

At this point it is appropriate to mention that the coal miners' welfare fund was established under the Coal Miners' Welfare Act 1947 to assist in providing amenities for coal miners and to assist in improving their general welfare. The owners of coal mines are required to pay to the coal miners' welfare fund a levy of 2¢ per tonne of coal mined to enable the fund to carry out its objectives.

Recipients of monetary grants made by the coal miners' welfare fund include schools, sporting clubs, homes for the aged, heritage groups and meals on wheels services. All such grants require the prior approval of the Minister for Mines. In addition to coal miners, the benefits flowing from these grants are in many instances enjoyed by people not directly employed in the mining of coal.

As indicated earlier, all affected parties - namely, the Collie Combined Mining Union's Council representing beneficiaries; owners of coal mines, the Coal Mines Accident Relief Fund Trust; and the Coal Miners' Welfare Board - have been consulted and agree with the arrangements for the wind-up of the coal mines accident relief fund. This legislation will provide for the orderly termination of a now obsolete fund, and includes provisions for a final and appropriate payout of all remaining beneficiaries and the distribution, through the coal miners' welfare fund, of any residual funds into areas which will most benefit the coal mining community. I commend the Bill to the House.

Debate adjourned, on motion by Hon Mark Nevill.

GOVERNMENT RAILWAYS (ACCESS) BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House) on behalf of the Minister for Transport, and returned to the Assembly with amendments.

CURTIN UNIVERSITY OF TECHNOLOGY AMENDMENT BILL

Second Reading

Resumed from 10 September.

HON E.R.J. DERMER (North Metropolitan) [2.19 pm]: The Australian Labor Party is pleased to support the Curtin University of Technology Amendment Bill, and does so with great enthusiasm. The purpose of the Bill is primarily to allow Curtin University to establish an overseas campus. The Bill has six clauses, three of which contain specific amendments designed to achieve this purpose. The ALP sees no need to visit any clauses of the Bill at the committee stage. It is fairly straightforward, but I will mention the three most central clauses in this second reading debate. Clause 4 seeks to amend section 7 of the Curtin University of Technology Act of 1966 in such a way that after section 7(2) the following subsection will be inserted -

- (3) The University may carry out its functions and exercise its powers, including the power to enter into business arrangements, within or outside the State.

The effect of that clause is to enable the university to extend its functions beyond the boundaries of Western Australia. Clause 5 will amend existing section 21A of the Act by deleting in subsection (1) the words "in the State". Essentially, that will extend the university's range of operations beyond the boundaries of Western Australia. Clause 6 amends section 34 of the Curtin University of Technology Act. Proposed new paragraph (ma) reads -

the affiliation to or in connection with the University of any educational establishment, with the consent of the governing body of the educational establishment;

That clause will allow the university to enter formal partnerships with other educational institutions, including those overseas. Proposed new paragraph (mb) reads -

the establishment and conduct of external teaching and educational facilities within or outside the State;

The common theme for each of these clauses is to allow the university to extend its operations outside the bounds of Western Australia.

In the second reading speech the Leader of the House referred to the importance of establishing twinning relationships between Western Australian universities and overseas educational institutions which would function on the basis of students from overseas conducting part of their course in a country other than Australia and the remainder of their course in Western Australia.

The immediate plan for Curtin University is to establish a campus in Sarawak, Malaysia. The university hopes that the campus will start operation next year. Parliament should recognise that this is an important innovation in what has been the successful development of an export-earning industry for Western Australia over the past decade or so. For a university to enter a new venture and to locate one of its operations overseas, is an important innovation. It is a logical extension of the good work that has been done by Curtin University and other universities in attracting overseas full-fee-paying students.

In a relatively short period - essentially, since the mid-1980s - Australia has developed a prominent role in the international education marketplace. Curtin University has a proud record of contribution to the development of what amounts to an export industry for Australia. I remember when this concept was first put to me by Bob Pearce, the then Minister for Education in Western Australia. I had the privilege of serving for a time on the education policy committee of the Labor Party of Western Australia. I was at the meeting when Mr Pearce first raised with that committee the notion of developing Australia's expertise in tertiary education as an export commodity by inviting overseas students to study in Western Australian institutions on a full-fee-paying basis. There are many advantages to both Australia and Western Australia of that initiative, which is now developed, in which many students from overseas pay full fees: We see full cost recovery and an element of profit contributing to the educational process in Western Australia. Those students bring their own expertise and their own contribution from their previous education in their own countries. This results in the employment of many academic and non-academic university staff, because without these overseas full-fee-paying students the universities would naturally be smaller.

Foremost in my mind, and looking at the global situation, is that these overseas full-fee-paying students contribute greatly to Australia's export income. Perhaps that is not obviously an export, but it is a service generated with excellence in Western Australia. The students have traditionally come to Western Australia to receive that service and their fees cover the cost and more. In that way this development has contributed to Australia's financial circumstances and has helped to improve our current account deficit. As I recall from the second reading speech these overseas full-fee-paying students inject more than \$420m each year into the Western Australian economy. That is a significant injection of capital.

I had the opportunity to read from the *Hansard* the thoughts of Hon Bill Thomas, the opposition spokesman for higher education in the other place. He made the point that 20 per cent of students enrolled at Curtin University are full-fee-paying overseas students. They provide \$52m in annual income to Curtin University. One-fifth of the student population represents a significant part of the work of Curtin University. As I said earlier, but it cannot be emphasised too often, that provides for a larger university and greater job opportunities for Western Australian academics and other staff. Curtin has every reason to be proud of its contribution to what amounts to a very important export industry for the Western Australian and Australian economy.

In recent decades we have been made aware that Australia has a serious challenge on its hands to make its way in the world and to pay its way in the world. The development of our primary industries has and, for a long time, will continue to be the main source of our income by which we pay our way in the world. Success in resource and agricultural industries receives a great contribution from the expertise of the people involved. However we must remember in respect of those industries by which we pay our way in the world that we have the God-given natural resources which make that possible. I have a special enthusiasm for the work done by universities in Western Australia in attracting full-fee-paying overseas students because here we have a case in which Australia's way in the world, our export income - the income on which we all survive - is drawn not from natural resources but from the expertise and excellence achieved by hard-working Western Australian professionals. That is a special cause for pride. There is a close relationship between the higher education industry and the resource industry which are helping us to achieve our way in the world. As a university of technology Curtin has a proud record in developing the expertise through its students who then provide the expert human resources for our primary industries and resource industry. I had occasion to read recently the "Curtin University of Technology 1997 Research Report". The overview is written by Deputy Vice-Chancellor, Paul Rossiter. He states -

The major 1997 initiatives in support of R&D included:

The allocation of \$738,000 to support R&D initiatives related to the University Strategic Plan, including initial support for proposed Centres of Excellence in High Performance Computing and Communication and Petroleum Geology. Funding was also allocated to projects in benchmarking Curtin's R&D performance and developing best practice models in postgraduate research supervision.

A further reference in the deputy vice-chancellor's overview reads -

The University continued its strong involvement in the Cooperative Research Centre (CRC) program during 1997 and is now involved in a total of eight CRCs as a core or supporting partner. The Australian Petroleum CRC, of which Curtin is a substantial core partner, was successful in securing renewal for a further seven year period.

Clearly Curtin University's contribution to the export income of the industries from which Australia makes its income and on which it lives is multifaceted. Twenty per cent of Curtin University's students are full-fee-paying overseas students. Its research program includes close attention to the further development of the resource industry, which is the main component in this State's income. Another important facet is that the overseas students who are studying in Western Australia for periods will develop a close relationship with their Western Australian colleagues. Once they reach the postgraduate research field, they will develop close relationships with their academic staff. By virtue of living in Western Australia, they will imbibe that understanding of our State which can be achieved only by living in the State. In the end, all of these factors will contribute to highly educated people leading industry and commerce in their countries of origin and having a very close relationship with similar people contributing such expertise in Western Australia. That must be helpful for the full range

of export markets potentially available to Western Australia. The higher education export market which has become so important to our income, from its initiation in the mid and early 1980s, is not something that we can take for granted. It is a very competitive international market. I am impressed that Curtin University is not resting on its laurels. It understands that it is a competitive market and it has responded to that by taking new strategic initiatives in its collaborative arrangements with educational institutions in Malaysia, for example. That strategic relationship will enable Australia to compete more effectively with countries such as Canada, the United Kingdom and the United States. By way of these strategic alliances, we will be able to compete more competitively and effectively and draw a greater proportion of these students to Australia.

Australia has natural advantages in this field, particularly Western Australia which is close to home for many students from the South-East Asian region. That is important for their ease of visiting their families in their countries of origin or for their families to visit them. In a small but important and practical way, the fact that we share a time zone with many of the South-East Asian nations, or a proximate time zone with other countries, is important in making Western Australia an attractive option, relative to the United Kingdom or Canada, for Asian students. Natural advantages are nice to have. Curtin University is taking the initiative to develop a strategic approach by way of this collaboration which will be facilitated by the passage of this Bill and in that way improve this industry.

The Leader of the House referred to the English language as the primary area of study that is expected to be undertaken at the new Curtin University campus in Sarawak. Obviously, improving Asian students' understanding of English is an important strategic bridgehead in preparing those students to take up further studies in Western Australia - as I expect many of them will. Perhaps I have over-emphasised the importance of what Curtin and the other Western Australian universities are doing to attract overseas students to the more universal Western Australian and Australian economies. I would not like to leave the House with the impression that that is the only advantage. Obviously there are many other advantages. From the academic point of view, to have an interchange of staff and students between a university in Perth and a campus based overseas will be excellent. Largely, academic development is people developing on the basis of exchanging ideas. It is very important that if academic development is to progress that it not stagnate in a closed community. The idea of having a campus overseas to develop strategic alliances with overseas educational institutions will achieve an enormous interchange of skill and understanding which will be of great benefit to the process of academic development in Western Australia. I also hope that it will be a benefit to the progress of academic development in Malaysia and other countries. It is my hope that the Curtin University campus in Sarawak is the first of many. Curtin has taken the initiative and is leading into a new venture. The success of that venture will bear on whether it decides to open other campuses overseas. Hopefully it will be successful and that will be borne out by decisions made in the future to extend to other nations. On behalf of the Australian Labor Party, I congratulate Curtin University of Technology on its initiative and wish it all the best in its future endeavours. I recommend to the other Western Australian universities that they carefully consider what Curtin University has taken on with its new venture and look at what is required to successfully consider similar ventures.

HON SIMON O'BRIEN (South Metropolitan) [2.37 pm]: The House may wish to note a further development on this issue since the Bill was first read in the House on 10 September. Before I come to that point, I would like to associate myself strongly with the sentiments expressed in both the minister's second reading speech and the speech given by Hon Ed Dermer on behalf of the ALP. I concur with what has been said about the benefits that the Curtin University of Technology's overseas student population brings to Western Australia. It will foster relationships between our community and others overseas in the years that lie ahead, as well as the more tangible and immediate revenue benefits and other more immediate benefits apparent in the operation. I will not canvass them again.

The House will be interested to know that on 8 October, Curtin University, through its Vice-Chancellor, Professor Lance Twomey, who was present with the council of the University, was awarded a finalist's award in the services category at the export awards. It shows that other panels have assessed Curtin University's performance against others in a variety of service areas and have seen fit to honour it in that way. I also place on the record my appreciation and admiration for what the many thousands of staff at Curtin University, which is located in the South Metropolitan Region, are doing. I join my colleague opposite in wishing them every success in the future.

HON HELEN HODGSON (North Metropolitan) [2.40 pm]: I come to this debate from a unique perspective because I am probably the only member in either House of Parliament who has taught in Curtin University's overseas program. I have some experience of what the university has done in the past decade. It is worth putting on record that these programs have been running for at least a decade with the university's ensuring that Australian education is marketed overseas and that people have access to an Australian standard of education.

The university is now expanding its operations by planning to establish branches in other countries. My involvement was primarily through Curtin's business school, which is the university's largest school. I was involved in teaching the accounting degree offshore. It is interesting to teach Australian tax law to Chinese students in Hong Kong. They have no experience of the types of taxes we have here in Australia, and that creates a few practical dilemmas. It is interesting also when one meets the local tutors and finds that they are teaching Australian tax law in Cantonese. Some very interesting situations can arise when working in these programs.

Hon Ken Travers: It might be easier to understand.

Hon HELEN HODGSON: Yes, it might be easier to understand.

While I was employed at the university, the programs were run in four countries: Malaysia, Singapore, Hong Kong and Indonesia. The last annual report indicates that students in those countries still account for 88 per cent of offshore enrolments.

The program can be delivered in two ways. It can be delivered entirely offshore, which is done through a contractual arrangement with a partner in the relevant country. In Hong Kong the arrangement is with the University of Hong Kong and in Malaysia it is with Sunway College. The university must enter into a contractual arrangement to ensure it has the ability to access general facilities, education facilities and accommodation for teaching. An offshore university usually arranges to have local people undertaking instruction on site, which is supervised from the Australian end. Most programs have an arrangement whereby a person from the university attends the offshore locations periodically to deliver intensive tuition, to ensure that the students are on course and to provide quality control. Most of these structures are contractual arrangements with these institutions. That has caused problems at a practical level in trying to work out the best way to structure the arrangements.

I did some work for the university in the area of international tax, and I looked at different ways of delivering programs. Some of the complexities of working on a contractual basis are very interesting. For example, one must understand how the Singapore tax authorities will react in a particular situation. When payments are transferred between countries one must decide what will be the commercial characterisation and how the funds will be treated for tax purposes. I keep referring to tax because that is the area in which I was undertaking the review. Many complexities can arise. The final crunch is that when working with another institution one must consider control and ensure that the program is delivered in an appropriate manner.

Another method has been used, particularly since Curtin University has amalgamated with or become part of the Australian Institute for University Studies. The first year or so of instruction is delivered offshore, because traditionally many students enrolling in first year do not proceed past that point. It is easy enough to teach the basics offshore and then the students are expected to come to Australia to attend university, either at Bentley or the AIUS at Joondalup, which specialises in providing facilities for students coming to Australia to complete their degree.

What is being sought at this stage is the ability for the university to establish an autonomous branch which does not require the same extent of involvement of a third party as does the current arrangement. I note Hon Ed Dermer's comments when he commended these moves to other universities. I understand that the other universities already have the ability to establish branches in offshore locations. It is a quirk of the Curtin University of Technology Act that it is unable to do so at this stage. All universities in Western Australia are making efforts in the marketing of education offshore.

That leads me to the one area causing some concern. My concern does not relate to Curtin University and the excellent work it is doing but to the Asian currency crisis and its potential impact on the university sector. The university's last few annual reports indicate that income from overseas fees has increased since 1995, when it was \$34.896m. In 1996 it increased to \$41.793m and in 1997 it was \$52.530m. That represents an increase between 1995 and 1997 of nearly 50 per cent. It was 15 per cent of the university's total income in 1995 and 20 per cent in 1997. That is commensurate with the number of students enrolled, because they represent about 20 per cent of the university population. However, it also indicates the increasing reliance of our tertiary sector on income from international programs. A question was asked of the Minister for Education on 19 March 1998 about the commercial education sector and the effect of the Asian currency crisis. The minister responded -

The crisis may result in an overall decrease in student numbers which may impact financially on smaller and recently registered providers over the next 12-18 months.

That question was targeted specifically at commercial providers rather than tertiary institutions, but the comment can be easily transposed. This year's budget papers make reference to the impact that the Asian crisis might have on the number of students coming to Australia or involving themselves in our education programs, particularly when one notes that the major growth sector for Curtin University in 1997 was Indonesia.

My concern is that our universities need to rely on funds from overseas students to provide services to students in Western Australia. Let us face it, the funds go into the pot, and they are used not only to provide services for the international students but also for capital infrastructure and other works on campus. Some teaching positions are funded because of the overseas students. Those positions would not exist and many courses and opportunities would not be available for local students if the money were not coming from offshore markets.

My reservation is nothing to do with the way Curtin University is managing its overseas program but with how funding is allocated to the university by both Federal and State Governments. There appears to be a shift in the percentage of income that universities can derive from marketing programs, and offshore markets are the biggest growth sector. I have some

reservations about what will happen in the future if the currency crisis continues. The Bill is a means of simplifying the university's current arrangements for delivering its programs. I endorse the comments of Hon Ed Dermer; the university is doing a very good job in that area. I congratulate it on its initiatives. My reservations do not relate to the university but to the overall funding situation. With those comments, I endorse the Bill.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.51 pm]: I thank members who have contributed to this debate and for their support of the Bill. Clearly the export of educational services is a very important part of the Western Australian economy. As the second reading speech indicates, some \$420m a year is paid into Western Australia by overseas students. That is a very large sum of money and a very important part of our export earnings. Curtin University of Technology has been very pro-active in this part of its programs. It is running a very large number of courses for a very large number of overseas students. Curtin is also looking at developing sporting facilities on its campus which will also be very attractive to overseas students. It is talking with Athletics Australia about the building of an athletics stadium at Curtin. It feels that it is a way of attracting more people to that campus.

Hon Ed Dermer talked about the higher education market being very competitive. He is quite right. Many countries around the world are seeking to be in the business. He also said that Western Australia is ideally located in respect of South-East Asia particularly because we have the same time line and are very close in a geographic sense. We certainly have those advantages, but we need to be on our toes and recognise that universities in all other parts of the world would also like to be in this rather lucrative market.

This Bill is about enabling Curtin to develop a facility in Sarawak. A trend in recent times, particularly in Malaysia, has been for Governments in the area to encourage their students to stay at home. The Malaysian Government is seeking to reverse the trend of South-East Asian students going to foreign countries to receive their tertiary education. There is an increasing tendency in Malaysia to build tertiary institutions and encourage students to receive their education there. The building of a campus in Malaysia is a very timely and sensible move on the part of Curtin University.

I thank Hon Simon O'Brien for his comments. Hon Helen Hodgson said she had taught in the overseas department at Curtin University. If there is anything I can do to help her get her job back after the next election, I will only be too happy to try to arrange it for her! The point she made about changing arrangements is quite correct. Some students do their first year course at home and then come to Western Australia for further programs. She mentioned the Asian currency crisis. Of course, that is a matter of considerable concern for our universities as it is for our tourism industry. When the value of people's currency means that they have less to spend, it makes it difficult for them to travel overseas to receive an education. The member went on to talk about universities being too reliant on overseas students for their revenue. That raises a philosophical question about just how much the poor old taxpayer in Australia should be paying to educate students in institutions of higher learning, bearing in mind that the average poor old taxpayers will never get the same sort of money ultimately as many of the students whom they are paying to educate. It is a pretty good argument for suggesting that students should be making a contribution to their own education because they are ultimately the major beneficiaries through the income they are likely to earn. There is a need to get the right balance. There should be a fairly significant public investment in higher education. At the same time there is a very good argument for individuals who will benefit from higher education also making an investment in their own education. That position was commenced to a large extent by John Dawkins when he was a former Minister for Education in the Federal Labor Government. That has been carried on by the current coalition.

The Bill is very simple. It allows Curtin University to build and to operate facilities overseas. There is still a requirement for the minister to give approval in any particular circumstance. Any statutes that might be put in place by the university for its overseas activities must, of course, be published and tabled in this Parliament and subject to disallowance. So there are a number of opportunities for this Parliament to oversee the activities of Curtin when it is operating offshore. I thank members for their support of the Bill.

Question put and passed.

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

ROAD TRAFFIC AMENDMENT BILL

Second Reading

Resumed from 9 September.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.57 pm]: The Opposition supports the passage of this legislation. The minister will be aware, however, that on 22 October the shadow spokesperson for Transport, Alannah MacTiernan, sent him a letter referring to this legislation. I have a copy of the letter. It indicates that the Opposition will not support regulations that will make vehicle immobilisation compulsory unless an exemption is granted for vehicles valued at \$3 000 or less. That flags to the Government our approach to this legislation.

The passage of this legislation will provide the Government with an opportunity to make regulations with regard to immobilisers. We acknowledge that immobilisers have helped to reduce car thefts. We do not accept that it is fair to hit low-income people with this extra \$80 charge, particularly given the very substantial cost increases in vehicle registration and third party insurance. If it is acceptable to grant an exemption to preserve the value of a classic vintage vehicle, it is also good enough to protect low-income people from yet another cost.

The Opposition has asked the Government to produce evidence that the legislation does not fall foul of the federal Motor Vehicle Standards Act. I would appreciate the minister's commenting on whether there is some prospect of this legislation falling foul of that Act. There is a risk that if the Western Australian law is in conflict with federal law, as it seems on the surface to be in the view of some, vehicles registered in company names would be exempt. Again, it would be unfair to hit family and private vehicles while exempting corporate vehicles.

We, the Opposition, urge the Government to increase the level of subsidy for installation of immobilisers before resorting to compulsion. We note that less than 10 per cent of the \$18m promised on subsidies has so far been spent, according to the information with which we have been supplied.

I do not wish to drag out the debate on this legislation. There will be the opportunity, once the Government is in a position to bring down regulations, for this House to consider whether those regulations are equitable.

HON NORM KELLY (East Metropolitan) [3.01 pm]: The Australian Democrats have had a lot of trouble determining whether to support this Bill. We are supportive of its intention, which is to reduce crime in this State; however, we are not so sure about the manner in which the Government has decided to go about that.

The vehicle immobiliser scheme has been an initiative of the Safer WA program, which the Democrats support. Crime preventative strategies are to be applauded. A need exists for government action because of the growing community concern about the negative impact of car theft by way of inconvenience, financial burden and also the facilitation of other crimes, such as high-speed car chases, ram raids and the like.

This Bill has a simple format, designed to facilitate the making of regulations at a later stage. However, a number of uncertainties exist as to how this will be implemented, and that limits the nature of the debate that we could otherwise have. Therefore, in a sense, knowing that we will be presented with regulations at a later stage is reassuring in that we can have, if need be, further consultation with the minister and his officers on the formulation of those regulations. I look forward to providing some input at that stage. I take it this Bill will be passed, obviously with the support of the Labor Party Opposition. However, the Democrats look forward to having that input so that in this State we have the best and most effective regulations for compulsory immobilisers.

Some of the complexities involved in developing a compulsory scheme, in the absence of any Australian design rules covering standards for immobilisers, encompass the fact that we must deal with a number of immobilisers of varying standards that have already been fitted. Also, some vehicles cannot be fitted with immobilisers; for example, diesel cars, where it is difficult because of the different system, and six-volt and 24-volt vehicles.

If the installation of immobilisers throughout the State becomes compulsory, we are concerned about how people in country areas will cope, given a limited number of qualified fitters. We may have to adopt a different system where fitters are authorised. My briefing with the minister's office highlighted the difficulty in meeting the anticipated demand to fit immobilisers. I understand the expectation is that something like 180 000 vehicles will be fitted with immobilisers in the first year of this scheme, which is about a fourfold increase on the rate at which immobilisers are now being fitted under the voluntary scheme.

Another concern is the implementation of the rebate scheme: Will it be through the installer or the individual? This will impact on the costs of administering the scheme. What will be the consequences of the decline in competition which will occur because of the fixing of prices when fittings are compulsory? By having a compulsory system, the market becomes less competitive, because one is operating in a more regulated market. Also, will the determination of the prices take into account the benefits that should flow through because of the increased demand for immobilisers and the economies of scale that can be one of the benefits of a compulsory scheme? The Insurance Council of Australia Ltd and the RAC of WA administer the current voluntary scheme. However, the implementation of a compulsory scheme appears to require a higher level of public infrastructure.

Hon Tom Stephens mentioned his party's concerns about low-income earners and the proposal that cars valued under \$3 000 should be exempted from a compulsory scheme. The Democrats oppose such a system. We believe a danger exists that those lower-value vehicles will become targeted by criminals. Although part of the excitement and the lure in some of these crimes is stealing a high-value, high-powered car, I can assure the House that many cheaper cars can go just as fast and can probably be even more dangerous because of their mechanical condition. Therefore, it will just be transferring the crimes to those lower-value cars. Even though Labor's intention is to protect low-income earners, such an exemption would hit low-income earners even harder by increasing the rate of theft of those vehicles.

Hon Simon O'Brien: Unless comprehensive and universal systems exist, it is pointless.

Hon NORM KELLY: That is right. That is why we say better ways exist of offering protection for low-income earners with low-value cars.

Hon Ken Travers: What are they?

Hon NORM KELLY: One way - I think Hon Tom Stephens referred to it - is to consider the rebate system. The ministry has proposed a regressive system in which all people gain the same level of rebate.

Hon Simon O'Brien: What does regressive mean? I often hear it used in these debates.

Hon Kim Chance: The opposite of progressive. It goes backwards.

Hon Simon O'Brien: That does not tell me anything.

The PRESIDENT: Order!

Hon NORM KELLY: It means that consumers will be unequally burdened with the costs relative to their means, basically. We can probably have a debate later about the goods and services tax, if the member wants to talk about regressive taxes.

The PRESIDENT: Not in this debate.

Hon NORM KELLY: I look forward to it in the future.

Another problem with the ALP's proposal is that there would be an incentive to undervalue vehicles, because this scheme provides for the compulsory fitting of an immobiliser on transfer of a vehicle. Therefore, when people are putting the value of the vehicle on their registration transfer form, if they bought it for \$4 000 the temptation would be to show the value as \$2 900 and therefore not be required to have an immobiliser fitted.

Hon Kim Chance: That incentive already exists in the stamp duty legislation, and the Auditor General has noted that.

Hon NORM KELLY: That is right. I was about to come to that. In that instance, one has both a rebate coming from government coffers and a stamp duty loss. I believe that once again the ALP's intentions are good.

Hon Ken Travers: As always.

Hon NORM KELLY: However, I do not think they will be workable, as always. The Australian Democrats prefer to have the voluntary scheme revamped, not left as it is because it has not been as successful as had been hoped. The number of immobilisers taken up under the voluntary scheme is not high. We must explore those options before going to the compulsory scheme, whether that be through an increased rebate or, preferably, a private incentive scheme by the insurance companies. We should encourage the insurance companies to provide better incentives to people with immobilisers. Already they provide premium rebates for vehicles fitted with immobilisers; for example, the RAC of WA has a 10 per cent rebate and SGIO Insurance Limited has a 5 per cent rebate. That financial incentive is available already. Why are we having a less than favourable take-up of immobilisers? The Government must work with the Insurance Council of Australia for the better promotion of the existing rebates through insurance premiums, or to provide higher rebates, both of which might increase the take-up of immobilisers. One suggestion from the Insurance Council is to have the rebate built into the vehicle registration fee and for Government to fund that incentive, rather than having a rebate subsidy. This would make administration costs easier through the registration process. It also makes it complementary with existing discounts, such as those given to pensioners. It could be tied in that way.

The Government can pursue these options before going down the road of compulsory schemes. We support the Government in wanting to achieve a reduction in car theft. We have one of the highest rates of car theft in the world. People are not satisfied with such a high rate, and it must be reduced. The Democrats will support the Government in doing that; however, with the amount of detail that we have been given and the options that we believe are still available to be pursued, unfortunately - I mean that sincerely - we are not in a position to support this Bill at this time.

HON J.A. SCOTT (South Metropolitan) [3.12 pm]: The proposed government scheme is a very good one, but it has a fundamental flaw - it is compulsory. This Government is about free enterprise and freedom of choice, yet it is bringing in a compulsory scheme. If this scheme encouraged people to have this sort of immobiliser, I would be very supportive of it. It is interesting that we are not leaving this to the free market forces. Clearly it is a move away from the Government's usual policies. Why are the insurance companies not dealing with this matter? This is hardly an area in which the Government should be involved. It is dealing with the symptom, the tail end of the problem - that is, the stealing of cars - and the cause is being completely missed. Let us look at who is stealing cars. I understand, for the most part, they tend to be young people.

Hon Simon O'Brien: They tend to be car thieves.

Hon J.A. SCOTT: Yes, they are. I am talking about putting them into categories. I am looking at why this occurs, rather than trying to prop up insurance companies and using taxpayers' money to do so. Social spending on behalf of major corporations and so on is happening a lot in government.

Hon Simon O'Brien: You want to spend the government purse on running every aspect of people's lives.

The PRESIDENT: Order! Each member will be given an opportunity to speak.

Hon J.A. SCOTT: The interjection indicated how I want to run people's lives. The Bill is about telling people that they must have these devices in their cars, whether they like it or not. Who is running people's lives here? I am saying that we should have freedom of choice. If we want to deal with the problem of stolen cars, let us look at the underlying reasons for that. Why is Perth the worst place in Australia for car stealing? If members talk to youth workers, they will find that the number one gripe of young people in the City of Perth is transport. They cannot get around. They are immobile in the city. We have the highest rate of car use per capita of any city in Australia and more roads per person than any city in the world. We are spending 17 per cent of our gross domestic product in providing infrastructure for people with private cars.

Let us keep these matters in context and look at some real economic rationalism, not the hand-out mentality the Government has. We have here massive spending on private car use, with very little expenditure on public transport and the idea that we can build limitless suburbs at the ends of highways and have the most spread out city on the planet. We are competing with some of the worst planned cities, in terms of the ability of people to access services without having to travel for miles. We have one of the lowest levels of public transport use in the world. This is where the Government should be spending its money. Let us deal with the cause, not the symptom. The Government always deals with the symptom - out goes the money to be spent on providing jails and immobilisers. I have talked to people who deal with those who steal cars. They reckon immobilisers are a joke. These experienced people who regularly steal cars can get past the best immobilisers in two minutes.

Hon M.J. Criddle: The police tell us that is not true.

Hon J.A. SCOTT: It would be interesting to test this theory before spending this money.

Hon Dexter Davies: The stolen ones are the ones without immobilisers.

Hon J.A. SCOTT: I have an immobiliser in my car. It makes the car safer, but it does not make it totally safe. Although this is getting away from the principal argument, immobilisers are not foolproof and people know how to get around them. The more we work on providing foolproof devices, the more the expertise in getting around them is learned. We catch people who steal cars, imprison them, and they swap notes in jail and work out how to go about it and improve their method of stealing cars. I am not talking about this from a do-gooder perspective, but from a rational one. I am talking about dealing with the real problem. First, what about spending public money on providing better public transport and, maybe, some sort of public transport incentives for young people so they do not want to steal cars?

The other factor that must be considered is that not only are people stealing cars to ride in them, but also people are breaking into cars to steal things from them. I can vouch for that. I recently had a new stereo system in my car, and it disappeared. This Bill will not stop that at all. People will still be able to break into cars, and the insurance premiums will go up. I have no doubt that the Government has good intentions, but it is dealing with peripheral issues rather than the fundamental issue. We need to deal with the real issues: Why are these cars being stolen and why are we continuing to pour massive amounts of money into providing roads which will become white elephants, and not providing public transport? Seventeen per cent of our gross domestic product is spent on private car transport. That is a nonsense. It will send us broke. We cannot afford it. Let us get our priorities right.

Hon Muriel Patterson: What are people who live in the country supposed to do - not use roads?

Hon J.A. SCOTT: I am not talking about people who live in the country.

Hon Muriel Patterson: Quite a few people live in the country, and they are pretty important.

Hon J.A. SCOTT: How much money is spent on roads in the country compared with roads in the city? The majority of the spending is done not in the country but right here in the city, where it is not only not needed but not wanted. It seems to me that a greater priority is being placed on trying to provide work for some of the big contractors around the place. I will not start to name the preferred tenderers that this Government uses for building roads, but -

The PRESIDENT: Order! Apart from Hon Jim Scott, about six other conversations are taking place in the Chamber at the moment. I am trying to listen to Hon Jim Scott. As I have said before, it is difficult for both me and others to hear in this place.

Hon J.A. SCOTT: Thank you, Mr President. I do not support this Bill, because it is compulsory, and it deals not with the causes of the problem but with the symptoms. We should spend the money in the right place.

HON B.K. DONALDSON (Agricultural) [3.22 pm]: I had intended to allow the minister, who I know is very keen to speak, to conclude the debate on the Road Traffic Amendment Bill, but after listening to Hon Jim Scott, I must respond. I have never heard so much diatribe in my life! I am sure that when Hon Jim Scott reads what he has just said, he will hang his head in shame. The point that is being missed is that this Bill will apply to vehicles that are transferred or re-registered, and to new vehicles. The alarming fact is that new vehicles that are imported into this country are not required to be fitted with immobilisers. How many people knew that? I did not know that. I assumed that in this day and age, all new vehicles would be fitted with immobilisers. The Australian Standard requires all cars manufactured in Australia to have immobilisers fitted.

Hon Kim Chance: Imported cars must comply with the Australian Standard, but are you saying that the installation of immobilisers is not part of the Australian compliance regulations?

Hon B.K. DONALDSON: Apparently it is not. I think we all found that quite alarming, because we assumed that all new cars, whether imported or not, would be fitted with immobilisers. Cars that are manufactured in Australia certainly are fitted with immobilisers. Therefore, the point is that if a vehicle that does not have an immobiliser is transferred or re-registered, it must have an immobiliser fitted. I can see nothing wrong with that. The installation of immobilisers dramatically reduces the number of vehicles that are stolen. The cars that are stolen most frequently are early model Commodores. I would like any person in the general community who objects to this proposal because it is compulsory to tell me how they would react if their child were killed on the road by a joyrider or suffered a trauma by being involved in a ram-raid as an employee of a store. I would like to hear from anyone in Western Australia who believes that we do not need to protect innocent people on the roads by making the installation of immobilisers compulsory. I cannot understand Hon Jim Scott. He comes from a country background and should know better. I knew his brother very well; he was a fine fellow and had some brains! I am very disappointed indeed that some people are unaware - I saw the quizzical looks on the faces of members opposite - of the fact that imported cars do not need to have immobilisers fitted. That shows how ill-informed some members opposite are.

Hon Mark Nevill: Did you realise that last Saturday was the one-hundredth anniversary of Doodlakine Primary School? In 100 years there has been no progress!

Hon B.K. DONALDSON: I thank Hon Mark Nevill for that valuable information. That was very good. Did Hon Mark Nevill know that yesterday was the one-hundredth anniversary of the signing of assent to the Act to commence the goldfields water supply?

The PRESIDENT: Order!

Hon B.K. DONALDSON: That was a slight digression, Mr President.

Several members interjected.

The PRESIDENT: Order! That is the trouble. I do not mind a bit of light-hearted interjection, but when everyone wants to get into the act, it spoils it. What about if we wait until 4 o'clock for questions and answers; and in the meantime, we invite Hon Bruce Donaldson to continue his oratory.

Hon B.K. DONALDSON: I apologise, Mr President; I should not have been a bit flippant, because it does excite other members into making some jocular remarks.

I am disappointed that members opposite will not support this proposal when the Government is trying to reduce the number of road fatalities and to assist people who have their vehicle stolen. There are some very angry and unhappy people in Western Australia, because we have a very high incidence of motor car theft. The stealing of motor cars is an indictable offence as far as I am concerned; and legislative packages will be going through the Parliament which will make it an indictable offence. This Bill provides an opportunity to move forward and assist those people who have had it up to here with the stealing of motor cars and the use of some of those vehicles in ram raids. I had expected the full support of this House for this worthwhile part of an overall package of legislation for which the general public has been asking. Members opposite are either out of tune with their electorates, or something is going wrong, because at least members on this side of the House understand the wishes of the people. That is very important to remember. I strongly support this Bill.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [3.28 pm]: This Bill is an initiative of the State Government to overcome the high incidence of car theft in this State. This Government has commenced a program to deal with law and order across the spectrum, and this is one of the platforms upon which that program is being launched. Hon Tom Stephens talked about the exemption by regulation of vehicles valued at \$3 000 or less. A report by the Office of Crime Statistics in South Australia indicates that 53 per cent of the cars that are stolen in South Australia are valued at under \$3 000. That indicates that there is a problem with those vehicles. Unfortunately, I do not have the latest statistics for Western Australia, but the situation that exists in South Australia probably can be related to other areas of Australia.

Hon J.A. Scott interjected.

Hon M.J. CRIDDLE: I will refer later to Hon Jim Scott's remarks, which were nothing to do with immobilisers. I point out to Hon Tom Stephens, who referred to the federal Motor Vehicles Act, that legal advice indicates that there does not appear to be anything in that Act to prevent the Government's intention of fitting immobilisers. Hon Norm Kelly was concerned about the implementation of the scheme. I will run through the process envisaged. The existing voluntary scheme should continue in order to provide current vehicle owners with incentives to fit immobilisers. An applicant for the rebate will be required to complete the appropriate declaration of compliance with immobiliser provisions and provide proof, in the form of a receipt, that it was purchased and installed. It is considered appropriate that the responsibility for administration of rebates for both voluntary and compulsory schemes will be vested with the Department of Transport. As licensing comes under Transport, it will be a matter of putting a flag on licences to indicate vehicles have immobilisers fitted. He asked about the number of installers around the State. One hundred and seventy five people are authorised immobiliser installers throughout the State. I understand an instant problem may arise with immobilisers, but later that may not be an issue.

Hon Norm Kelly: Do you have an idea how many of the 175 installers are in the metropolitan area? I am mainly concerned how they are spread around country towns.

Hon M.J. CRIDDLE: There are quite a few in country towns throughout the State. Quite a few are also spread across the metropolitan area. That issue will be covered. Under Australian design rules, immobilisers will be compulsory for all manufacturers in the next 12 months. Western Australia leads Australia with this initiative.

A description of veteran and other vehicles that will be exempted is as follows: Veteran vehicles, being those manufactured during 1918 and before; vintage vehicles, being those manufactured between 1919 and 1929 inclusive; post-vintage vehicles, being those manufactured between 1930 and 1950 inclusive; and the invitation class of vehicles, being those manufactured after 1 January 1950 and not less than 25 years old. Consideration is also being given to exempting what is known as "farm vehicles", which is a special classification.

Hon Mark Nevill: How will you treat all the "bombs" owned by Aboriginal people?

Hon M.J. CRIDDLE: Those issues will be dealt with.

Hon Mark Nevill: The same way as bike helmets and the other issues?

Hon M.J. CRIDDLE: We are attempting to deal with stolen cars in Western Australia, which is a vital issue. If those people fall into that category obviously an attempt must be made to deal with them. In the two years since the voluntary scheme was instigated, 48 000 vehicles have been fitted with immobilisers. In addition, since 1993 vehicle thefts in Western Australia have decreased from 967 to 804 per 100 000 persons. The number of people affected has certainly declined as a result of immobilisers coming on stream.

Hon Jim Scott covered many issues about the transport system in Western Australia. We are trying to do something about improving the system in Western Australia to alleviate some of the problems caused by too many cars on the road, including upgrading the bus fleet and the train system and putting in transit ways, which no doubt Hon Jim Scott will find out as he travels around Perth in his car. I hope I covered all the issues raised by members. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Mark Nevill) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 111 amended -

Hon NORM KELLY: I apologise for not raising this during the second reading debate. My main concern with this amendment is that as the Bill will provide for compulsory fitting of immobilisers, the second line of the amendment is "or any other matter relating to road traffic". I accept the purpose of "road safety and security of vehicles". However, the last proviso is a very broad power. Can I have the minister's assurance that it is directly connected to a compulsory immobiliser scheme; and if not, why was it not referred to in the second reading speech?

Hon M.J. CRIDDLE: I understand that it is difficult to define an immobiliser. That is the intention of this Bill. Other matters may arise in the future which may come under that section.

Hon NORM KELLY: Given the difficulty of defining an immobiliser, I understand that anything to do with an immobiliser would still be covered under "security of vehicles" in that the definition of immobiliser is necessarily to prevent a vehicle from being driven. As such, it directly pertains to security of vehicles. That final proviso could be extraneous. This is not

such a serious concern because any regulations made under this power are still subject to disallowance and must be laid on the Table. However, it is important the minister give a guarantee that this legislation is purely to provide for immobilisers.

Hon M.J. CRIDDLE: The word "other" is there because of the associated electronic device that may not be covered by "immobiliser". That is the intention of this Bill. How it is interpreted is another issue.

Hon TOM STEPHENS: The Committee is indebted to Hon Norm Kelly for raising the issue. The explanation is not altogether satisfactory as we do not have an assurance from the minister. Things are sometimes hard to describe, but that was a pretty broad crack at it. It is reasonable to have the words "any other related matter relating to road traffic" as that is closer to the mark. The minister is nodding in agreement. That probably does the trick. I suggest to the Committee that we insert the word "related". If Hon Norm Kelly wants to pen that while I am talking, I do not care in whose name it is moved. It is an appropriate way of bolting down what we are talking about.

Hon NORM KELLY: As I said before, there is some security in knowing that any regulations made under this Bill will be tabled in the House. However, who knows what the make-up of this Chamber will be in future years? It is therefore important to get it right.

Hon Simon O'Brien: Future Parliaments may not.

Hon Tom Stephens: The Labor Party might be completely in control of the House in the future and you will never be able to disallow any of our regulations.

Hon NORM KELLY: I am sure future generations will be looking forward to that also. I move -

Page 3, line 6 - To delete the word "other" and insert "related".

Hon M.J. Criddle: The Government is prepared to accept that amendment.

Hon NORM KELLY: That may serve the Government's original intention anyway and clarify it for other members as well.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Sitting suspended from 3.47 to 4.00 pm

[Questions without notice taken.]

DANGEROUS GOODS (TRANSPORT) BILL

Second Reading

Resumed from 19 August.

HON MARK NEVILL (Mining and Pastoral) [4.31 pm]: The Opposition supports this Bill. The National Road Transport Commission has been developing national uniform road transport laws since 1992. This Bill is part of that process. The Bill provides for a nationally consistent scheme for both road and rail transport of dangerous goods. In his second reading speech the Minister said that extensive consultation with industry has occurred. The Bill is broader than the commonwealth legislation because it includes rail transport. By regulation, it will implement the Australian code for the transport of dangerous goods. They are provisions in the Commonwealth Road Transport Dangerous Goods Regulations.

It is interesting that the code is implemented by regulation under this Bill. In the Gas Pipelines (Access) Western Australia Bill, also on the Notice Paper, the code comes under a schedule. It may be that it is better in this case to have the two together so that people dealing in this area have all the information in the same document, but that is not a major issue.

The appointment of authorised officers is a concern to me because in the briefing I understood that they would be only those dangerous goods inspectors who are resident in the metropolitan area. Although the Bill gives a competent authority the power by notice in the *Government Gazette* to appoint "people or a class of people to be authorised officers", I am concerned about it because if a truck containing dangerous goods overturned in the Kimberley or got into some strife in a remote area the authorised officer would be a long way from the scene of the accident.

The authorised officer has certain powers under this legislation. A vehicle might be travelling with the tap dripping at the back to get rid of the load. One way of getting rid of dangerous goods is to dilute them into the environment. Under clause 15 the authorised officer has the power to stop, detain and search a vehicle. Under clause 16 the officer may require a name

and address. It would be appropriate if people such as the head of the local State Emergency Service in country areas, perhaps the police sergeant in some of the remote areas, were designated as authorised officers to investigate these matters rather than wait until someone travelled from Perth to the scene. They cannot be appointed overnight because their appointment must appear in the *Government Gazette*. Given the advice we received in the briefing, there is a lack of flexibility in that area. When there is a serious dangerous goods problem we must react quickly and use the powers provided in the Bill. While someone was travelling from the city to exercise those powers, the person who should be apprehended might have left the scene, removed the damage or covered up the offence. With that reservation, the Opposition supports the Bill.

HON GIZ WATSON (North Metropolitan) [4.38 pm]: I also support the Bill. I had occasion to examine the operation of dangerous goods provisions in detail as they exist and therefore was interested to peruse those proposed in the Bill. Some anomalies have arisen in one area; that is, the capability of analytical laboratories to test to ascertain whether material is classified as dangerous goods. This Bill is good, but it does not address the fundamental question that there is no independent laboratory to assess whether material being transported is of a certain pH or conforms to a dangerous goods classification.

This matter arose when I was examining allegations that caustic material was falling off vehicles in the Kwinana area. It was brought to my attention by a number of people in the area who were concerned about the material falling off some trucks. My office attempted to have the material analysed on behalf of those people. It transpired that it was not possible for that analysis to be carried out independently. We are very reliant on the company's analysis and description of these goods. That issue has not been adequately addressed in this Bill.

Hon Mark Nevill: Do you regard the Government Chemical Laboratories as independent?

Hon GIZ WATSON: I will quote from something that deals with that issue in more detail.

The Greens (WA) believe this is good legislation. We applaud the fact that it will provide immunity from prosecution for an employee when answering questions that may implicate his or her employer. That is a good initiative. It is also good that the recovery of costs resulting from a spill of dangerous goods or a breach of the dangerous goods legislation is now possible. I have some concern about the lack of clarity in respect of who is a competent authority. That should be more clearly defined because these authorities have the powers of the minister under clause 45. I seek some clarification from the minister as to the definition of a "competent authority".

The Bill continually refers to existing regulations, and that the Governor may have an impact on changing the regulations. The range of goods being transported is ever-changing. That is probably a valid reason for dealing with that detail in regulations. However, I have similar concerns to those raised about the Weapons Bill, in that when the substantive parts of a Bill are in regulations it is very hard for the House to assess whether it is adequately covering all the relevant substances or objects. In this case, to a large extent we are reliant on expert and scientific advice as to what is and is not corrosive or explosive and what is the full range of dangerous goods. As a general rule, we should minimise the detail in regulations because it is not able to be debated with the Bill. The power to make regulations makes no mention of who may test for or establish what is a dangerous good. An authority or licensed agency must establish and test substances against legislative requirements. That is currently not the case. I have a communication from the Department of Minerals and Energy regarding the classification of class 8 dangerous goods, which states -

With reference to your telephone conversation of 16 October 1997 with Inspector Richard Bilman of this Division, I wish to advise that there is no specific pH at which solutions become dangerous goods . . . Testing for skin corrosivity shall be conducted on the intact skin of a test animal in accordance with the appropriate methods in the latest edition of the OECD Guidelines for the testing of Chemicals.

When we pursued more detail about that test we found that no laboratories in Western Australia do it. The community must be assured recognised and licensed authorities exist that can do these tests. That would reassure everyone that the companies involved in classifying dangerous goods for transport are subject to independent checking. The regulations as they stand are of concern in that the sections dealing with the determination of the dangerous goods allow for determination of a dangerous good by a competent authority. Section 1.29 of the regulations goes on to state that it is the duty of the transporter or supplier to find out whether a good is a dangerous good under the United Nations' dangerous goods test. That clearly puts the onus on the transporter to provide that information. The Greens believe that that should be verified independently. We support these Bills only if a commitment is made to overhaul the regulations on which they depend.

HON NORM KELLY (East Metropolitan) [4.46 pm]: The Australian Democrats appreciate the Standing Committee on Constitutional Affairs' report on this matter. It is doing a very good job in reporting on an increasing number of these Bills coming through this place. The Democrats had some concerns about clause 10, which relates to the appointment of competent authorities. Thankfully that matter has been resolved. I understand that the competent authority would normally be the director of explosive and dangerous goods. We are also concerned about the penalties, and that concern goes beyond this Bill. The issue is the differential between the penalty for an individual and that for a body corporate and whether

custodial sentences are necessary. The penalty for an individual is far harsher than that for a body corporate, which is solely a monetary penalty. We note that the main Bill lacks a review clause. I would like the minister to explain that. Will he consider inserting a review clause? What review mechanism will be put in place? The Australian Democrats support the Bill.

HON N.F. MOORE (Mining and Pastoral - Minister for Mines) [4.48 pm]: I thank members for their support of the Bill. Hon Mark Nevill raised the issue of country areas. I will look at that and discuss the introduction of some flexibility in the appointment of authorised officers. It makes a lot of sense. Hon Giz Watson raised the issue of testing facilities. Surely the Chemistry Centre would be an appropriate body to do the testing. That is as independent as one can get - assuming a government department is independent. I will check that issue. I am not aware of any circumstances in which a laboratory has not been capable of testing a product. The Chemistry Centre is a very competent organisation, and it is capable of doing this testing. The competent authority will be the Chief Inspector of Explosive and Dangerous Goods, Ken Price. Members should not say anything nasty about him because he is in the Chamber. He is the competent authority. Hon Norm Kelly referred to that in his comments, and I understand he is satisfied with that being the situation that currently exists. I am not sure why a review clause has not been included in the Bill. It may relate to the commonwealth legislation; it may relate to a range of issues. I will talk to the department and clarify that between now and when it goes to the other place. If it is deemed appropriate to include a review clause, I will consider that between now and then. I thank members for their support of the legislation and ask that it be read a second time.

Question put and passed.

Bill read a second time.

[Resolved, that the House continue to sit beyond 5.00 pm.]

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Minister for Mines) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation (Cwlth s 6) -

Hon N.F. MOORE: I move -

Page 2, line 22 - To insert after the words "to a person, or" the word "imminent".

The definition of "dangerous situation" will now read -

"dangerous situation" means a situation involving the transport of dangerous goods that is causing or is likely to cause imminent risk of death or injury to a person, or imminent harm to the environment or to property;

The intention of that was to talk about things that are going to happen in an imminent sense. This improves the grammar to ensure that when we are talking about risk of death or injury, or risk of harm to the environment or property, we are talking about imminent risk.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 31 put and passed.

Clause 32: Application orders and emergency orders (Cwlth s 34) -

Hon N.F. MOORE: I move -

Page 28, after line 13 - To insert the following subclause -

(4) Section 42 of the *Interpretation Act 1984* applies to an order as if it were regulations.

This is simply to clarify a situation with respect to what can happen to these orders. They are to be treated as though they are regulations and can be disallowed by the Parliament.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 33 and 34 put and passed.

Clause 35: Duties concerning the transport of dangerous goods (Cwlth s 37) -

Hon N.F. MOORE: In discussions with Hon Mark Nevill, it was considered that clause 35, which deals with duty of care, should be more properly located earlier in the Bill. It was suggested in discussion with parliamentary counsel that it should perhaps be at the head of part 5, which relates to offences, penalties, evidence and procedure. The only way I can make clause 35 into clause 33 is to move to delete the clause and then recommit the Bill for the purposes of reinserting that clause as clause 33. Therefore, I will move to delete the clause with the intention of going through that process to put it back in the Bill as clause 33.

The DEPUTY CHAIRMAN: Although the minister's intention is to delete the clause, all that is required is that the Committee, if it agrees with the minister's proposal, vote against the clause.

Hon MARK NEVILL: When I read the Bill, I thought clause 35 was the most important clause in the Bill, and I thought it was more appropriate that it be clause 3 or 4 rather than clause 33. However, it obviously does not fit anywhere earlier in the Bill, other than at the head of part 5 because of the unusual construction of this Bill. Although it is not much of a movement in the Bill, it is appropriate that it be at the head of that part. I support the minister's move to delete the clause, and certain action will be taken later to reinstate it.

Clause put and negatived.

Clauses 36 to 48 put and passed.

Title put and passed.

Bill reported, with amendments.

Recommittal

On motion by Hon N.F. Moore (Minister for Mines), resolved -

That the Bill be recommitted for the purpose of considering new clause 33.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Minister for Mines) in charge of the Bill.

New clause 33 -

Hon N.F. MOORE: I move -

Page 29, after line 1 - To insert the following new clause -

33. Duties concerning the transport of dangerous goods (Cwlth s 37)

- (1) A person involved in the transport of dangerous goods who fails to ensure, as far as is practicable, that the goods are transported in a safe manner is guilty of an offence.
- (2) If a person involved in the transport of dangerous goods fails to comply with a provision of this Act in circumstances where the person knew, or ought reasonably to have known, that the failure would be likely to endanger the safety of another person or of property or the environment, the person is guilty of an offence.

Penalty:

- (a) if the failure results in death or serious injury to a person —
 - (i) for an individual, \$100 000 or imprisonment for 4 years or both;
 - (ii) for a body corporate, \$500 000;
- (b) in any other case —
 - (i) for an individual, \$50 000 or imprisonment for 2 years or both;
 - (ii) for a body corporate, \$250 000.

With this amendment, we are putting back into the Bill old clause 35 as new clause 33.

New clause put and passed.

Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Minister for Mines), and transmitted to the Assembly.

DANGEROUS GOODS (TRANSPORT) (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 19 August.

HON MARK NEVILL (Mining and Pastoral) [5.02 pm]: The Opposition supports the Bill. It amends all the obsolete provisions in the Explosives and Dangerous Goods Act and it repeals all matters related to the storage, handling and transport of dangerous goods in that Act. It comes into effect when the Dangerous Goods (Transport) Bill comes into operation.

Question put and passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Minister for Mines), and transmitted to the Assembly.

WESTERN AUSTRALIAN LAND AUTHORITY AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.05 pm]: I move -

That the Bill be now read a second time.

The Western Australian Land Authority Act, when it was enacted in June 1992, provided for a review of the operation and effectiveness of the Act to be undertaken five years after it came into operation. In addition, the Act contained a sunset clause bringing the operation of the Act to an end on 31 December 1997. That date was later extended by Parliament to 31 December 1998.

As members may recall, a review of the Act has now been undertaken and the ministerial review findings were laid before the other place on 24 June 1998. The ministerial review found that there is an ongoing need for most of the existing functions of the Western Australian Land Authority to be retained by government and that they should be undertaken by the authority under revised legislation. In other words, the Act and the authority should continue in existence with revised powers and functions to give effect to the ministerial review findings. The Western Australian Land Authority Amendment Bill gives effect to those findings to improve some of the machinery and operational provisions of the Act. The objects of the Act and functions of the authority in the Act have been amended to reflect the focus on achieving statewide strategic outcomes for government, as contained in the ministerial review findings. I will now explain what those strategic outcomes and, therefore, the revised objects and functions are.

Firstly, the authority is to provide industrial land and associated infrastructure development for resource, special, heavy and general industries. That will be undertaken in collaboration and consultation with the Departments of Commerce and Trade and Resources Development and the Ministry for Planning to facilitate the long-term economic development and growth of the State. Secondly, the authority will facilitate or undertake major or complicated land projects and associated infrastructure development projects both within the metropolitan area and within regional areas. The Alkimos master planning and development of the Mandurah ocean marina are examples of those types of projects. Thirdly, the authority will facilitate urban renewal or rejuvenation where that will result in a desirable broader economic and social outcome, such as redevelopment of the former industrial site situated in Bunbury, now known as Marlston Hill.

The authority will also act as the primary agency for the disposal of surplus government and public authority land in order to maximise the return to the State. That adopts a whole-of-government approach so that the authority's considerable expertise and experience in land development and sales will be used to allow other government departments and public authorities to maximise the return on the disposal of land surplus to their requirements. As the infrastructure development phase of the Joondalup Centre project is nearing completion, the authority's function has been amended to require completion of that project.

Finally, the authority is to reduce its role in land banking and the provision of residential land, as the review found that that can be effectively undertaken by the private sector. The disposal of surplus residential land holdings will be coordinated with Homeswest. It is effectively a rationalisation of services to eliminate duplication and overlap between agencies.

Homeswest assumes full responsibility for the former function of providing subdivided residential land for first home buyers and the lower end of the market. The Department of Land Administration will continue to provide subdivided land in regional townsites. The authority will retain responsibility for the development of crown land in major regional towns or in complicated specific projects. The authority may undertake any of its functions either as a land owner in its own right, as a project manager or as a consultant.

The commercial principles under which the board of the authority is to act are amended to give greater certainty and clarity to board members and others dealing with the authority. Those commercial principles require the authority to act in a cost-efficient manner, to attempt to achieve or surpass its long-term financial targets and not to undertake any individual project that is not expected to meet an agreed benchmark rate of return. Those commercial principles seek to balance the ministerial review finding that although the authority must operate on sound commercial principles, it must be able to undertake projects that are strategic in terms of the economic and social benefit to the State but that may have a weakened, negligible or negative financial outcome.

Operation of authority: The amendments provide for the authority to prepare an annual statement of corporate intent and strategic development plan, which are to be approved by the Minister for Lands with the Treasurer's agreement. It is intended that the regulations dealing with these documents will provide for the statement of corporate intent to be tabled in Parliament. These documents will provide greater accountability and transparency of the authority's operations to government, and will ensure that its operations are congruent with government policy. In particular they will provide a basis for long-term operational planning for the authority and establish the benchmark rate of return against which its projects are to be measured. These amendments also give effect to competitive neutrality reforms and underpin the effective operation by the authority in a market environment. These documents will also provide the mechanism, through community service obligation arrangements with government, by which the authority will be able to undertake those financially undesirable, but economically and socially desirable projects I mentioned earlier. In light of the ministerial review findings tabled before this House, the amendments now being considered by this House, and the provision for long-term planning and monitoring of the authority's operations through these corporate documents, it is no longer appropriate for the Act to be subject to sunset and review clauses. These clauses have been removed in these amendments.

Competition policy: These amendments largely give effect to the competitive neutrality findings in the ministerial review findings and the Government's obligations under the competition principles agreement with the Commonwealth Government. The authority's exemption from state rates, taxes and charges has now been removed. However, it does remain exempt from local government rates except where it owns land jointly with another non-government organisation or leases or lets out the land. Where it is exempt from paying local government rates, the authority is to pay a rate equivalent amount to Treasury, in addition to its existing obligation to pay a tax equivalent payment for commonwealth taxes under the State Enterprises (Commonwealth Tax Equivalents) Act. Scope for the payment of dividends is also provided for in the Bill. The powers to lodge memorials and make by-laws have also been repealed, to remove the authority's competitive advantage in these areas and to implement competitive neutrality reforms.

In conclusion, the Western Australian Land Authority Amendment Bill implements the extensive review of the functions and operations of the Western Australian Land Authority, contained in the ministerial review findings tabled in this House on 24 June of this year. These amendments continue the authority's important role in providing land for the social and economic needs of the State, allow the authority's expertise in the land industry to be utilised to maximise the return to the State on the disposal of surplus government assets and implement significant competitive neutrality reforms. I commend the Bill to the members of this House.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE

Special

On motion by Hon Norman Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 10 November.

Ordinary

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.14 pm]: I move -

That the House do now adjourn.

Environmental Protection Authority's Coastal Management System - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [5.15 pm]: I wanted to last night and tonight I do draw to the House's attention a probable change in the direction of the Environmental Protection Authority's coastal management in this State. The authority is looking at imposing a system of zoning which will incorporate four zones, one of which will be a special

purposes zone where officers of the authority say they would be unable to prevent emissions of pollution and toxic materials to a level which is normally acceptable. This would be surrounded by a buffer zone and then a mixed zone. There would also be zones where environmentally important areas would be set out. This is an abdication of the responsibilities of the authority. If we were to adopt such a system, we would not need the EPA in this State. It would seem that the authority is saying it can no longer regulate industry to keep it within proper bounds and therefore it will set aside areas in which it will allow pollution to occur. An arbitrary line is to be drawn around areas in coastal zones where plumes of toxic materials enter the ocean, and it is expected that somehow the pollution will stay within them. How many people would accept that to be true? We all know that there are tidal movements, currents and so on. It is a nonsense to suggest that the pollution could be contained in an area. The living marine creatures in those areas would also be moving around and would be affected by the pollution. It is a complete cop-out by the EPA. If it continues down this path, I believe it will lose the respect of the whole community. Recently that respect has been waning but this will be the final step, with people no longer accepting it as a body with any rational input into environmental protection.

Serious problems are occurring in Kwinana where many toxic plumes are entering Cockburn Sound. The authority has looked at areas in Cockburn Sound. They are referred to in an article in the *Fremantle Gazette* of 23 October 1998 which reads -

Under the proposal, areas around the Jervois Bay northern harbour (including the Woodman Point wastewater emergency overflow), the Rockingham wastewater outlet, the Western Power, BP, TiWest and Wesfarmers CSBP industrial outlets would be classified special purpose or exclusion zones.

A significant area surrounding those would be earmarked as buffer zones requiring strict monitoring for the impact of nearby industry.

This is crazy; it is saying that even though other countries are able to use modern technology to prevent such outputs occurring, industry here will be able to shuffle its costs onto the community through environmental degradation and the passing on of health problems. We have already experienced health risks in Cockburn Sound due to industrial outputs. Despite the EPA's own report pointing out that Cockburn Sound is in significant danger and that the optimum level of input has been reached and any more toxic waste will be a disaster for the area, it is putting forward this total system which is a cop-out and will allow pollution to occur. When will this body start representing the community? The community will have to pick up the costs created by those industries. If the Government wanted to see some sensible arrangements, it would ensure that all of those outputs were contained within the areas of those operations. If they could not be, perhaps we must consider shutting down those operations. At the end of the day the total clean-up cost might well exceed any advantage to the community of having those industries. I condemn the direction in which the EPA is going. The zoning system is exactly the same as that proposed by the Kwinana Industry Council in the Fremantle Rockingham Industrial Area Regional Strategy report. The industry council wanted to completely shut off the community from Cockburn Sound and establish four different zones, just as in the EPA proposal I have described. The EPA proposal is the industry proposal. In the worst of the zones, the industry proposed level 4 pollution. The existing standards go only to level 3. At that level it is not safe for water to come into contact with our skin. I cannot imagine level 4 pollution floating in Cockburn Sound. If we are moving towards that, we might as well throw up our hands and give up. If the Environmental Protection Authority does not get more funding, show more backbone and make sure this pollution does not occur, we will be in big trouble.

Western Australia-South Australia Border Signs - Adjournment Debate

HON MARK NEVILL (Mining and Pastoral) [5.21 pm]: I draw the attention of House to two matters. The first relates to some photographs of the signs on the Western Australia-South Australia border which were dropped into my office some time ago by a national locomotive driver, Mr Fergus Moffatt. It is of great interest to people to see what is around when they cross the border in the daytime. Basically all that is there are some signs. The South Australian sign is colourful and says "Welcome to South Australia". It has some lovely Sturt desert peas painted on it and also some small writing, which is shown in this photograph but which I cannot read these days. That sign is mounted on four sleepers, so it is fairly transportable. It is quite impressive.

The sign on the Western Australian side looks quite tatty. One side of the sign is supposed to say "Welcome to Western Australia", but someone has blotted out two letters so that it now reads "Welcome to Western Austria"! The other side of the sign is vandalised, and it says "Farewell to Western Australia". I think we can do a bit better than that. The Western Australian sign is cemented into the ground. We could make a new sign that is transportable, which could perhaps say "Welcome to Elle's Country"! I will even volunteer my photograph for it. It is in my electorate and who knows what votes I might pick up from passers-by. It is an important matter. I will show the Minister for Tourism these photographs. Something must be done to improve that sign. I appreciate the fact that Mr Moffatt has drawn this matter to my attention so I could raise it in the House.

The second matter relates to a lot of telephone calls I got this morning because of my comments on the Alcoa liquor burning plant yesterday. I was listening to the news this morning. The last item said, "The Labor member, Mark Nevill, said he cannot see a problem." I thought that the telephone would start ringing after that! I do not blame the reporters. In some

ways their distillation of my comments is correct. It is the interpretation of them that can be incorrect. If my speech is examined in detail, people will see that I believe there is a problem. A lot of agitated people are involved and I am concerned about the issue. What I did say was that from the studies so far, an association has not been established between the two features. I said that I was pleased to see there were continuing studies into the matter. There may be an association; however, I said that it had not been established as yet. In this sort of case it would be foolhardy for people to lay blame dogmatically or to accept liability when that had not been established. I repeat: I am concerned; there is a problem; and I hope further studies will resolve the matter, one way or the other.

Warden's Court Decision on Prospecting Licences - Adjournment Debate

HON GIZ WATSON (North Metropolitan) [5.23 pm]: I wish to speak on a matter I raised in question time today in relation to a transcript of a court case to do with a prospecting licence, and the minister's response. So other members can see it and so the minister can consider it, I seek leave to table the transcript of the Warden's Court of Western Australia held in Kalgoorlie on Friday, 2 September 1994 in relation to prospecting licences 26/2458 and 26/2510, disputed claims.

Leave granted. [See paper No 332.]

Hon GIZ WATSON: The transcript contains 157 pages. Nowhere in the transcript is any evidence provided by Mr Keith Dyer, who was the subject of my question, which, in part, states -

In stating that "Mr Keith Dyer gave evidence at the Warden's Court hearing for prospecting licence 26/2458", when the notes of evidence from pages 1 through to 154 clearly show that Mr Keith Dyer did not give evidence for prospecting licence P26/2458, has the minister misled the Parliament?

The minister said no to that. It is very clear that Mr Dyer does not appear anywhere in this transcript of those proceedings. Something is seriously wrong here. It is a very grave matter. It was dealt with in the Warden's Court. It could well be that the warden who was involved in this case or someone else has it wrong. Mr Keith Dyer did not give evidence at that hearing. What is evident is that Mr Dyer spoke on a later case, the proceedings of which were not started in the transcript until page 158.

Hon J.A. Scott interjected.

Hon GIZ WATSON: That is a good point. The evidence supposedly given by Mr Dyer was decisive. I refer to the reasons for the decision given in this case by Warden K.M. Boothman, SM. The last page of those reasons for decision states -

Essentially this issue came down to the evidence given by two experts, Mr Scanlon for the Objector Kean and that given by Mr Keith Dyer . . .

If the issue essentially comes down to that evidence and that evidence does not exist, we have a very serious matter on our hands. I also put on the record as a reminder question on notice 877 to which I referred in question time today, asked by Hon Jim Scott in February 1995, which, in part, states -

I refer the Minister to a warden/magistrates decision delivered by Kieran Boothman SM on 24 February 1995 for P26/ 2458 and the manuscript of the proceedings -

- (1) Can the Minister confirm that both the objector's and the defendant's counsel/solicitors commenced and completed their final closing submissions to the warden/magistrate on pages 133 through to 158 in the transcript of the proceedings for the above application?

Hon Norman Moore replied -

An examination of the relevant notes of evidence shows that the closing submissions commenced on page 133 and was completed on page 154. . . .

Again, that refers to the transcript which finishes on page 154. Mr Dyer did not give any evidence in that transcript. In fact, he is not shown in any transcript of the proceedings of that Warden's Court until the next case was heard. This is a grave matter and it would certainly appear from the evidence provided to me that the warden has made a decision based on something that did not happen. I urgently seek the minister's attention on this matter, and raise the issue of whether he got the information wrong or the minister misled Parliament in his answer to the question.

Warden's Court Decision on Prospecting Licences - Adjournment Debate

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.30 pm]: I will respond to that speech as quickly as possible. Questions are asked in this House by members. As I recall this case, which goes back a few years now, it relates to a Warden's Court hearing. Obviously I do not carry around in my head the transcript of every Warden's Court hearing in Western Australia, so I relied on the Department of Minerals and Energy to provide the answer. I provided the answer in good faith on the basis of information provided to me. The member asked whether, somehow or other, I deliberately

sought to mislead Parliament. I know neither who these people are nor anything about this issue. However, if it is to do with the Keans from Kalgoorlie, the member is being sucked in - but we will leave that matter for another day. In response to the insinuation that somehow I would mislead Parliament on this matter, I know nothing about the issue at all. I provided an answer today which I qualified by saying that I had not had time to read the transcript today since the question without notice turned up. I said that I would investigate it to determine whether a mistake was made in an answer I provided to the member. If a mistake occurred, I will say so in the House. Any suggestion that I would deliberately misled the House is absolutely out of the question.

When questions without notice of which some notice is given are asked of ministers - sometimes on very short notice indeed - we do our best to provide members with answers. In such cases, ministers often rely on information provided by the department. Whenever ministers say "Put the question on notice", a chorus of complaint is heard from the opposition benches suggesting we are not trying hard enough to provide information. When the member suggests that we are misleading the House, when we are only trying to provide information, the temptation is in future to say that no questions will be answered until we have had time look at the entire matter. If the member rather than I read the transcript of every Warden's Court hearing on which questions are asked, she will wait until pancake Tuesday for her answers. I take exception to any suggestion of an attempt to mislead the House. As I said in question time - which I thought the member might accept as a fair and reasonable response - I will check the matter if a problem exists.

Regarding some things taking place in Kalgoorlie on a number of issues, the member would be advised to step back and have a hard look at what people are feeding her. Some people in Kalgoorlie, for reasons best known to them, are running a vendetta on a number of issues. If these are the same people, I have told them to take all their stuff to the Ombudsman and to ask him to fix it for them. However, they choose not to do so. They write countless rude and abusive letters to me and the department to the point of driving departmental people to total distraction. However, it will not drive me to distraction. I will check out the matter and let her know the exact facts in due course. I assure the member that there is no intention on my part, or that of any government member, to mislead anyone.

Western Australia-South Australia Border Signs - Adjournment Debate

Hon N.F. MOORE: Hon Mark Nevill is right. This photograph of the border signage is a worry, and maybe something should be done to rectify the situation. I introduced the tourism development fund about a year ago which contains capital for the development of minor infrastructure around Western Australia. It is money available for such projects in providing signage and generally improving the lot of tourists as they travel around the State. Usually it is on a dollar-for-dollar basis with local government, and I am not sure whether the relevant authority, which I presume is Dundas, is interested in being involved in that project.

Hon Mark Nevill: It is Kalgoorlie-Boulder. I will authorise the sign for you!

Hon N.F. MOORE: I will draw this to the attention of the Tourism Commission and seek to have something done about it quickly.

Question put and passed.

House adjourned at 5.34 pm

QUESTIONS ON NOTICE

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

HOMESWEST PROPERTIES

381. Hon NORM KELLY to the Minister for Finance representing the Minister for Housing:

(1) How many rental properties does Homeswest currently operate in the suburbs of -

- (a) Victoria Park;
- (b) East Victoria Park;
- (c) Kensington;
- (d) Como;
- (e) South Perth;
- (f) Bentley;
- (g) St James;
- (h) Lockridge;
- (i) Kiara;
- (j) Eden Hill;
- (k) Bassendean;
- (l) Beechboro;
- (m) Ashfield;
- (n) Embleton;
- (o) Armadale;
- (p) Westfield;
- (q) Gosnells;
- (r) Thornlie;
- (s) Kelmscott; and
- (t) Langford?

(2) How many of these properties are designed for use by aged persons?

(3) How many properties are designed for single occupancy?

(4) What is the ratio between Homeswest and other properties in the suburb?

(5) What is the total number of residents in Homeswest properties in the suburb?

(6) How many Homeswest properties in the suburb are currently vacant?

Hon MAX EVANS replied:

(1)-(6) See paper No 331.

DEPARTMENT OF LAND ADMINISTRATION, JOINT VENTURES

395. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Lands:

Can the Minister for Lands provide the following details of any land development joint ventures that the Department of Land Administration has entered into since January 1, 1995 -

- (a) the lot numbers of the land to be developed;
- (b) the name of the company or companies with whom the joint venture was entered into; and
- (c) the date on which the joint venture was signed?

Hon MAX EVANS replied:

The Department of Land Administration has not entered into any land development joint ventures since January 1, 1995.

(a)-(c) Not applicable.

ABATTOIR, NARRIKUP

484. Hon KIM CHANCE to the Leader of the House representing the Minister for Commerce and Trade:

In relation to the cabinet submission seeking \$5.2m Government assistance to the Fletcher Group's new abattoir at Narrikup I ask -

(1) Who presented the submission?

(2) Did the Minister for Commerce and Trade recommend that assistance be given to this group?

Hon N.F. MOORE replied:

This information was previously supplied in answer to a Question Without Notice asked by the member on 13 October 1998.

- (1) The Minister for Commerce and Trade
- (2) Yes.

QUESTIONS WITHOUT NOTICE

MAIN ROADS INQUIRY - MINISTER FOR TRANSPORT'S STATEMENT

418. Hon TOM STEPHENS to the Minister for Transport:

Today in his ministerial statement on the unauthorised release of information by a Main Roads employee the minister said that the cost of the investigation would not exceed \$116 000. Is the minister aware that the report by the Ministry of the Premier and Cabinet quotes \$167 000 as the minimum cost of the inquiry and lists a further \$60 000 in potential costs? Is the minister concerned that the Commissioner of Main Roads has provided him with inaccurate information or has the minister misled the House?

Hon M.J. CRIDDLE replied:

That is the cost of the actual inquiry as is printed in the report from the Premier. I have read the document, and the other costs relate to Main Roads' ongoing salaries, which would be paid regardless of the operation. However, this is the cost of the actual inquiry as given to me by the Commissioner of Main Roads.

MAIN ROADS INQUIRY - COMMISSIONER OF MAIN ROADS' LETTER

419. Hon TOM STEPHENS to the Minister for Transport:

I refer to the letter from the Commissioner of Main Roads which was tabled in the House today regarding the conclusion of the investigation into the unauthorised release of information by a Main Roads employee -

- (1) Is the minister aware that on eight separate occasions the accused employee categorically denied involvement in any leaking of documents?
- (2) Is the minister aware that the lack of cooperation complained of by the commissioner was simply the accused protesting his innocence and obtaining legal advice that the International Investigation Agency's involvement in the inquiry was unlawful?
- (3) In the light of this, how can the minister support the reprimand of an innocent man?

Hon M.J. CRIDDLE replied:

- (1)-(3) The management of this issue by the Commissioner of Main Roads is an operational matter. The man has been dealt with very fairly, bearing in mind the information that has come forward.

Hon Bob Thomas: Are you saying he is guilty?

Hon M.J. CRIDDLE: No, I am not.

Hon Bob Thomas: Are you saying he is innocent?

Hon M.J. CRIDDLE: No, I am not. The result of the inquiry has pointed out that he cannot be charged with anything and quite clearly he is not guilty; he is innocent. That is the way we operate in Australia.

The PRESIDENT: Order, members! If members are going to ask questions, I will strike their names off and consider that their question.

Hon M.J. CRIDDLE: As a result of the inquiry, he has been cleared of any wrongdoing.

Hon Bob Thomas: Not reprimanded.

Hon M.J. CRIDDLE: It has been pointed out that there were difficulties during the inquiry.

MAIN ROADS - ADHERENCE TO CONTRACTING GUIDELINES

420. Hon KIM CHANCE to the Minister for Transport:

In view of the clear breach of government contracting guidelines in the hiring of a private investigation firm to investigate

leaks in Main Roads, can the minister outline the steps he has taken to ensure that in the future the chief executive officer of Main Roads and other senior staff follow official guidelines when hiring contractors and consultants?

Hon M.J. CRIDDLE replied:

As pointed out in the statement by the Premier, the Commissioner of Main Roads has now developed the following strategies to address the issues raised by the member -

The provision of contract/project management training will be continued within Main Roads.

To ensure conformity with the supply processes and to gauge the effectiveness of the contract management training, all sections of Main Roads will be audited annually under the organisation's quality management system. The initial audit will be completed within the next three months and subsequent audits will be undertaken at 12-monthly intervals.

To ensure compliance with State Supply Commission accreditation, Main Roads will review its supply activities. The next assessment is to be made by the end of 1998.

All cumulative contract payments exceeding \$10 000 will be reviewed by a senior supply officer for conformity with supply processes before release.

All contracts exceeding \$50 000 will be endorsed by either the Manager, Supply, or the Executive Director, Corporate Services, before being recommended for award.

DAIRY INDUSTRY ADJUSTMENT SCHEME

421. Hon HELEN HODGSON to the minister representing the Minister for Primary Industry:

- (1) How many former milk vendors accepted the original terms of the distribution adjustment and assistance scheme B and C?
- (2) How many former milk vendors were offered additional assistance under the DAAS following the tabling of the Standing Committee on Public Administration's sixth report into the DAAS?
- (3) How many milk vendors have accepted the offer of additional assistance under the DAAS?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Twenty-nine under scheme B; and 13 under scheme C, with an additional six still being processed under scheme C.
- (2) Forty-two.
- (3) Nineteen as at today.

DYER, MR KEITH - PROSPECTING LICENCE

422. Hon GIZ WATSON to the Minister for Mines:

I refer to question on notice 1676 of 30 April 1998 and question on notice 877 of 17 October 1996.

- (1) In stating that "Mr Keith Dyer gave evidence at the Warden's Court hearing for prospecting licence 26/2458", when the notes of evidence from pages 1 through to 154 clearly show that Mr Keith Dyer did not give evidence for prospecting licence P26/2458, has the minister misled the Parliament?
- (2) If so, will the minister apologise to the Parliament?
- (3) If not, will the minister explain why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I have not had a chance today to investigate the answer. I have had an answer provided by the department which I will give now. However, because of the seriousness of the suggestion by the member that I may have misled Parliament, I will give the answer that has been prepared, but will double-check the matter between now and when we return to make sure what I am being told by the department is correct.

- (1)-(2) No.
- (3) Mr Dyer gave evidence at the Warden's Court hearing of prospecting licence 26/2458 et al. Pages 174 to 207 of the transcript of proceedings refer to this matter.

COUNTRY SPORT ENRICHMENT PROGRAM

423. Hon MURIEL PATTERSON to the Minister for Sport and Recreation:

- (1) Can the minister provide details of the purpose of the country sport enrichment program?
- (2) What events have been allocated funding from the program?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The country sport enrichment scheme was developed by the Government to provide country people with the opportunity to view major sporting competitions that would normally not be available to them. Programs associated with the scheme events are also organised to encourage the participation of young people in sport and the commitment of adults to support sport in the community. The scheme is also utilised to enable sportspeople with a high national and international profile to visit country areas to share their knowledge and expertise with the sporting community. An amount of \$150 000 has been provided in the 1998-99 budget for allocation through this scheme and a further \$93 000 has been carried forward from the 1997-98 budget.
- (2) Information on this new initiative has been widely distributed. To date the following events have occurred and received financial support from the scheme: In basketball, Andrew Vlahov travelled to the Pilbara; in cricket, the coach and two members of the Western Warriors went on a tour through the north west, and in Kalgoorlie a one day cricket match was held between Western Australia and South Australia; in netball, two Orioles players went to the north west championships held in Port Hedland; in soccer, two Perth Glory players attended coaching clinics in Geraldton, Broome, Port Hedland and Narrogin, and two pre-season matches were held in the country, one in Bunbury between Perth Glory and Canberra Cosmos and one in Geraldton between Perth Glory and the Carlton Soccer Club; and in football, Eagles and Dockers players toured the north west to assist in the development of sport in Aboriginal communities. A number of other proposed events will be supported by the CSES for which approval has been given, and announcements will be made regarding these events at an appropriate time and as negotiated with the sports concerned.

I suggest country members make themselves familiar with this scheme because it has tremendous potential for the local communities.

SPEED LIMIT TRIALS IN EASTERN GOLDFIELDS

424. Hon MARK NEVILL to the Minister for Transport:

- (1) Is it correct that no speed trials have been allocated to the eastern goldfields?
- (2) If so, will the minister put forward the proposition to the people making the decision that the road between Leonora and Leinster should be considered, as well as, possibly, the roads from Leonora to Leinster and Great Eastern Highway and between Southern Cross and Coolgardie?
- (3) Did the minister realise that the Opposition's support for that motion for a speed limit trial was implicit on there being a trial in the eastern goldfields?

Hon M.J. CRIDDLE replied:

- (1)-(3) At this time no speed has been designated. I take on board the roads mentioned in this question. Obviously I have not travelled on some of them. Main Roads Western Australia came back with recommendations for roads further north. The motion passed in this House, as I said at the time, will go to the Road Safety Council of Western Australia and then to the ministerial council. It will then make a decision at the appropriate time. I point out that the road toll continues to rise far quicker than anybody would want it to. I am very concerned about that from the point of view of putting in place a speed trial and the ramifications arising from it. I will take on board what members have said.

MAIN ROADS INQUIRY - APOLOGY

425. Hon LJILJANNA RAVLICH to the Minister for Transport:

Given that the minister's 10-month witch-hunt failed to find the source of the leaked document from Main Roads Western Australia, will he now apologise to the suspect that he has been pursuing and agree to pay his legal costs?

The PRESIDENT: Order! Standing Order No 140 stipulates that members cannot use terms such as have just been used by the member. I will say no more than to ask members to read Standing Order No 140(a); otherwise we are wasting our time.

Hon M.J. CRIDDLE replied:

I realise that the person who was finally identified as having some questions to answer in regard to this inquiry has been put under some stress, as have many other people in the process. I was not involved in the early stages of the inquiry, as the member well knows. Her reference to me is entirely unfair. This is the first time any person has referred to the fact that legal costs should be paid in regard to this matter. No reference has been made to it by the relevant person, or anybody else.

SHARK BAY SOLAR SALT INDUSTRY AGREEMENT ACT**426. Hon NORM KELLY to the Leader of the House representing the Minister for Resources Development:**

- (1) Has the minister received a request from Shark Bay Resources for a variation to the Shark Bay Solar Salt Industry Agreement Act?
- (2) If so, at what stage is this proposal?
- (3) When does the minister expect amending legislation to be introduced in Parliament?
- (4) Does the minister support the desire of Shark Bay Resources to extend its mineral leases into 3 200 hectares of the Shark Bay world heritage area?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(4) This matter is under consideration.

MIRRABEENA AND NARANG APARTMENTS**427. Hon RAY HALLIGAN to the minister representing the Minister for Housing:**

What are the Government's plans for the Mirrabeeena apartments in Hornsey Way and the Narang apartments in Arnold Place, Balga?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

Homeswest has conducted extensive consultation with public groups over the proposed redevelopment of Koondoola, Girrawheen and Balga. The consultation has included attendance at numerous public meetings by Homeswest and its appointed project managers, Satterley Real Estate. It was originally the plan of Homeswest and its appointed project managers to upgrade all of the apartment complexes in a similar way to that undertaken in the extremely successful Kwinana New Living Project. Following discussions with the Balga Community Action Group, it became apparent that the local community preferred that the three-storey apartments be demolished, rather than upgraded. The Minister for Housing considered this request and approved the demolition of 281 apartments in Balga. This figure includes the Mirrabeeena complex in Hornsey Way, which represents 94 per cent of the three-storey units in Balga. Homeswest has approved the upgrade of the 18 units at the Narang apartment complex in Arnold Place, Balga, but has given the Balga Community Action Group the opportunity to negotiate with the City of Stirling and the Department of Land Administration for the rezoning and gifting of the public open space on Camberwell Road to Homeswest, in exchange for the demolition of and resubdivision for single residential housing at the Narang site.

DIRECTOR GENERAL OF EDUCATION - THREATS OF DISCIPLINARY ACTION**428. Hon J.A. SCOTT to the Leader of the House representing the Minister for Education:**

- (1) Did the Director General of the Education, Cheryl Vardon, consult with the minister before threatening disciplinary action against primary school teacher Sue Elliott?
- (2) Does the minister support the director general in disciplining teachers for expressing opinions on education through letters to newspapers?
- (3) How did the department become aware of Ms Elliott's letter?
- (4) Does the department employ or receive information from persons or agencies who scrutinise media outlets for comments about government policy; and, if so, who are those persons or agencies?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The minister supports the right of the director general to remind employees of their obligations to their employer.
- (3) A departmental officer read the relevant newspaper and noticed the letter.
- (4) The department's communication and public relations branch copies and internally circulates articles and reports relevant to the Education Department and education matters generally from a wide range of newspapers and journals for the purpose of ensuring the department is informed of relevant issues. In addition, the department receives radio news summaries from Rehame Australia Monitoring Services Pty Ltd, and interstate print media articles from Media Monitors Perth.

WALKER, MR IAN - AREAS OF EMPLOYMENT WITH DEPARTMENT OF TRANSPORT

429. Hon KEN TRAVERS to the Minister for Transport:

With regard to the nature of the work of former Department of Transport employee Mr Ian Walker -

- (1) Can the minister confirm that Mr Walker was working in the area of contract variation?
- (2) If yes, for what period did Mr Walker work in this area?
- (3) In what other areas has Mr Walker been involved during his employment with the Department of Transport?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes. Mr Walker was employed as contract variation manager.
- (2) Mr Walker worked in the Department of Transport from 13 January 1994 to 5 June 1998, undertaking duties in contract tender development and contract variation within the metropolitan transport division.
- (3) Mr Walker was not engaged to work in any other areas during his employment with the Department of Transport.

WALKER, MR IAN - EMPLOYMENT CAPACITY WITHIN DEPARTMENT OF TRANSPORT

430. Hon TOM STEPHENS to the Minister for Transport:

With regard to the retirement of Mr Ian Walker from the Department of Transport -

- (1) Was Mr Walker employed in any capacity by the minister or the department after his retirement on 5 June?
- (2) If yes, in what capacity was he employed, what was his remuneration, and what was the period of employment?
- (3) If no, did Mr Walker have access to Department of Transport offices after his retirement; and if so, for what period, and why?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No. Mr Walker was not employed by the Department of Transport after 5 June 1998.
- (2) Not applicable.
- (3) No. Mr Walker did not have access to Department of Transport offices after his retirement.

WHITTAKERS LIMITED - STOCKPILED JARRAH

431. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

- (1) What is the volume of timber that has been supplied to Whittakers Limited over the past 12 months?
- (2) What is the volume of jarrah that is stockpiled at Whittakers in Greenbushes -
 - (a) as whole unprocessed logs; and
 - (b) as dried and/or mill jarrah?

Hon MAX EVANS replied:

I do not have that question, but I thought I saw it in the file yesterday.

MILK VENDORS - DISTRIBUTION ADJUSTMENT ASSISTANCE SCHEMES B AND C

432. Hon HELEN HODGSON to the minister representing the Minister for Primary Industry:

- (1) As of 30 September 1998, being the date when former milk vendors were advised that further assistance was payable, what was the balance available of the \$7m originally set aside for Distribution Adjustment Assistance Schemes B and C?
- (2) What is the total amount of the further assistance payments approved following the sixth report of the Standing Committee on Public Administration in respect of DAAS?
- (3) What is the total amount that has been distributed to former milk vendors under DAAS in each financial year since the commencement of the scheme?
- (4) How much has been recouped by the Dairy Industry Authority in each financial year since the commencement of the scheme through the levy imposed on milk sales to fund DAAS?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) \$3 251 492.
- (2) Nil payments approved.
- (3) Payments to distributors -

Year ending	
30 June 1994	\$ 65 804
30 June 1995	\$1 196 264
30 June 1996	\$1 225 220
30 June 1997	\$ 310 067
30 June 1998	\$ 317 175

- (4)

30 June 1995	\$ 351 792
30 June 1996	\$1 572 214
30 June 1997	\$1 575 895
30 June 1998	\$1 552 777

WESTRAIL - CUSTOMER SERVICE ASSISTANTS

433. Hon BOB THOMAS to the Minister for Transport:

- (1) Is the minister aware of the concerns expressed by the numerous persons with disabilities about the decision to gradually replace Westrail customer service assistants with security personnel?
- (2) What special training is being given to security personnel to enable them to provide the service that disabled people have come to appreciate so much from customer service assistants?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No. The majority of correspondence and questions I have received on the issue has been from parliamentarians; and I suggest that the approaches by parliamentarians were made as a result of representations to them by particular Westrail employees and/or the Public Transport Union, of which these employees are members. I understand that Westrail has not received any complaints about the proposal, except from particular employees and/or the Public Sector Union. I further understand that Westrail has received one phone call from a group associated with people who have disabilities about the intention to gradually replace customer service assistants with special constables. That group was not opposed to the proposal, but called Westrail as a result of incorrect claims being made by those opposed to the arrangement.
- (2) Special constables receive the same training in customer service and disability awareness as did customer service assistants, in addition to security training. It must be remembered that customer service assistants work between 5.00 am and 4.30 pm daily and already special constables are available to provide assistance to people with disabilities after 4.00 pm each day.

EDUCATION DEPARTMENT - FAILURE TO PAY TEACHERS

434. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) How much has the Education Department spent on developing its "People Soft" and associated administration systems?

- (2) Can the minister confirm that a significant number of teachers failed to receive their pay on the identified pay day in recent months?

If yes -

- (3) How many teachers were affected?
- (4) What additional expenditure will be required to remedy the flaws in this system?
- (5) When can teachers expect the system to work as it is supposed to?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I am advised -

- (1) The Education Department has spent approximately \$21m on the P2000 project since it commenced in 1995. This amount includes all salaries, contingencies and contract costs.
- (2) Approximately 99 per cent of permanent employees received their pay on the identified day. Those permanent employees who did not - approximately 300 - were paid manually within 48 hours of the department being notified of the non-payment. Casual teachers do not have a designated "pay day" like permanent employees. Casual payments are made each Thursday. However, a number of variables may cause a delay in casual payment. There was a backlog of casual payments due to the "cut over" period of moving from the old payment system to the new system. Any casual employee in financial difficulty was sent a manually raised cheque.
- (3) A very small number, about 300 permanent employees, were affected for the first two pays. This problem has been rectified. Approximately 75 casual staff out of a casual work force of around 5 000 experienced significant delays. However, factors other than the change in the payment system may have contributed to these delays.
- (4) No additional expenditure will be required.
- (5) The system works effectively now. The department will derive even greater efficiency through the automatic processing and payment of staff once all schools are electronically linked to the staffing directorate. This will occur by the end of 1999.

BURSWOOD RESORT CASINO - EXPANSION OF GAMING FACILITIES

435. Hon TOM STEPHENS to the Minister for Finance:

- (1) Has the Government received a request from the Burswood Resort Casino seeking an expansion of its gaming facilities?
- (2) If yes, what type of expansion is the casino seeking?
- (3) What is the Government's response?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes. The Burswood Resort Casino proposal was made following some redevelopment that it has done already. The first part was converting what was called the auditorium or showroom into a lyric theatre with about 2 300 seats. It has increased the dress circle and put in theatre seating. It is also able to use that for dining room functions. That is already in operation.
- (2) The casino is proposing the following redevelopment: An extension to the existing convention centre to provide two multi-purpose ballrooms, one of 1 800 square metres and the other of 3 800 sq m. The ballrooms will be able to accommodate approximately 4 800 delegates in plenary session or 3 700 in banquet format. Nine additional breakout rooms will also be provided. One of the restrictions of the present auditorium building is that only three or four breakout rooms are available for meetings after conferences. On the ground floor level the casino will extend the ballroom east over the roadway. A new international room and an extension of the casino building will extend the main gaming floor and provide for a new night club. The casino plans to relocate and extend the existing casino restaurants and add a new food court and restaurant. It will build a 2 000 bay car park to include a structural slab over the car park ready to receive a future exhibition centre. In the meantime the slab will provide 1 000 car bays. A number of improvements will be made to the hotel as well as improved access and exhibition space for the convention centre and dome. The Government has yet to determine its response to the casino's proposed redevelopment of the Burswood complex.

BP GARAGE SITE, GUILDFORD

436. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

I refer to remediation of the BP garage site in Guildford.

- (1) Is the minister aware that BP's remedial action plan does not include the removal of contaminated materials under the verge and road on Johnson Street, Guildford?
- (2) If yes, does the minister agree that this clean-up is incomplete?
- (3) If yes, what action will the Minister take to ensure that all contamination is moved from this site?
- (4) Will the minister please detail the results of soil bore testing at locations SB19, SB25 and SB26 that were taken at the BP garage site?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

Providing information in the time required is not possible and I request that the member place the question on notice.
