



Parliamentary Debates

(HANSARD)

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LEGISLATIVE COUNCIL

Wednesday, 3 May 2000

Legislative Council

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

FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA - APPOINTMENT OF SELECT COMMITTEE

Motion

Resumed from 6 April on the following motion moved by Hon Ken Travers -

That -

- (1) A select committee of three members shall be appointed.
- (2) The committee be appointed to inquire into and report on reasons for losses associated with the finance broking industry in Western Australia, including but not limited to -
 - (a) the statutory responsibilities relating to the finance broking industry;
 - (b) avenues for legal redress for investors;
 - (c) consideration of the adequacy of existing legislation to prevent a recurrence of the events which led to the loss by investors who relied on finance brokers.
- (3) The committee have power to send for persons, papers and records and to move from place to place.
- (4) The committee report to the House not later than 31 October 2000, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

HON GREG SMITH (Mining and Pastoral) [4.06 pm]: I will speak against this motion. One of the main reasons I oppose this motion is that the Gunning inquiry is taking place. It is ludicrous to suggest that a parliamentary inquiry would do a better job than the Gunning inquiry. The suggested list of members for the committee causes me to question the seriousness of the Australian Labor Party to resolve this issue.

The priority of the Government and the minister at this stage is to get as much money back as possible for the people and investors who have lost money. No doubt their aim is also to prosecute anyone who has acted in an improper manner. More than anything, the investors want as much of their money back as possible. The last thing we want a royal commission or a select committee to do is cause the people's assets against which they have mortgages to be frozen so they cannot be sold, or their financial difficulty to become public knowledge.

As we have seen before, in a mortgagee sale, people know something is being sold at a fire sale price, so it depreciates. As I have said in business, three types of people sell things; the people who will sell, the people who want to sell and the people who must sell. Purchasers dealing with people who must sell have the upper hand.

I do not know how Hon Ken Travers can question the integrity of the Gunning inquiry. Anyone who has examined the credentials of the people involved in that inquiry would not question its integrity. I have read the biography of some of those people. For the benefit of members I will read some details of the background and experience of some of the people involved -

Ivan Gunning was educated at Mt Lawley State School, Perth Boys School and Perth Modern School and earned his stripes as a lawyer the hard way as a five-year article clerk.

He was admitted to the bar in 1952 and practised with Dwyer, Durack and Dunphy before gathering experience as a judge's associate.

He then joined the legal firm Kott and Wallace, becoming senior partner of Kott, Wallace and Gunning in 1972.

All judges are required by law to sever all business ties before their appointment and Judge Gunning relinquished his law firm partnership before joining the District Court in 1977. He served 22 years on the bench.

It is ludicrous to say someone who has been a judge for 22 years will somehow compromise his integrity to give the Government its desired outcome.

It continues -

Since his retirement last year, he has embraced voluntary legal aid work and indulged in his passion for animals on the management committee of the Shenton Park Dogs Refuge Home.

Judge Gunning is not the sort of person who would compromise his integrity or do things against elderly people or other people who have lost money.

Hon Derrick Tomlinson: I think with that background, he would give some vital opinions.

Hon GREG SMITH: Judge Gunning's integrity is absolutely beyond reproach. It is unfortunate that the Australian Labor Party has chosen to try to denigrate his integrity or credentials by proposing that the committee is somehow tainted or is somehow working towards a preconceived outcome.

Hon Derrick Tomlinson: Another example of its negative response.

Hon GREG SMITH: Yes - negative, negative, negative.

The biography of Dr Diana Newman, the accountant and auditor involved with the inquiry, states -

Dr Diana Newman, the principal of her own company Newman Partners, has been involved in a wide range of accounting duties over the past 33 years, including reconstruction and insolvency work, general and company accounting, tax work for companies and individuals, share registry work combined with company secretarial duties and attorneyship.

She was the first woman in Australia to be appointed an Official Liquidator and a Registered Trustee in Bankruptcy.

She was also the first woman in Western Australia to become a registered Liquidator of Companies.

Dr Newman began her accounting career in 1967 at CP Bird and Associates (now Bird Cameron), becoming a partner in 1984 and partner-in-charge of the Western Australian reconstruction and insolvency division in 1989.

She is a former Pro Chancellor of Edith Cowan University and a member of the governing council of the South Metropolitan College of TAFE and she also served a three-year term on the ANZ Banking Group's WA advisory board.

Dr Newman is also currently a director of the Child Health Research Foundation Inc and is honorary treasurer and secretary of the Women Chiefs of Enterprises - International (Western Australian division).

She was made a member of the Order of Australia in 1997 for services to accounting and the community.

Hon Derrick Tomlinson: And the previous Government put her on the board of the State Government Insurance Commission.

Hon GREG SMITH: It must have been very confident of her credentials as well. It is ludicrous to suggest that Dr Diana Newman may somehow compromise her integrity to reach some preconceived outcome or to assist the Government to hide something. I do not know how members of the Opposition can come into this place and make accusations about an inquiry which comprises people like Dr Diana Newman and Judge Gunning.

Mr Digby Blight is also involved on this inquiry. Most of us know Digby Blight from his involvement with the Parliamentary Allowances Tribunal. Is that the one he was on?

Hon Ken Travers: You are telling the story.

Hon GREG SMITH: There are so many different tribunals that look after all the things that we do that it is hard to keep track of them. The biography of Digby Blight states -

Digby Blight was one of Western Australia's most respected public servants, serving four different Premiers as Director General of the Ministry of Premier and Cabinet.

Hon Derrick Tomlinson: How many of them were Labor Premiers?

Hon GREG SMITH: I presume three of them.

The PRESIDENT: Order! Hon Greg Smith is making his comments, and the other members will be given an opportunity in due course.

Hon GREG SMITH: It continues -

Digby Blight was also Western Australia's first Commissioner for Public Sector Standards from 1994 until May 1997, when he retired from full-time employment in the public sector after 50 years service.

He is currently part-time chairman of the Salaries and Allowances Tribunal.

His public service career began in 1947 as a trainee junior clerk in the Forests Department, transferring in 1954 to the Public Service Commissioner's Office (later the Public Service Board) where he spent the next 29 years.

He studied public administration and accountancy at Perth Technical College and the Western Australian Institute of Technology (now Curtin University) at evening classes.

He spent two years as migration liaison officer in the United Kingdom, recruiting 120 tradesmen and families a month for WA's burgeoning industrial development.

Mr Blight was loaned to the Department of the Premier and Cabinet in 1983 to act as Director of the Cabinet Office and to head a working group on restructuring the rapidly changing department. He was subsequently appointed Deputy Director General and then Director General in 1985. He concurrently carried out the duties of Public Service Commissioner on several occasions.

He is a National Fellow and Past President of the WA division of the Institute of Public Administration, Australia. He is also a Fellow of the Australian Society of Certified Practising Accountants and an Associate of the Institute of Technology.

He was a member of the Council for the Order of Australia from 1984 to 1988 and was himself honoured with the Order of Australia last year for services to public sector management and the community.

He is president of the Diabetes Association of WA, a trustee of the Diabetes Research Foundation and a committee member of the national Juvenile Diabetes Foundation's Perth chapter.

The ALP seems to think that Mr Digby Blight is another person who is not fit to be on this inquiry and who will somehow compromise his lifetime's integrity in order to give the Government a favourable outcome. I cannot for one second imagine how a parliamentary committee comprising three people - two from the opposition benches and one from the government benches - will be more objective than this group of people. If we want to talk about how serious the ALP is about this committee and about achieving an outcome for the people who have lost money, that begs the question of the make-up of the committee that has been suggested in this place. We have heard that Hon Ken Travers would like to be the chairman of the committee, and that Hon Norm Kelly is likely to be the Democrats member. As yet we have not decided which member from this side of the Chamber will be on the committee. I doubt that a parliamentary inquiry would be resourced anywhere near well enough to enable it to research and get to the bottom of this matter. There are some people in this Chamber who would probably be qualified to make an assessment about this matter. The ALP would probably want to have a person on the committee who had a legal background, so it would probably suggest that Hon Nick Griffiths, with his legal qualifications, be the ALP member of the committee if it really wanted to get down to tintacks and achieve some results. The Democrats have Hon Helen Hodgson, who used to lecture in accounting, and none of us would question her credentials from an accounting perspective. If we are talking about expertise in accounting, Hon Helen Hodgson and Hon Max Evans would be the two most qualified people in this Chamber to be on such a committee. However, there has been no suggestion that the Democrats are likely to put forward Hon Helen Hodgson as a member of this committee. It was suggested last time we debated this matter that Hon Norm Kelly be the Democrats' representative on this committee.

Hon Ken Travers: By whom?

Hon GREG SMITH: If the member reads *Hansard*, he will find that it has been suggested previously. Obviously Hon Helen Hodgson thinks she has better things to do with her time than partake in the political witch hunt that the ALP wants to have in this inquiry, because she knows full well that if this inquiry is to do its job properly, it will probably take the entire winter recess just to scratch the surface, because the Gunning inquiry has a fully staffed office, with very eminent and experienced people, and it will be working five days a week for the next three to four months to untangle the web that exists behind some of these companies.

Hon Derrick Tomlinson: With 24 fraud squad investigators.

Hon GREG SMITH: Yes. It is difficult to comprehend how a parliamentary inquiry can do a more thorough job than an inquiry that has those sorts of resources at its disposal. As I said, the Government's priority in this finance broking affair is to get as much money back for the investors as possible. Many of the people who have lost money will not have another opportunity in their lifetimes to accumulate capital. Many of these people have received their superannuation or have sold their business, and it is their lifetimes' capital that is at risk. Many of these people are not young, and they do not have the ability to re-establish themselves in the work force and accumulate another nest egg. The people to whom I have talked have said that they want their money back; that is the most important thing to them. That is the main thing we are pursuing.

Hon Ken Travers: Why did the Government not act sooner?

Hon GREG SMITH: The Government acted when the evidence became clear.

Several members interjected.

Hon GREG SMITH: It is a very good question. The problem is that with such things, one looks at a complaint when it is laid. No pattern of complaints emerged until now as previously there was a complaint here or there.

Hon Ljiljana Ravlich: Give us a break!

Hon GREG SMITH: Members can say what they like, but it was only 12 months ago that it started. When interest rates and inflation were high, finance brokers could finance things and offer mortgages. When inflation was high and interest rates were reasonably good, inflation went ahead of any problems if a firm got into a little financial trouble. The pattern did not emerge until there were falling interest rates. We saw more people heading to finance brokers. When people could get 15 per cent interest at banks, people invested with banks. A sad reality is that if the current interest rate is 4.5 per cent,

why are people offering 12 or 10 per cent? Anyone who has anything to do with money knows that the higher the interest rate when borrowing or lending, the higher the risk.

Hon Ken Travers: So, it is the lenders' fault, not the Government's.

Hon GREG SMITH: I am not blaming the lenders. Anyone who accepts higher interest rates does so along with a higher risk. That is taken for granted. I read in the newspaper yesterday that some people had third mortgages. When one has a third mortgage, one is a fair way down the pecking order if whatever the money is raised against becomes insolvent.

During the stock market crash in the late eighties, banks were losing millions of dollars and almost going bankrupt. Money was lent against shares, and the price of shares plummeted. They had no capital to recoup the loans, and banks were losing money. People were not jumping up and down saying that we should do something about the way banks lend money. No-one has any sympathy when banks lose money.

Hon Ken Travers: Did any customers lose money?

Hon GREG SMITH: All Pyramid Building Society's customer lost their money. Things depreciate. I am not saying that it happened in every case. In some cases in this finance broking issue, people have acted in a criminal way. If people have acted in a criminal or improper manner, the Government intends to throw the book at them. It will not let people get away with it. Members would have read that Grubb has already been charged by the police for failing to give evidence. Undoubtedly, Grubb was acting in a very - I had better be careful what I say - improper manner.

The PRESIDENT: Order! The member has raised the name of a person who the Chair believes is the subject of police charges on various matters. If the Chair is correct, I suggest that Hon Greg Smith be very careful about what he says about that individual as his comments might affect something before the courts. I leave it to the member to work that out.

Hon GREG SMITH: Thank you, Mr President. That is why I was very apprehensive about what I said; I am aware that the matter is subject to subjudice. If anyone acted illegally or in an improper manner, the Government intends to throw the full weight of the law at them. The last thing we want is to let people off for improperly obtaining money from people, whether they be retirees who invested their money or Len Buckeridge. It does not matter who it is. If someone has fraudulently obtained money from people, they should be charged.

Hon Ken Travers: What has Len Buckeridge got to do with it?

Hon GREG SMITH: If anyone has taken money off people, it should not matter whether the person is a pensioner who has invested retirement money or a multi-millionaire. If someone has fraudulently taken money off people, that person should be charged and be pursued by the law. It is not as though some people have more rights than others. All people have equal rights, although that does not seem to be the view of members opposite. They did not worry when banks were losing money.

Several members interjected.

The PRESIDENT: Order! Hon Greg Smith has the call.

Hon GREG SMITH: The minister and the Government intend to recover as much money as possible for investors whose capital is at risk. If members talk to some of the investors whose money is looking shaky or lost, they will indicate that they would prefer a return of 80¢ in the dollar rather than receiving nothing and seeing the person who led them astray or advised them to invest in certain mortgages go to jail.

Hon Ljiljanna Ravlich: Will your Government guarantee that they will get their money back?

Hon GREG SMITH: We cannot guarantee that. We will make every effort possible to recover as much money for these people as possible. I do not believe the ALP cares less whether the investors get their money back. Members opposite are trying to make a political football out of this issue and score a few points. They want to form a committee comprising a former electorate officer; Hon Norm Kelly, who I do not think has an accounting background being a former photographer; and someone from this side of the Chamber. That is not likely to be a very impartial inquiry and beyond reproach as far as its integrity goes! We are told that this inquiry will do far better than will the Gunning inquiry.

Hon Norm Kelly: What sort of a balance do you think would be preferable?

Hon Ljiljanna Ravlich: A shearer?

Hon GREG SMITH: I did not say that I was likely to be on the committee. If the ALP were serious about doing something to help investors who have lost money - I have said this before, but members opposite do not hear very well - they would suggest a different inquiry. They should have said when moving this motion, "To have the best possible inquiry, we should look at people like Hon Nick Griffiths, with his legal background, Hon Helen Hodgson with her accounting background and Hon Max Evans from the government benches who has had a long career in accounting." In that case, one would have three people with intimate knowledge of matters which the committee is investigating. When the ALP member for North Metropolitan Region is to chair the committee, who is supposed to be a punitive power broker from the ALP -

Hon N.F. Moore: The word is "putative": Would be, if he could be!

Hon GREG SMITH: Indeed. This committee must then be a stunt for political purposes. It is not an inquiry designed to help investors who have lost money, as the Government is trying to do. The Government is doing everything in its powers.

It is allocating an enormous amount of money to the Gunning inquiry, auditors and all sorts of investigators to untangle the web behind some of these companies, some of which are not set up simply. One cannot go to the directors of the company and say, "Can we look at the bank account?" These accounts go back for years and involve other companies. It is an absolute web.

Hon Ken Travers: What was Hon Bob Pike's qualification to chair the Western Women inquiry?

Hon N.F. Moore: Is that what you're worried about?

Hon Ken Travers: He was attacking my integrity.

Hon GREG SMITH: I was attacking not your integrity, but your credentials as the best person the ALP has to propose to chair a committee to inquire into the finance broking industry.

If Hon Ken Travers thinks that he is the person with the best credentials and most experience on the opposition benches to chair a committee into the finance broking industry, let him say in his response that there is no-one else in the Australian Labor Party with better credentials or who is better equipped to chair the committee. Can he suggest to us, for example, that Hon Nick Griffiths with his legal background would not be better equipped to chair a committee looking into the finance broking industry?

Hon Ken Travers: Why was Hon Peter Foss not better equipped to chair the Western Women's committee than Hon Bob Pike?

Hon Derrick Tomlinson: Hon Bob Pike was the chairman of a standing committee. You must understand the difference between a standing committee and a select committee and then you will answer your own question.

The PRESIDENT: Order!

Hon GREG SMITH: It comes back to the essence of the argument, which is that the Gunning inquiry's integrity is beyond reproach. Judge Gunning will not compromise his integrity. He has spent a lifetime acquiring a good reputation. Does anyone think that as a last act he would do a favour to a Government to try to save it from embarrassment? I do not think so. No-one else on the inquiry is likely to do that either.

If the ALP wants to start naming properties that have questionable mortgages over them, naming people in the Chamber and putting question marks over their integrity, they will be damaging the ability of the Gunning inquiry or liquidators to recover the assets against which people have mortgages. If an asset has been valued at \$350 000, \$3.5m or \$5m and it is named in the public arena, people know loans are outstanding against it, it cannot service the interest and it will be liquidated, it will be put on the market and auctioned at a liquidator's auction. The people who have their money in the mortgage will get only their percentage of what is left after the property is sold. Some people are second or third mortgage holders, who are likely to get nothing. The best and most responsible course of action is to let the Gunning inquiry go about its business.

If one were to ask any business person if he had loans or accounts outstanding, one would find very few who would say that they had not. The ALP is looking for a company that has one loan in default. When it finds a company with a loan in default because interest was not paid on the correct day, it will name the property or finance broker. That will put a question mark over the integrity of the finance broker and the people responsible for managing the property. The cycle will then start, liquidators will move in and the property will be sold. When it is sold, the people with the mortgages will pick up what remains. Liquidators sometimes consume 30 per cent of the property value with their charges. It is therefore very irresponsible of us as a Government and of the Opposition simply for political purposes to try to put financial pressure on bringing into public light certain mortgages that are having difficulties. I can assure members that if they went to the pastoral area, they would find nearly every pastoralist has difficulty servicing his mortgage. If one of the pastoral houses or Wesfarmers loses money, no-one in this place will be wanting an inquiry into why it lent more than the value of the pastoral property. Pastoral properties have devalued 50 per cent in the past five years. That is a business reality.

Higher interest with higher risk is why there was a big move to finance brokers. Some people had money they had accumulated over a lifetime so that they could live on it. Once the bank interest rate dropped to 4 or 5 per cent, to get a better return they saw finance brokers who were offering big interest rates. They invested their money with them. Some of them will lose it. It is easy to be wise with hindsight. If people wanted to take no risks at all with their money, they could put it in the bank and receive 4 per cent perhaps without risk, although banks have gone broke as well. However, if people see an advertisement in a newspaper indicating that money is wanted and that they will be paid 12 per cent, one must ask oneself if others are prepared to pay three times the market rate to get their money, why is it so? The reason it is so is that more risk is attached to it. So when bank interest rates fell, more people went to finance brokers to get higher interest rates. That is why complaints over that period escalated.

At the same time, there has been a period of zero inflation in much of the commercial market, and in some cases deflation. Therefore, mortgages that have been taken out at one price of a percentage of the equity -

Hon Ken Travers: When the percentage is over 100 per cent of the equity, the problem arises.

Hon GREG SMITH: That is where the problem arises. As we have said, some valuers have over-valued properties and improperly valued properties. Where that has happened we will throw the book at them and the full weight of the law will come down on them. The last thing we want to do is protect anybody acting in an improper manner. They will be charged.

The member will find that that will be the outcome from the Gunning inquiry. To suggest that a parliamentary inquiry has a better ability to find people who have acted improperly than an inquiry undertaken by Judge Gunning and eminent accountants, auditors and investigators is absolutely ludicrous.

Hon Derrick Tomlinson: Evidence taken before a select committee cannot be used in a court of law.

Hon GREG SMITH: Is that correct?

Hon Derrick Tomlinson: It is privileged information.

Hon GREG SMITH: It comes back to the political football argument. Why else would the Opposition want an inquiry? I imagine it is so that its members can call witnesses and have them give evidence. Even though that may be covered by parliamentary privilege, questions would be asked in the House about the information that has been gathered. We will then read about it in *The West Australian*. A finance broker might be called before the select committee who has one loan in default. The next thing we would find is that information would be published in *The West Australian* because it would have been mentioned in this Chamber. Therefore, another property would be devalued because liquidators would have to move in.

Hon Ken Travers: I hope you are not suggesting someone would breach parliamentary privilege.

Hon GREG SMITH: I am not suggesting that at all. I am suggesting that information gathered during an inquiry could be used in a political manner.

Hon Ken Travers: That would be a breach of parliamentary privilege.

Hon Derrick Tomlinson: People being compelled to answer questions and that information being used in this House would not be a breach of parliamentary privilege but it would be a breach of professional ethics.

Hon GREG SMITH: When Hon Ken Travers winds up the debate on this motion, I want him to do a couple of things: I want him to let us know how he thinks the make-up of the committee of members of this House would mean that it would be likely to have more experience and knowledge and a better ability to get to the bottom of the finance broking industry than the Gunning inquiry. I want to know why he thinks it is worth using parliamentary resources and taxpayers' money to carry out one inquiry parallel to another. I would like know how he thinks a three-member committee - two from the Opposition benches and one from the Government - will be more impartial than the Gunning inquiry. If he can answer those three questions satisfactorily I might just think about supporting the motion.

HON W.N. STRETCH (South West) [4.40 pm]: I have to oppose this motion. I am not interested in the politics of it. There are some well-used and well-respected conventions in this State, and one is the separation of powers between Parliament and the judiciary. We go down a very dangerous path when we set up a select committee that will impinge on the investigations of an inquiry that is already up and running. Hon Derrick Tomlinson has already pointed out by interjection that evidence collected by the select committee cannot be called in a civil case. Therefore, in its enthusiasm to drag people before it, a committee of this place could affect the outcome of a civil trial. The fact that there are already 26 officers looking at this issue gives us some idea of the scope of the inquiry. With the best will in the world, the members of the committee could act like ballet dancers in hobnail boots - they may think they are doing the right thing and are well protected, but when they go in they could tread on delicate parts of the law, which could well let off the hook the very people the committee is after. I can only say from experience that I was on a committee like that for a short period and one is really very limited in what one can do. If one has respect for the inquiries currently going on and the people on them, one could do them a great disservice by asking too many questions. This is what I found on my committee. With nearly every avenue of investigation I found that there were already inquiries under way or with charges pending. When one finds that, one should close one's book, tiptoe away, be patient and bide one's time. If one thinks by the end of the inquiry that certain stones have not been overturned and should have been, then that is a good time to look at the issues again.

I urge members at this stage to be patient, to forget the political gain that may be achieved by chasing these people and calling them before a committee of this House, because in the long term it is not important. The important thing to remember is that the proper processes of law are carried through. I do not think it will bring any credit on the House to set up the machinery for a select committee inquiry at this stage because it could put those processes in danger. On that basis, members should think seriously about this motion again. I cannot support it. The matter is beyond ideology and a lot of these issues go far beyond day-to-day politics. They are long-term issues and if any committee acted in a way that reflected on the future power of committees of this House, whether they be standing or select committees, and their ability to hold inquiries in the future, it would be a very serious matter.

I am not denigrating the plight of the people who have lost money - that is a very sad and desperate thing and sadly that has happened many times previously. The speeches that we are listening to in this debate are the same as those that we made about the Teachers Credit Society, the Swan Building Society and Western Women Financial Services when we were on the other side of this House. These also slipped under the nose of the then Attorney General, who was in charge of those matters. These things happen. We were screaming for a day-to-day watch on interest rates and wanted the responsible minister to instigate an inquiry when interest rates rose or fell beyond normal expectations. Exactly the same speeches that we are hearing now were made by members on this side of the House in 1985, 1986 and 1987 and can be read in *Hansard*. In the long term, there are still certain guiding principles to be followed. If interest rates go mad, we know that somebody is desperate to get money. Equity is much harder to find because people can do all sorts of things with equity. If one has

lost 100 per cent equity, then it is far too late. If one has only 65 to 70 per cent equity, then it should be starting to ring a few warning bells.

They are the fine points of the matter. I seriously doubt whether the resources of this House would be well directed if they are used to go over the issues which are being covered by a full civil inquiry and the investigations of the police. I therefore urge members to reject the motion and after the outcome of the Gunning inquiry to consider whether this House should follow up this inquiry because then some good may come of it. I think the potential for damage at this stage in interfering, unwittingly, with the evidence that may be needed for those trials is too great.

HON NORM KELLY (East Metropolitan) [4.45 pm]: In determining a position on this motion, I think it is crucial to keep uppermost in our minds the needs of those people who have been damaged financially and emotionally by the actions of certain finance brokers. Irrespective of whether they get 80¢ in the dollar as Hon Greg Smith says, or they end up getting a full return of their money, it is very difficult to compensate them for the emotional turmoil that they have had to go through in trying to get justice. In these days, when there is increasing demand for people to self-fund their retirement, there will be an increasing market for unscrupulous operators to try to take advantage of those people. People with big superannuation payouts want to invest their money to maximise the returns for the rest of their lives. Therefore, it is important that we look at legislation that protects such people as much as possible.

The issues involved in this matter can be devolved into three main areas - criminal, legislative and administrative. In respect of criminality and of brokers acting beyond the law, establishing avenues of legal redress would be beyond the scope of a select committee inquiry. As members have said today, we will also have to be very careful that the actions of a select committee do not impede or compromise the criminal investigations. If it were formed, a select committee should be able to quickly and easily identify avenues of legal redress. I think it can be argued that those legal avenues have already been fairly well identified in a general sense, but they could be better clarified. A variety of bodies and agencies are involved in investigating finance brokers at the moment. I am not sure whether the Anti-Corruption Commission is investigating cases. However, the police fraud squad, the Australian Securities and Investments Commission, the Ombudsman and the Gunning inquiry are all providing avenues of redress and investigating finance brokers to different degrees and for different reasons. I do think that a select committee - or an existing standing committee - could have a useful input into this issue. A committee of this House could highlight the pluses and minuses of the investigations of each of the agencies I have just mentioned so that if there are gaps in those investigations or in the Gunning inquiry, that would be a good argument for a committee of this House to step in and fill in those gaps and assist those inquiries rather than impede them.

If this select committee inquiry were to take place it would be important to identify how the committee's resources could be best used and targeted. The industry is currently acting under grossly inadequate laws. The Government should be criticised for its failure to take appropriate action to correct flaws in the legislation. The alarm bells have been ringing for a number of years. I will quote from annual reports of the Finance Brokers Supervisory Board to give members an idea of how the Government has been made aware of the problems in the legislation over recent years. Page 2 of the 1996-97 annual report reads -

The Board considers it is a matter for the Government of the day to decide whether the finance broking industry should be regulated or not. It is not for the Board to express a view one way or the other. The Board is established to administer the Act and if the Government considers that the existing regulatory regime should be maintained, then the Board is prepared to continue to carry out its obligations under the legislation.

However, there is no doubt in my mind that the provisions of the Act must be amended if regulation by licensing is to continue. This has been a recurring request made both by my predecessors and myself.

In the conclusion of the board's 1995-96 annual report John Urquhart, the chairman of the board, states -

While legislation remains in force whereby the Industry is to be regulated, then the Board will continue to press for appropriate legislation to cover the Industry in all its aspects. This has been the view of the Board long before my involvement as Chairman which goes back four and a half years. The Board has now decided to become more active in its endeavour to have the Act appropriately amended to cover all aspects of the finance broking industry.

In 1995-96 the chairman of the board was talking about the view of the board in the previous four and a half years. The board had been crying out for these changes for years and had not been adequately listened to.

It is also interesting to note that the Finance Brokers Supervisory Board has not yet released an annual report for the 1998-99 financial year. We have situation which has resulted in a public outcry about the regulation of finance brokers, yet more than 10 months after the end of the financial year we have not seen an annual report. I would like hear from the Government why the board has been allowed to be so tardy in producing a report, and why the Government, with its requirement to table a report in the Parliament, has not satisfied the public on the board's views of what has occurred over the past financial year. People are left to make their own conclusions as to why that report has not been tabled.

There has been a debate about the number of complaints lodged about finance brokers and whether the Government should have been more alert to the problems affecting the industry and taken earlier action, so I asked a couple of parliamentary questions in early April. The Government's answers to those questions were remarkably different from the information contained in the annual reports. Upon further questioning the Government stated that there were mistakes because of the failure to identify codes within the statistics. It was only yesterday that I received a summarised version of the recent history of complaints. That showed a remarkably different scenario with the number of complaints. For example,

according to what are purported now to be the correct figures, in 1996 a total of 50 complaints were received, whereas previously -

Hon Derrick Tomlinson: Against whom?

Hon NORM KELLY: Against finance brokers generally. Previously I had been told that only three complaints had been received. That is why, by interjection, I said that the alarm bells should have been ringing earlier for the Government.

Hon M.D. Nixon: There were only 50 complaints out of how many clients?

Hon NORM KELLY: Hon Murray Nixon said there were only 50 complaints, but each complaint could involve an investment of \$100 000.

Hon Derrick Tomlinson: The focus should be on who the complaint was against, because if there is a concentration on a single or a group of brokers there is an alarm bell. If complaints are made across a broad spectrum, one might not see the pattern the member is seeing in the data which is incomplete.

Hon NORM KELLY: That is right. That is why these figures list the number of firms involved.

Hon Derrick Tomlinson: That was my question to you.

Hon NORM KELLY: Unfortunately, prior to 1996 we do not have a history of the number of firms involved. However, in 1996, 40 firms were involved in those 50 complaints, so the complaints were widespread. The number of complaints increased by 125 per cent from the previous year.

Hon Derrick Tomlinson: It is widespread, and you do not get a focus when you get a spread like that.

Hon NORM KELLY: It should be an indication that all is not right. The fact that the Government previously stated that there had been only three complaints in 1996 is cause for serious concern. The Minister for Fair Trading has argued that the department was not aware of a rise in the number of complaints until a lot later than now appears was apparent. That is why I am looking at whether the Government has been negligent in not acting earlier. This is critical to the argument.

We also find that of those 50 complaints, 27 were lodged by the board, the registrar or the ministry, and 23 came from the public. Twenty-seven complaints came from people who would be very much aware of possible impropriety among finance brokers. In the previous year only eight complaints were lodged and the figures did not distinguish whether complaints came from the board, the registrar or the ministry. The people directly involved in the administration of finance brokers had a threefold increase in the number of complaints, yet the Government is saying it did not know about them - in Hon Greg Smith's case, until now.

Hon Greg Smith: I said that 12 months ago.

Hon NORM KELLY: The figures relate to four years ago. This is only one aspect of the problem. In itself it is not central to whether a select committee should be established to look at this issue. However, it indicates a need for legislative change and these complaints should have suggested that perhaps the legislation should be changed. The minister established a finance brokers industry reference group to look into these matters. Cabinet endorsed that group's recommendations on 29 March 1999. The Government has had these recommendations for legislative change for more than a year but we are yet to see anything. Surely the Government should have acted more quickly.

In answer to a question I asked on 15 April, the minister stated -

The final report of the finance brokers industry reference group made a series of recommendations for legislative change. Given the problems that have become apparent in the industry since the time the final report was delivered, further legislative proposals to bolster protection for consumers who deal with finance brokers have been examined. A submission seeking cabinet approval to draft amendments that include both recommendations from the reference group and further proposals is near completion.

How long will it be before such action is taken?

Debate adjourned, pursuant to standing orders.

CORONERS AMENDMENT BILL 1999

Returned

Bill returned from the Assembly without amendment.

[Questions without notice taken.]

RAIL FREIGHT SYSTEM BILL 1999

Standing Orders Suspension

HON KIM CHANCE (Agricultural) [5.31 pm]: I move without notice -

That so much of standing orders be suspended to the degree necessary to allow the Committee of the Whole House to consider a new part 6 to the Rail Freight System Bill -

Point of Order

Hon N.F. MOORE: We have not even decided which order of the day we will be on, and I indicate to the House that it will be Order of the Day No 1.

The PRESIDENT: The Leader of the House is correct, and if I have misdirected Hon Kim Chance, I apologise because I gave him the nod.

Hon Tom Stephens: Can I speak to the point of order?

The PRESIDENT: The Leader of the Opposition can speak to the point of order, but I am obliged to go to Order of the Day No 1.

Hon TOM STEPHENS: I understand the point, but the member is moving for the suspension of so much of standing orders as will enable the House to do certain things. Effectively that is outside the normal processes that would otherwise oblige the House to deal with the next order of the day. I understand that we will deal with this motion expeditiously. The motion to suspend standing orders is of such an extraordinary nature that it can appropriately be called at this time outside the normal sequencing that would otherwise flow with orders of the day.

Ruling by the President

The PRESIDENT: I understand where the Leader of the Opposition is coming from. However, first we must decide which order of the day we will deal with. If Hon Kim Chance wants to move the suspension of standing orders, going to Order of the Day No 4 would be the first step. If that succeeded, a second step would then be involved to suspend so much of standing orders to do the various things that Hon Kim Chance wants to do with that order of the day. It is not possible to jump the first hurdle and proceed directly to the second hurdle. I am obliged at this stage to call Order of the Day No 1, unless a member moves to suspend standing orders on another matter. Once that matter has been dealt with, we will consider our position. Order of the Day No 1 is a disallowance motion which has been moved pro forma, and I call on Hon Giz Watson to speak to the motion.

TOWN PLANNING AMENDMENT REGULATIONS (No 2) 1999*Motion for Disallowance*

Pursuant to Standing Order No 152(b), the following motion by Hon Giz Watson was moved pro forma on 21 March -

That the Town Planning Amendment Regulations (No 2) 1999, published in the *Gazette* on 21 December 1999, and tabled in the Legislative Council on 14 March 2000 under the Town Planning and Development Act 1928, be and are hereby disallowed.

HON GIZ WATSON (North Metropolitan) [5.37 pm]: The reason I have moved this motion needs some explanation and history. The disallowance is in response to the move by the Minister for Planning to amend the town planning regulations. Prior to the amendment in 1998, local councils had the power to advertise changes to their town planning scheme under certain conditions. I will explain to members exactly what that situation was before the amendment was made. Amendments to the town planning scheme, which were gazetted on 11 December 1998, changed the situation to enable local governments to advertise town planning scheme amendments without first seeking the consent of the Western Australian Planning Commission. I will quote from the amendment as it was published in the *Government Gazette* on 11 December 1998. Subject to certain conditions, local governments could proceed with those amendments to the town planning scheme. The amendment states -

- (2) If a Town Planning Scheme Amendment -
 - (a) is consistent with section 6(1) of the Act or is for a purpose or work or contains a provision or power that is set out in the First Schedule of the Act;
 - (b) is consistent with any regulations made under the Act;
 - (c) is consistent with the Metropolitan Region Scheme made under section 30 of the *Metropolitan Region Town Planning Scheme Act 1959*, a town planning scheme or amendments to a town planning scheme prepared under section 18(1)(ba) of the *Western Australian Planning Commission Act 1985* or any gazetted notice of the Commission relating to the Metropolitan Region Scheme or to a town planning scheme or amendment of a town planning scheme made under section 18(1)(ba) of the *Western Australian Planning Commission Act 1985*; and
 - (d) is consistent with any statement of planning policy prepared by the Commission with the approval of the Minister under section 5AA of the Act or any variation or amplification of the policy prepared by the Commission and approved by the Minister under the section . . .

The situation was that local councils had the delegated power to proceed with amendments to the town planning scheme without first applying for the permission of the Western Australian Planning Commission. The Minister for Planning amended the regulations in December 1999 because the Shire of Chapman Valley became interested in the issue of possible nuclear activities in its shire. During the debate about the international nuclear waste site proposed by Pangea Resources

Australia for somewhere in Western Australia, local authorities around the State developed an extensive interest about what would be the implication of such a proposal on their shires, including the possible impact of nuclear waste being transported through their shires or storage or other facilities being located in their shires.

The response from the shires was broad. At least 16 shires subsequently declared themselves nuclear free. The Shire of Chapman Valley went one step further, deciding that it wished to enshrine the intent of having the shire free of nuclear activities. It sought to do this by amending the town planning scheme. The shire council proceeded with the necessary process, including the advertising requirement. However, the minister took exception to the proposal and instructed the Shire of Chapman Valley not to advertise the proposed amendment. The Shire of Chapman Valley advertised the amendment in contravention of the regulations. At that point, the minister decided to reintroduce the arrangements that had been in place before December 1998. This change means all local councils require the approval of the Western Australian Planning Commission before they can advertise amendments to their town planning schemes. A facsimile from the minister dated 21 December was circulated to all local governments. It states -

You are advised that the Minister for Planning has made Town Planning Amendment Regulations (No. 2) 1999. The Regulations are being published in the Government Gazette today, 21 December 1999.

These Regulations withdraw the delegation formally provided to local government to advertise amendments without seeking the consent of the Western Australian Planning Commission. Local governments are now required to submit all town planning scheme amendments to the Commission for consent to advertise.

The Ministry for Planning has prepared a Planning Bulletin to provide further information regarding the new Regulations. The Planning Bulletin will be issued in the near future.

The letter was signed by the Secretary of the Western Australian Planning Commission. The immediate consequence of the amendment to the regulations is that councils are now required to seek permission before advertising amendments; however, the ultimate consequence is the resulting delays to applications for approval to advertise. This issue received much attention from local councils and the Western Australian Municipal Association raised concerns. It responded by seeking to meet with the minister to ask him to reconsider the heavy-handed approach to an issue particular to Chapman Valley. Opinions about the issue of nuclear-free zones should be put aside; the bigger issue is the power of councils to control their own business. The Western Australian Municipal Association wrote to the Minister for Planning on 8 December 1999 as follows -

Dear Graham

TOWN PLANNING REGULATION - DELEGATED APPROVAL TO ADVERTISE SCHEME AMENDMENTS

I refer to our Ministerial liaison meeting on 18 November 1999, where we discussed your advice that you are considering withdrawing Local Governments' delegated powers to advertise town planning scheme amendments as a result of the Shire of Chapman Valley's recent actions.

The procedures followed by the Shire of Chapman Valley in dealing with their scheme amendment demonstrate that the existing Regulations are not clear on the requirement for referral of scheme amendments where there is doubt in a matter. This area of doubt could apply to a number of issues, not just nuclear activities.

WAMA recognises that there is a need to address this uncertainty in the Regulations and Local Governments have indicated support for mechanisms to clarify that where there is doubt in a matter, approval to advertise must be sought. In this regard, WAMA suggests that one or more of the following options be implemented:

- (i) a revision and reissue Planning Bulletin No 29, to include additional information that confirms that where any doubt or disagreement between the Local Government and the Ministry or Commission exists then the matter must be referred to the Commission for approval to advertise the amendment prior to advertising;
- (ii) development of procedural guidelines to accompany the Regulations, elaborating on the circumstances when referral to the Commission for advice and/or approval to advertise a scheme amendment is required;
- (iii) amendment of the Regulations to the effect that Local Governments must send copies of each scheme amendment to the Commission prior to advertising and allowing the Commission up to fourteen (14 days) in which to advise that Commission approval for advertising is required.

Each of these options can be implemented within the spirit and intent of the current legislative framework and will further assist in the efficient and timely processing of scheme amendments for the benefit of all parties involved in the planning and future development of Western Australia.

WAMA strongly believes that withdrawing Local Government's delegated powers to advertise scheme amendments and instead, requiring all scheme amendments to be given approval to advertise would be a retrograde step. WAMA urges you to consider the options listed above as viable and practical alternatives to reverting to the former system of requiring Commission approval for all scheme amendments. As a demonstration of our commitment to the resolution of this issue, WAMA is prepared to develop or assist with drafting of the relevant documents to implement these strategies.

It would be appreciated if you could inform WAMA of your final decision at the earliest opportunity.

Yours sincerely

Cr Jamie Edwards JP
President

WAMA made every effort to negotiate with the minister and the Planning Commission to convince them to look at alternative ways of dealing with this stand-off on the issue of a local council's power to advertise amendments without prior permission from the commission. The letter clearly indicates WAMA presented a range of alternatives to try to resolve that deadlock. The minister's response was fairly short, saying he would proceed anyway. The disallowance motion is necessary to support the concerns of those local councils.

The intention of the amendments made in December 1998 to streamline the processes were supported by WAMA and the Planning Commission. The amendments were made to simplify and expedite the processes of scheme amendments by -

Restricting the need to obtain Commission approval to advertise scheme amendments to circumstances of State or regional concern;

Dispensing with the need to gazette amendments at the consent to advertise stage; and

Enabling the Minister to require readvertising of an amendment where a Local Government had not taken adequate steps to advertise an amendment.

It should be noted that the scheme operated successfully for over 12 months before the minister implemented the next change. Only 2 to 3 per cent of amendments to town planning schemes made by local authorities are considered contentious. This action to remove delegated powers across the board is a gross overreaction to a particular circumstance in relation to the actions of one council. It has been noted by many councils, and I have received correspondence from 10 councils, including two in my immediate area of the North Metropolitan Region - the Town of Cambridge and the City of Joondalup - that they are concerned about additional delays to their approval processes and the impact on development. From correspondence I have had with local councils and in conversations with the Western Australian Municipal Association, I know that councils estimate the delays and the additional time that will be required for developments to go through the additional approval process to be anywhere between two and 12 months. This has enormous ramifications for councils and any proposed developments in their region. It is not just a cost in time; there will be a financial imposition from any delay.

The current situation with the Shire of Chapman Valley is that the amendment it advertised has not been granted final approval. Members need to be aware that the Minister for Planning still has final right of veto on these amendments. The specific issue of whether a council has the power to amend its town planning scheme to impose a cross-shire exclusion of certain activities is a moot point. The minister's response when Chapman Valley Shire Council notified it would advertise to amend the town planning scheme so that the shire could become nuclear free was that he considered that was outside of the powers under that town planning scheme, whereupon the shire sought a legal opinion from Minter Ellison, which I have read. The opinion provided to the Shire of Chapman Valley indicated it was well within its legal powers to do that. It is worth noting that the precedent to some extent is already set as a number of shires have provisions to prohibit noxious industries within their boundaries, including Fremantle and Swan Valley. It might be that nuclear activities such as enrichment, processing and storage of nuclear material fall under the provisions of a noxious industry. That would be an interesting legal debate.

More recently shires have expressed interest in becoming free of genetically modified crops - GM free. We are seeing a testing of what provisions will be allowable under a town planning scheme and local government law. The specific issue of whether the Shire of Chapman Valley ultimately will be able to fulfil its wish to prohibit nuclear activities in the area has a particular significance. That is because the proposed heavy industry site at Oakajee is well located for a number of reasons. One of the obvious possibilities of the location of that heavy industry site and the deep water port is that it could be either an export point for uranium, if we made the unfortunate choice to export uranium; or it would be a convenient entry point, if we did at some point decide to import nuclear waste, which hopefully we will not. That was part of the concern expressed by that local community, which was reflected in the actions taken by that local authority. We are yet to see whether the shire will be successful.

I am also aware that the Ministry for Planning as a further response to this issue has said it is preparing a position statement on the issue of whether shires can make this kind of amendment to their town planning scheme, including a blanket nuclear-free policy. I will quote the conclusion from the legal advice from Minter Ellison that was given to the Shire of Chapman Valley on that issue last year. The conclusion from that legal advice reads -

4.1 Amendment No. 22 as redrafted in this advice (and, in fact, generally as originally drafted by you) can be made by the Shire under section 6 and the First Schedule of the *Town Planning Act*. That is, it is authorised by the provisions of the *Town Planning Act*.

4.2 Amendment No. 22 (as redrafted in this advice) is not inconsistent with any State or Commonwealth legislation and in particular, is not inconsistent with the *Nuclear Activities Regulation Act 1978 (WA)*, the *Mining Act 1978 (WA)*, the *Environmental Protection (Nuclear Codes) Act 1987 (Commonwealth)* and the *Nuclear Non-Proliferation (Safeguards) Act 1997 (Commonwealth)*.

4.3 The only avenue now open for the Shire to reactivate Amendment No. 22 is to recommence the amendment process with the Amendment as redrafted in this letter subject to any comments you may have with respect to that amendment.

Hon Mark Nevill interjected.

Hon GIZ WATSON: I have said that whether it is legal is a moot point, because I understand that the Minister for Planning says he has Crown Law advice that it would not be possible under the town planning scheme. As we are not privileged to see that Crown Law advice it is difficult to make an assessment on that. To some extent the issue of whether councils can use this mechanism to express the concern of their constituents about nuclear activities is untested, and is a distraction from the main argument about this disallowance, which is about the Minister for Planning's heavy-handed response to a particular issue which was raised by a particular shire. If this regulation were allowed to proceed it would penalise every shire in this State. It would impose a major cost on local councils and on the Western Australian Planning Commission. That is because one of the impetuses to change the regulations in December 1998 was to reduce the workload of the Planning Commission and to try to streamline what was considered to be minor amendments which councils could handle themselves. We have seen an overreaction and a heavy-handed approach by the minister. I have to ask why, politically, such a response was forthcoming, because it has not helped the situation at all. Is the minister trying to support nuclear activities in various shires in this State? The minister's response has inflamed the debate even more than it would have done had it been handled in some other way. We know that sufficient members oppose support that, so why not!

Sitting suspended from 6.00 to 7.30 pm

Hon GIZ WATSON: I have one further point to make before I make some concluding remarks on this disallowance motion. Before the dinner suspension, there was an interjection about the legislation which will pass through this Chamber before Christmas: The Nuclear Waste (Storage) Prohibition Bill. Although the Greens (WA) will be pleased to see that put in place, I have obtained legal advice that that legislation will not solve all the problems associated with even the simple issue of a nuclear waste dump. I still hold that it is very important that local councils remain aware of this issue as it might impact on their local area. Of course, there are ramifications to do with uranium mining or processing of uranium which do not necessarily relate to that prohibition Bill. We have not put this issue out of the State yet; it is still very much a live issue for us.

I urge members to note that this disallowance motion has widespread support across a whole range of local councils - I have had correspondence from Northampton, Greenough, Belmont, Joondalup, Bridgetown, Greenbushes, Wickepin, Murray, Cambridge, and Victoria Park councils.

Hon Derrick Tomlinson: Not Kalamunda?

Hon GIZ WATSON: I have not had correspondence from that council directly.

Hon Derrick Tomlinson: I will give you mine.

Hon GIZ WATSON: I thank Hon Derrick Tomlinson. Those councils urge members to support this disallowance motion. The Western Australian Municipal Association has clearly stated on the public record that it considers this amendment to the regulation to be ill-conceived and excessive. The Greens (WA) agree with the association on that point. I reiterate my support for the efforts of local councils to prohibit nuclear activities within their local authority areas. I also reiterate our support for local communities who have urged their shires to take this step. Local councils are often more receptive to the voice of the community than perhaps we are at a state level. I urge all members to support the disallowance motion and trust that it will succeed.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [7.35 pm]: The Government does not support this disallowance. A clear explanation of the situation was provided by Hon Giz Watson. I appreciate how she described the background and did not stray widely to areas of nuclear waste, which she may have been tempted to do. I know the temptation was there, but she resisted it to the benefit of the debate. We are considering town planning legislation, not nuclear waste.

The Minister for Planning made previous regulations which were designed to speed up and make more effective and efficient the town planning processes. Amendments to the Town Planning Regulations were gazetted in 1998 to enable local governments to advertise town planning scheme amendments without first seeking the consent of the Western Australian Planning Commission. The amendments also dispensed with the need to publish amendments in the *Government Gazette* at the advertising stage. That regulation was introduced by the Government to try to speed up and assist the town planning process.

However, the Shire of Chapman Valley in August 1999 decided to advertise an amendment which, according to the advice of the Crown Solicitor, was contrary to the criteria established under the regulation. Indeed, it was also advised that such an amendment was not authorised by the provisions of the Town Planning and Development Act 1928. It was inconsistent with state and commonwealth legislation, particularly the WA Nuclear Activities Regulation Act 1978, the WA Mining Act, the commonwealth Environmental Protection (Nuclear Codes) Act 1978 and the commonwealth Nuclear Non-Proliferation Safeguards Act 1987.

Having been told all those things by the Minister for Planning, the shire proceeded to advertise the amendment which in the Government's view was contrary to the regulations. The amendment sought by the Shire of Chapman Valley, and subsequently by the City of Geraldton, was to impose a prohibition on nuclear activities in the local government area even

though such activities are regulated by other commonwealth and state legislation. In any event, a blanket prohibition as sought by those authorities is not authorised under the Town Planning and Development Act. As a result of the decisions by the two local authorities to take that course of action, the minister took the view that they were taking advantage of his earlier decision to seek to speed up the processes and use them for essentially small "p" political activities which he believed were outside the normal planning process. Other vehicles are available for people to argue the case about whether something should happen from a political point of view.

Following this deliberate act of advertising an amendment in contravention of the regulations, the Minister for Planning decided to reintroduce arrangements which require the commission's consent prior to advertising amendments. Accordingly, any amendment initiated after the *Government Gazette* notice of 21 December 1999 - which we now debate - requires the commission's consent to advertise in accordance with the Town Planning Amendment Regulations (No 2) 1999. This decision was not taken lightly by the minister. He had agreed to, and spoke in support of, the Western Australian Municipal Association proposal to bring in the original regulations to allow for a more speedy and efficient process to be undertaken. Some members have said that they are reluctant to return to regulations that make the process less efficient; in other words, to go back to where we came from. That is understandable. However, it is clear that the benefits anticipated to be achieved through the regulations were not forthcoming as the actions of some local governments have needed to be policed and enforced on an ongoing basis.

Accordingly, to ensure the process would not continue to be abused, the minister decided to withdraw the delegation and return the process to the previous regulations, which require all rezoning proposals to obtain the consent of the Western Australian Planning Commission before advertising. The Minister for Planning has spoken to the Western Australian Municipal Association about this matter. He has advised that he has an open mind about how to make town planning scheme amendments processes more efficient and to ensure that the processes are used for bona fide planning purposes. He has invited dialogue to continue on this matter, but he believes that in the interim we should withdraw the amendments and go back to the old arrangements so a situation does not continue to develop in which local authorities, in a sense, flout the improvements in the regulations for essentially grandstanding political activities.

I do not propose to go into the argument about whether we will have a nuclear waste disposal plant in Western Australia, whether we will have uranium mining or whether Oakajee might be used as a port to export uranium or import other matters, because that is incidental to this exercise. The Minister for Planning is trying to say that the planning processes should not be used as a political vehicle to get across political measures; there are other ways of doing that. Going down this path will raise concerns about the planning process, because it gets mixed up with other issues which are extraneous to the planning process.

The Government has indicated to WAMA and the local authorities that it is prepared to talk about this issue. It is not prepared to accept the way in which this concession has been "abused" by a couple of local authorities which are seeking to make a political point. I indicate to the House that the Government will not support the disallowance. I also indicate that we will continue to seek a solution to the problem that was initially overcome by the original regulations to try to improve the efficiency of the town planning process.

HON J.A. COWDELL (South West) [7.42 pm]: The Australian Labor Party supports this disallowance on the basis that the withdrawal of this delegation of authority to local government by Minister Kierath is not warranted. The previous speakers have dwelt on the key issues at hand. The key argument is summarised quite succinctly by WAMA; that is, that local government remains opposed to the changes contained in the amended regulations. Councils consider that reverting to a process which requires all councils to seek WA Planning Commission approval before advertising all scheme amendments is unreasonable and misguided as only a small percentage of amendments require the consent of the commission. This view is exemplified in some of the correspondence from various local government authorities. The City of Joondalup advised the minister that -

. . . it is disappointed that the procedures introduced on 11 December 1998 enabling local governments to advertise town planning scheme amendments without obtaining the Western Australian Planning Commission's consent, have been abandoned after just one case of misuse as the former procedures were considered effective in reducing processing time and allowed resources to be allocated more productively;

That is a valid argument regardless of whether one accepts the premise of one case of abuse. The City of Belmont also stated the case clearly when it wrote to the minister saying -

We are certain that the vast majority of local governments have acted responsibly in regard to the advertising of amendments. If problems have arisen, it would seem to us that the appropriate response would be to invoke procedures and policies to remedy the situation.

In actual fact, the biggest losers from your decision are the community and the development industry. As you are fully aware, statutory delays add significant costs, and in some cases completely stifle development.

In essence we make the following points:

1. It can take, in the worst of cases, up to 12 months to obtain the consent of the Commission to advertise an amendment.
2. The applicants, many of whom are looking to invest heavily in projects relying on an early outcome to the rezoning process, will be the ones most deeply affected by your decision.

3. The Commission has for some considerable time struggled against the odds in its endeavours to deal with all manner of applications in a fair and reasonable time, not through any fault of the staff, but because of the lack of adequate staff to deal with the volume of applications that it receives.

Similar points of view were exemplified in the correspondence of other local government bodies. I will not go into these. Some of those views have been put already. It suffices to say that the Western Australian Municipal Association summarised the situation in its letter to Minister Kierath which was previously referred to by Hon Giz Watson when it wrote -

... the Association strongly believes that far better mechanisms exist to clarify the circumstances under which Councils could use their delegated authority.

... WAMA remains convinced that the introduction of one or more of the following options would achieve the certainty and clarification of the scheme amendment process that the Government requires, without unnecessarily disadvantaging stakeholders:

The association of course requested that the minister consider the implementation of one or more of the alternatives it put forward and that he should look at an alternative to amending Town Planning Regulation (No 25) at the earliest opportunity.

The upper House by disallowing this Town Planning Amendment Regulation (No 2) is assisting the minister to come up with creative solutions to this problem. We are bringing the minister back to his own good idea of 1998, which of course was the situation that was much vaunted in the publications of the Western Australian Planning Commission and extolled by the minister at the time. The Leader of the House has argued that two local authorities have been taking advantage of their new freedom and have been using the planning procedures for small "p" political purposes. He suggested that the actions of such councils and local government bodies in general needed to be policed. I would suggest to the House that it is far more likely that the actions of the Minister for Planning need to be policed, and that is precisely what we are doing by supporting this disallowance. I commend the disallowance to the House.

HON NORM KELLY (East Metropolitan) [7.49 pm]: The Australian Democrats will be supporting the disallowance. The gazettal of the Town Planning Amendment Regulation (No 2) 1999 reintroduced the need which had existed prior to 11 December 1998 for local government authorities to require the Western Australian Planning Commission to give consent prior to those local government bodies advertising town planning scheme amendments for the period 11 December 1998 to 21 December 1999.

Local government bodies had the delegated authority to initiate such advertising for just over a year. That responsibility, instigated by the Minister for Planning in December 1998, was vaunted as a much more efficient way of handling planning processes. The changes would speed up processes which had been criticised as overly slow and unnecessarily bureaucratic. Local councils appreciated the delegated powers because it made it far easier for them to deal with developers at the local level. The changes allowed them to be more efficient in processing town planning scheme amendments. Letters I have received from local government bodies express strong opposition to the latest gazetted regulations. These councils have corresponded with all parties and I have received copies of letters from the City of Gosnells, the City of Belmont - both of which are in the East Metropolitan Region - the City of Joondalup, the Shire of Bridgetown-Greenbushes, the Shire of Wickham and the Town of Cambridge. The City of Gosnells has made huge leaps forward in its planning processes, with the help of people such as Stuart Jardine, who was brought to Western Australia because the Minister for Planning recognised his skills. The City of Gosnells was able to get him to help with the revitalisation of that region. That revitalisation was given a boost by the approval of underground power through the town's centre.

I received a letter from the City of Gosnells which sums up the position of a number of local government authorities. I quote -

Planning personnel within this local government vehemently support the intent of the Disallowance Motion for the following reasons:

The change has resulted in increased administrative delays in the planning process;

The scheme amendments subject to the change are of a local nature;

The WA Planning Commission and the Minister for Planning retain the right to veto over all amendments to allow for regional and political considerations.

Despite being able to initiate advertising, the council recognises that the commission and the minister still have the power of approval. The powers have not been delegated; only some of the process has been delegated. The letter continues -

The amendment appears to have been undertaken unnecessarily, possibly in response to the actions of one local government.

The Minister for Planning has reacted to what he believes is the politicisation of the process. If it was purely a matter of what happened with the Shire of Chapman Valley, it seems a pity he has punished all 144 local government authorities because of the actions of one local government body. Members are probably aware some other councils, such as the Town of Claremont, are undertaking similar actions because they are concerned about nuclear activities within their boundaries and their residents and ratepayers are rightly demanding those local government bodies take action on their behalf. As good local government bodies, they are responding to those requests.

It is 23 years since the City of Collingwood in Victoria became the first Australian local government body to declare itself a nuclear-free zone. It is understandable that local councils are increasingly concerned about the impact of nuclear activities such as transport, storage or exploration and mining within their boundaries.

Hon Mark Nevill: I did not know that Collingwood was all that well respected.

Hon NORM KELLY: The member would be surprised. Although we passed the nuclear prohibition legislation last year, Pangea Resources is still active in the State and various ore bodies such as Yeelirrie, Kintyre and many others are being developed - over a dozen have been recognised as possible commercial ore bodies - and it is understandable that local government bodies are concerned about that. It could be seen as a knee-jerk reaction by the minister in response to what these councils are doing. Being the representative umbrella organisation for local government, understandably the Western Australian Municipal Association has been very angry about the decision. I will quote from a media release from WAMA on 22 December 1999. In the statement, the president of WAMA, who I believe is now the Liberal candidate for a Liberal blue ribbon seat, states -

"The Minister's unilateral decision to amend the Regulations so that Local Government's must seek Planning Commission approval to advertise scheme amendments is ill conceived and over the top" . . . "Once again Mr Kierath has taken a sledge-hammer to crack a walnut. These changes to the Regulations are the Minister's response to a disagreement he is having with one Council".

I am sure that if this Government is re-elected and it is looking for a new Minister for Local Government, it would consider people like Jamie Edwards as being competent nominees for that position.

Hon J.A. Cowdell: What? Over Hon Bruce Donaldson?

Hon NORM KELLY: Okay. He may have to represent Hon Bruce Donaldson in the lower House.

WAMA has taken on the concerns of these local government bodies and acted responsibly and reasonably and has been quite hard working in trying to resolve this issue. It appears it has been working harder than the Minister for Planning in trying to get some form of resolution. In a letter from Councillor Jamie Edwards, President of WAMA, to the Minister for Planning dated 14 February 2000, Mr Edwards states -

. . . WAMA remains convinced that the introduction of one or more of the following options would achieve the certainty and clarification of the scheme amendment process that the Government requires, without unnecessarily disadvantaging stakeholders:

It then lists three possible ways to resolve the problems and includes a revision and re-issue of Planning Bulletin No 29, the development of procedural guidelines to accompany the regulations which would give local government bodies a far tighter way of utilising the delegated power, and also amends the previous regulations to the effect that -

Local Governments must send copies of each scheme amendment to the Commission prior to advertising and allowing the Commission up to fourteen (14 days) in which to advise that Commission approval for advertising is required.

They are very reasonable and responsible mechanisms which would facilitate the speedy processing of planning applications for amendments to the town planning schemes. However, it appears that the minister has decided that he does not want to work out with local government how best to make these things work. He has taken the over-the-top approach of withdrawing the delegated responsibility entirely.

It was interesting listening to the Leader of the House's comments on the legal opinion. I am aware that the Shire of Chapman Valley had a legal opinion to the effect that what it was doing was correct and within the bounds of its town planning schemes. The Minister for Planning has had legal advice to the contrary. However, we do not have access to that advice.

The Leader of the House referred to both state and commonwealth Acts to justify the reason that shires such as Chapman Valley could not use town planning scheme amendments for the purpose they sought. That is the first that I have heard about those Acts overriding what is done here, so I have not had time to consider what is contained in those statutes. This issue largely has been brought about by a dispute between the minister and the Chapman Valley Shire Council, and unfortunately all local governments in Western Australia will suffer because of that.

If these regulations are disallowed the Minister for Planning could take two lines of action. First, he could re-gazette the same regulations, which could readily and understandably be seen as a contempt of the Parliament's decision.

Hon N.F. Moore: I do not think he would do that.

Hon NORM KELLY: It has been put to me as a possibility, which is why I bring it up.

Hon N.F. Moore: Not by the minister. The last minister to do that was Bob Pearce.

Hon NORM KELLY: I brought that up because it was put to me from government sources. I do not think the minister would do that, but it is something to be considered. The second line of action, if this disallowance motion is successful, is for the minister to sit down with the Western Australian Municipal Association to come up with a procedure that gives local government the greatest possible autonomy over its local planning decisions. Such a procedure should do away with

the overly bureaucratic process which the minister has now reimposed on local government and which means the minister and the Western Australian Planning Commission retain the powers of veto over town planning scheme amendments prior to final approval. It is important that the minister take this second option. As I said, the letter from WAMA to the minister contains good options that can be utilised so the State Government keeps a level of control which is reasonable but at the same time allows local government to get on with its business of planning locally, and helping developers at a local level rather than hindering them. For that reason the Australian Democrats will support the disallowance motion.

HON MARK NEVILL (Mining and Pastoral) [8.02 pm]: Most of the laws introduced in Parliament are usually a result of the activities of 1 or 2 per cent of the population. It is unfortunate that the rest of us must bear the brunt of the antisocial or uncooperative behaviour of some people. The current situation reduces the time for decision making. If this disallowance is not successful local government will have to go through a lengthy process of advertising. One of the benefits of the current system is that shires can telephone the Ministry for Planning and informally ask whether a development meets its requirements. The whole process works fairly smoothly without a lot of legislation, laws and rules.

In this instance the Shire of Chapman Valley took a course of action which was not appropriate to do what it wanted to do. Hon Giz Watson read part of a legal opinion by Minter Ellison. It seems Minter Ellison told the shire what it wanted to hear - that its action did not contravene this or that - but it did not get to the crux of the situation. The local council cannot prohibit the transport of those materials through its shire. The planning process does not control those sorts of activities; it only controls land use. I cannot see how the Minter Ellison legal opinion - even though it must have cost a lot of money and some fancy paper - does the shire's case much good.

Questions on radioactive substances are more appropriately dealt with by the State and Commonwealth Governments and not by local government. I think the Chapman Valley motion specifically excluded the use of radioactive substances for medical purposes. However, the simple fact is that it is used far more widely than for medical purposes. Radioactive substances are used in agriculture, veterinary practice, and research on aquifers. In every ore processing plant in Western Australia radioisotopes are used to measure the density of the pulps going through the system. I would be very surprised - I do not know because I have not done the research - if radioactive devices were not used in a steel mill at Oakajee. These radioisotopes are absolutely essential to our way of life, in health matters and industrial processes. They are not particularly dangerous if used and managed properly. They have short half-lives.

When opposing high level nuclear waste, which is quite understandable, people should not throw the baby out with the bath water and make it difficult to use these important, short-life radioisotopes. I know the Greens (WA) do not like acknowledging the benefits from radioactive substances and nuclear energy, because that sends a mixed message that confuses people. They must send the one message that it is all bad and terrible.

The PRESIDENT: Order! The scope of the regulation has already been referred to as no more than the removal of an authority that previously existed. That in itself does not allow debate on all and sundry matters that might affect local government. The member is going off on a tangent and is debating a matter that is not before the Chair.

Hon MARK NEVILL: I disagree with you, Mr President.

The PRESIDENT: Order! The member is allowed to disagree, but that is the situation.

Hon MARK NEVILL: It might be the situation, but this regulation has been triggered by what I consider to be over-zealous activities by the Chapman Valley Shire Council, to stop nuclear materials and waste going through that shire.

The PRESIDENT: It is not unreasonable to raise that issue, but it is not proper to then give a concerted treatise on whether the Greens (WA) support a particular issue.

Hon MARK NEVILL: It is important for the public of Western Australia to know that there are some benefits in the substance that this shire possibly does not recognise it is excluding by its action. The whole action is misconceived because it does not achieve what the shire wants to achieve. It is purely a political exercise.

I will support the disallowance but, if the shire council continues with this sort of political activity, which is not the appropriate mechanism and does not achieve what it is trying to achieve, and the Government introduces such an amendment, I will seriously consider supporting it in the future. However, I will vote to disallow these regulations.

HON J.A. SCOTT (South Metropolitan) [8.10 pm]: I will briefly mention a number of points in support of this motion. I remind members that, when the regulation drafted to replace this was introduced into the Parliament, it was done on the basis of the Court Government's wanting to reduce the amount of red tape tying up business and development in the State. It made numerous public statements that it wanted to cut back on the difficulties created by the over-bureaucratic nature of all levels of government. This 1998 amendment was successful. As my colleague Hon Giz Watson pointed out, only a very small percentage of such town planning scheme amendments would be contentious.

Unfortunately, the current Minister for Planning has a different approach to his relationship with local government; it is much more a bureaucratic and paternalistic approach. Of course, that leads him back to the old regulation and recreating red tape for local development. It is a step backwards to remove this autonomy from local government and to reintroduce these hindrances. It will certainly be more costly for local government and the ministry to process this extra paperwork. It would be a shame if the Government were signalling that it wants to reinstate red tape and bureaucratic control. That is exactly what this regulation will do.

Local government has planning controls relating to noxious industries that were successfully tested in the courts very recently. Surely many of the nuclear industries that the Chapman Valley Shire Council was envisaging would be in that category. This is not a radical departure - it depends on how it is administered and what those local laws allow. As Hon Giz Watson pointed out to me outside this Chamber, the laws allow for certain uses of nuclear material about which Hon Mark Nevill was worried.

Hon Mark Nevill stated that because Minter Ellison advised Chapman Valley Shire Council that the town planning scheme amendment it had put forward was not inconsistent with various state and government regulations, that did not mean it was legal or would stand up in the courts. That was not the point. The point was that the minister put forward this proposal as one of the principal reasons he was moving to prevent the Chapman Valley Shire Council's introducing this change. The advice was rather more detailed than that. Clearly, Hon Mark Nevill does not have that entirely correct; he has it in the wrong context.

I will certainly support this motion because the regulations would be a step backwards. In a fairly vindictive way they will take us back to the past, back to red tape and back to more regulations all over a small issue. They are about throwing out the baby with the bath water. In order to keep control in one little area the minister is prepared to put the State to additional cost and effort to bring about changes to the local scheme. It will not help development throughout the State. Although I would like to say much more about matters that have been raised about the Chapman Valley shire and the nuclear issue I take note of what you said, Mr President, and I will not stray too far, so I will leave my remarks at that.

Question put and passed.

RAIL FREIGHT SYSTEM BILL 1999

Standing Orders Suspension

HON KIM CHANCE (Agricultural) [8.16 pm]: I move without notice -

That so much of standing orders be suspended to the degree necessary to allow the Committee of the Whole to consider a new part 6 to the Rail Freight System Bill 1999 relating to industrial relations matters.

I will not use the time of the House on this matter in a profligate way. I simply want to make one or two points about why the Australian Labor Party is approaching this issue in this way and to briefly explain the intent of the amendments subject to this motion.

Over a period, we have defined a practice within this House, the effect of which is to limit the type of amendments to a Bill that can be moved to those within a narrow scope of relevance to the Bill itself. The House is aware of a number of amendments of which we have spoken, and which initially came to us as a suggestion from the representative of Westrail workers, the rail, tram and bus industry union. Those amendments have been modified on three occasions in an attempt to make them conform to the requirements that the House imposes on the scope of amendments.

Despite the modification that the Australian Labor Party has made and the advice we have taken, it appears that our latest attempt to make these amendments fit is outside the normally accepted scope of the Bill. As a result of that, we have considered our options. The best available option to us seems to be a motion of this kind. The House is able to issue an instruction to the Committee of the Whole House on a range of amendments which the House requires it to consider. I will not say any more about why we are doing it this way. Members generally understand the problems with which we are faced and the brief explanation I have given is sufficient to allow members to understand what we are attempting to do and why we are attempting to do it.

I move now to the amendments that are the subject of the motion that we propose shall be subject to the instruction to the Committee of the Whole House.

The PRESIDENT: I assume the member will be making only a passing reference to them.

Hon KIM CHANCE: Yes.

Hon N.D. Griffiths: Slowly.

Hon KIM CHANCE: No, not slowly. I draw members' attention to the relevant Supplementary Notice Paper. I will do this carefully as there are similar amendments in Supplementary Notice Paper 10-6 which have somewhat changed. The amendments contained in Supplementary Notice Paper 10-7 are the relevant amendments.

Proposed new clause 103 deals with the definition of a new employer, which means the new owner, and lays out the intention of the amendments in proposed new part 6.

Proposed new clause 104 is a key clause and must be read in conjunction with proposed new clauses 105 and 106. Essentially, proposed new clause 104 provides that the minister will ensure that tender documentation and contracts, or other arrangements made for the purposes of the Bill, require certain things to be done. Those certain things in relation to industrial relations matters are then spelt out in proposed new clauses 105 and 106.

Proposed new clause 105 requires that an enterprise bargaining agreement be registered and that the effect of that EBA shall be that terms and conditions applying to former Westrail employees will not, in substance, be less than those which apply under current industrial awards. Obviously, this is a short-term provision because those industrial awards and agreements

will eventually lose their currency and one would expect that new industrial arrangements would carry on from there. The intention of proposed new clause 105 is that it shall be a relatively short-term provision and will provide a smooth changeover of the employment arrangements with the new owner of Westrail.

Proposed new clause 106 provides a three-year guarantee of employment for current Westrail employees who choose to go over to the new employer. That three-year guarantee is subject to the normal and valid reasons for dismissal of an employee on issues relating to an employee's ability, capacity or conduct and is an entirely reasonable provision.

These four amendments are essential to the smooth transition of the old work force to the new work force. I do not need to debate the matter at length to remind members of the difficulties which have stricken labour relations in similar substantial changeovers from public to private employers of companies or corporations with similar functions. The one which springs immediately to mind, although it is not exclusive, is MetroBus. We have covered this issue at some length in the second reading debate and I believe members are clear about what we mean.

Hon M.J. Criddle: And in clause 1.

Hon KIM CHANCE: Yes, and that is a much more recent occasion. I will not further debate the issue but simply refer to the fact that it has been a difficulty. This is a genuine attempt to address that difficulty. In summary, I ask members to consider seriously the request that the Opposition is making of them. I hope I have demonstrated that this is certainly not some cynical attempt to delay the processes that we are moving through. This is something on which, had we wished, we might have spent a lot more time, because I believe we could have done that within the standing orders of this House. This is a genuine attempt to give the House an opportunity to consider issues which have been raised with us directly by the representatives of employees in Westrail.

We note with appreciation the comments of the minister about the Government's intentions vis a vis the former Westrail employees. We note that particularly in the context of the minister's response to the debate on clause 1. We were pleased to hear that, and that is an even greater reason that we would like the Government to consider putting into the legislation the spirit of what the minister has said. I reiterate that the proposed amendments do not make excessive demands of government. They are matters to which I should not speak now in any case. I hope, however, that the House will provide us with the opportunity of debating the specifics of these issues at the appropriate time, and, if necessary, defeating them, if that is the will of the House. We would certainly appreciate the opportunity, which the House would provide by supporting this motion, of dealing with these amendments in the same way as any other amendments or clauses of the principal legislation would be dealt with. All we are asking for is an opportunity to debate these clauses.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [8.27 pm]: I understand what Hon Kim Chance is attempting to do. We had substantial debate about this matter on clause 1, and also in the second reading debate. It is my belief and the Government's belief that these proposed amendments are outside the scope of the Bill, so we will oppose the motion. I believe, after consultation, that the amendments breach section 109 of the Constitution; that the effect of the amendments is that the State will override the commonwealth Workplace Relations Act 1996, which is something in which I think Hon Kim Chance would be very interested; and that the amendments will prevent the employer from negotiating in good faith with the employees, as set out in the legislation. For those reasons, the Government will oppose the motion.

HON NORM KELLY (East Metropolitan) [8.28 pm]: The Australian Democrats will support this motion. I remind members that last night we made amendments to this Bill to ensure certain standards for the track. It would be a pity if the Government did not support the suspension of standing orders to allow certain standards for Westrail employees to be specified in the Bill. The minister has just said that because the amendments are outside the scope of the Bill, the Government will oppose the motion. I do not believe that is a reason to oppose the motion, because the argument is about what will happen to the Westrail employees. The suspension of standing orders is simply to allow a debate on whether amendments should be made to the Bill concerning the standards of employees. If the Government opposes this motion, it will quite rightly be seen to be ducking the issue of whether employees will be protected. If the Government believes that it has adequate provisions in place for employees, let us debate those amendments on the Notice Paper in Hon Kim Chance's name. For reasons of proper debate, the Government should support this motion.

HON J.A. SCOTT (South Metropolitan) [8.30 pm]: I put on record my support of the motion of Hon Kim Chance. The current employees of Westrail are an important part of what we are discussing here tonight, along with whatever moneys will be received for the sale of Westrail and the efficient running of the system. The Government will have an opportunity to debate these clauses if the House supports Hon Kim Chance's motion. After all, the minister has said on many occasions that upon the sale of Westrail to a private operator there will be no need for any job losses because the staff has already been reduced to the point that the new operator will probably look for more people. It seems that the minister is happy to make motherhood statements but he will not put protections for the employees in black and white. I am surprised that he is concerned about these clauses. If they do not fulfil what he wants, he is at liberty to have them amended into a form which he believes would be more workable.

HON MARK NEVILL (Mining and Pastoral) [8.32 pm]: I will not support the motion of Hon Kim Chance. Hon Kim Chance was critical of the amendments I moved last night, and he voted against them because he thought they did not contain the sorts of provisions that should be found in a Bill. Those amendments related to the upgrading of the railway lines from east Kalgoorlie to Perth and Esperance to Kalgoorlie, allowing the Australian Rail Track Corporation, which is a federal government body, to be a part of the bid and also separating out the standard gauge.

Hon Kim Chance: I said that it was unusual to see that degree of specificity.

Hon MARK NEVILL: Hon Kim Chance also said that the provisions contained in those amendments are not the sorts of things one sees in an Act of Parliament. Exactly the same argument applies to industrial relations matters. I have not seen any privatisation, state or federal, that includes clauses such as this relating to industrial relations matters.

Hon Kim Chance: More is the pity.

Hon MARK NEVILL: It is difficult to include these sorts of provisions in this type of Act. I looked at these amendments only in the last couple of minutes, and they do not take into account the many people in Westrail who are on workplace agreements, which is probably around 40 per cent. I was critical of the Australian Labor Party about three weeks ago when it waved around amendments from the rail, bus and tram union. Without commenting on the content of those amendments, they were not in a form whereby they could be worked around to ascertain whether they were outside the scope of the Bill. I said at that time that I would not have presented them in that manner. I would have at least tried to put them in a form in which they could be worked around. Suddenly, after six months, four amendments - I am not sure what some of them are trying to do - have appeared at the last minute. I suspect that has occurred because I have been vocal in my criticism of the fact that the ALP has not moved any amendments. These are not appropriate amendments to have in this type of Bill and I will not support them in this form. The Government has been negotiating with the unions. My understanding is that the productivity negotiations are proceeding well. They were largely agreed to before I agreed to support the Government's Bill.

As to the other industrial relations packages, the parameters of the transfer package are fairly close to being finalised. The Minister for Transport has given some assurances to the House that there will be no forced transfers to Westrail. That seems to me to be a fairly black and white statement. I do not believe that this is appropriate or adds anything to the Bill at this late stage.

HON LJILJANNA RAVLICH (East Metropolitan) [8.38 pm]: I support this motion. It is indeed a very important motion. This place would be abrogating its responsibilities by failing to debate this motion. It is of no surprise to me or to the members on this side of the House that Hon Mark Nevill will not support this motion. Hon Mark Nevill seems to hold the view that all negotiations between Westrail employees and their union representatives are proceeding well. I put on the public record that that is not my understanding.

The PRESIDENT: Order! Before Hon Ljiljanna Ravlich puts too much more on the public record, this is a motion to suspend standing orders for particular reasons. The issues the member is discussing are the issues that no doubt would be raised if the motion to suspend standing orders were successful. The first hurdle must be jumped; that is, whether we will suspend standing orders. If the House agrees to that, we will move into that next debate. Hon Ljiljanna Ravlich is jumping the gun, so to speak.

Hon LJILJANNA RAVLICH: Of course I hold the view that standing orders should be suspended. I hold that view because I believe many issues relating to the Westrail employees remain unresolved. I do not believe we can debate those issues in any great detail unless the standing orders are suspended and members in this place can have a full, frank and open debate about the plight of the Westrail employees.

Another reason for suspending standing orders is that we have failed to suspend them in the past when discussing major privatisations. Because these types of provisions have not been in previous Bills which have been debated in this place is not reason enough not to suspend them on this occasion. I hold the view that to some extent, we should have gone down this exact path and ensured that there was some debate of industrial relations matters in previous privatisations that have come before this place - I refer to the MetroBus and the AlintaGas privatisations. What is presented to us on the Notice Paper is critical, particularly regarding the long-term future of employees. I am not confident that these matters can be adequately debated under the provisions of the Bill which deal with transfer orders. Therefore, this House should allow the Committee to deal with these matters in the way proposed by the motion moved by Hon Kim Chance.

The PRESIDENT: To be passed, this motion requires the concurrence of an absolute majority. The question is that the motion be agreed to. Those in favour say aye; against, no. There being a dissentient voice, the House must divide. Ring the bells.

Division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

Hon G.T. Giffard
Hon N.D. Griffiths
Hon Tom Helm

Hon Norm Kelly
Hon Ljiljanna Ravlich
Hon J.A. Scott

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (14)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Ray Halligan

Hon Barry House
Hon N.F. Moore
Hon Mark Nevill
Hon M.D. Nixon

Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith
Hon W.N. Stretch

Hon Derrick Tomlinson
Hon Muriel Patterson
(*Teller*)

Pairs

Hon Tom Stephens
Hon Helen Hodgson
Hon Christine Sharp

Hon Max Evans
Hon Murray Montgomery
Hon Peter Foss

The PRESIDENT: An absolute majority was not achieved so I declare the motion not carried.

Committee

Resumed from 2 May. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Progress was reported after clause 16 had been agreed to.

Clauses 17 and 18 put and passed.**Clause 19: Saving -**

Hon KIM CHANCE: This clause is a component of part 2, which relates to that crucial issue of disposal and related matters. The operation of a savings clause at any time deserves scrutiny. In brief - a lawyer might disagree with me - a savings clause permits a person to do something which would be illegal without a savings clause. We must pay particular attention to the clause, bearing in mind that we are dealing with the disposal of a significant public asset which, in fact, is beyond value, because the minister cannot tell us what it is worth.

Hon Greg Smith interjected.

Hon KIM CHANCE: Indeed one can, present company excluded of course, otherwise the courts could not function. I will walk my way through the meaning of clause 19. The operations of a provision of part 2, which deals with disposal, is not to be regarded as a breach of contract or confidence or any other civil wrong. I am not an expert on savings clauses, but I am always uncomfortable with them, just as I am always uncomfortable with averment clauses. Averment clauses reverse the burden of proof in an evidentiary sense. Savings clauses remove the capacity of a person to be judged on the appropriateness of his or her actions. If, as in clause 19(a), there is a capacity for a person who may commit a civil wrong to be protected by the provision of this clause, because no operation of a provision of the part can be regarded as a breach of contract or confidence or any other civil wrong, what happens if a civil wrong is performed? What legal remedy can the person who has been subject to that civil wrong seek? Where is the protection for any person doing business?

Hon J.A. Scott: I wonder whether article 7 is to do with the rights of a person to have access to the courts?

Hon KIM CHANCE: I was not aware of that but I thank the member for reminding me. A person who may believe that he has been wronged has a right to seek remedy and to access to the courts; indeed, in clause 10 the Crown in fact is bound in right of the State and subject to the limits of the legislative power of the State. Having subjected the Crown in this instance to the legislative power of the State, clause 19 is saying that provided the State is performing a function in the operation of the provision of this part - this is a huge part which deals with disposal - there shall be no regard for breach of contract or confidence or any other civil wrong. My question is restated: What happens if a civil wrong is performed?

Hon M.J. CRIDDLE: This provision is to stop existing contractors using the sale as an opportunity to opt out of or breach the contract. This clause is limited only to part 2 of the Bill.

Hon Kim Chance: This is the disposal part, which is the core of the Act.

Hon M.J. CRIDDLE: That is right. It is to stop those people with a contract from suing Westrail, as it were.

Hon KIM CHANCE: Mr Chairman, I do not know if you understood the minister's explanation but I am not sure that I did. If I had a view about what the minister's response might have been, I thought he may have responded that the degree of protection which is provided in the savings clause, at least in respect of this subclause, related to only a specific function of a provision of the part, because that is what it says - the operation of a provision of this part. I took it to mean that it had a rather broader meaning in that it means functions which are performed in the operation of the provisions of this part. It seems that is a very broad issue and an issue broad enough to encompass the possibility of civil wrongs being performed or indeed breaches of contract being performed or even breaches of confidence being performed. I cannot find much confidence in the answer that the minister has provided. The clause must have a purpose, otherwise it would not be in the Bill. What is that purpose? How will breaches that might occur be dealt with?

Hon M.J. Criddle: The sale will not give rise to a breach of contract by Westrail, nor will it give the contractor the right to walk away from the contract. The contracts will be transferred over.

Hon KIM CHANCE: I now understand the intention a little better. I will not be too specific about what the contract might contain, as a whole range of contracts exist. However, does the minister's explanation mean that as part 2 goes into operation and Westrail's contract with the third party becomes void, the third party cannot take action for breach of contract?

Hon M.J. Criddle: Yes.

Hon KIM CHANCE: It does?

Hon M.J. Criddle: We cannot break an existing contract. Perhaps Hon Kim Chance should repeat his question.

Hon KIM CHANCE: I will repeat it because I think the people at the Table need to confer on this. Either I am misunderstanding it or somebody else is. It may be easier if I provide a hypothetical situation, but I will restate what I said.

Hon M.J. Criddle: We think it is pretty straightforward.

Hon KIM CHANCE: It may be that only I do not understand it. I am not saying that I am right and the minister is wrong; I just do not understand. For example, a party may have a contract with Westrail which is to run for another five years and some time between the end of this year and the beginning of next year, the Government will look at breaching that contract as a result of the operation of this part. However, in this hypothetical case, the contract allows the third party unlimited access to that piece of railway corridor land on which the person has a factory. The buyer of Westrail might require that piece of land. To progress the sale, Westrail includes that piece of land in the contract with the incoming buyer, negating the person's five-year contract of occupation on the land on which his factory stands and he must vacate the land and move the factory. In normal circumstances - and these things occur from time to time - the third party would then take action against the first party, Westrail, for breach of contract. Does the operation of clause 19(a) remove the ability of a factory owner to take action against Westrail for a breach of contract?

Hon Mark Nevill: The facilitation of the transfer will stop him suing.

Hon KIM CHANCE: He might not want to leave.

Hon M.J. Criddle: The answer is no, because the clause deals only with part 2, which is the disposal order of the operation. Hon Kim Chance is talking about a factory on a bit of land.

Hon KIM CHANCE: It is on Westrail land which is to be disposed of. It is a hypothetical situation.

Hon M.J. Criddle: Is it an existing lease?

Hon KIM CHANCE: It is a five-year lease.

The circumstance I describe is a person who has a contract which guarantees that person occupation of Westrail land for a further five years. As a result of the sale of the assets and the fact that the buyer of Westrail requires the land, for example, to put in another loop, which requires that the factory be demolished, can the factory owner, who has an existing five-year contract to run and who has seen the other party breach the terms of the contract by telling him that he can no longer occupy the land, sue?

Hon M.J. CRIDDLE: Under those circumstances it appears that he can sue. That seems to be outside of part 2, which is the disposal we are talking about.

Hon KIM CHANCE: I am not sure if I am being obtuse, but this is directly linked to the disposal of the land. The land has been disposed of to another person who wants to do something else with the land. That person is then required to breach the contract, but the contract exists with Westrail. I can understand why the saving clause is there: Westrail would obviously not want to be sued as a result of breach of contract from something like that.

Hon M.J. CRIDDLE: Is the member talking about the contract being transferred?

Hon Kim Chance: The contract exists now.

Hon M.J. CRIDDLE: Yes, but it will be transferred to the incoming purchaser.

Hon Kim Chance: Yes, but if the incoming purchaser does not want that factory there anymore because he wants to put a loop line through it -

Hon M.J. CRIDDLE: He would have to take the contract.

Hon LJILJANNA RAVLICH: Would all existing Westrail contracts with private operators, or with whomever it has contracts in the business sector, be included in the transfer order to the new purchaser?

Hon M.J. CRIDDLE: Provided they are linked to the freight business.

Hon LJILJANNA RAVLICH: Would there be some contracts that are part-linked to the freight business and part not linked? How would that be dealt with?

Hon M.J. CRIDDLE: They will be separated, so that instance will not arise.

Hon LJILJANNA RAVLICH: If the contracts have to be restructured because part of the contract deals with the freight side of the operations and another part of the contract does not, will the Government pick up the cost of re-establishing those contracts?

Hon M.J. CRIDDLE: They will be separated and obviously so will the financial arrangements.

Hon LJILJANNA RAVLICH: I asked who will incur the costs of the separation of those contracts. Will it be the Government or the private sector contractor?

Hon M.J. CRIDDLE: They would be separated beforehand and Westrail would -

Hon Ljiljanna Ravlich: Pick up the cost of separation of the contracts.

Hon M.J. CRIDDLE: Yes.

Hon J.A. SCOTT: I think I understand where the minister was coming from in his answer to Hon Kim Chance about the leasehold arrangement. I wonder what happens when there is not a deliberate breach, but, for instance, with the contracts to move grain or ore between certain points that are given to the new owner of Westrail's freight business, the new owner is not able to meet the terms of those contracts. Would that situation be caught by this clause and the new owner or Westrail be unable to have legal action taken against it?

Hon M.J. CRIDDLE: This Bill relates to the disposal, and that would be a subsequent breach.

Hon J.A. SCOTT: The current grain contract is a six year contract with five years left. If it was not able to be let the existing contract would be transferred as part of the business and surely would be caught by that part of the Bill.

Hon M.J. CRIDDLE: We are debating the transfer, not what happens subsequently. If there is a breach of contract, action would be taken later on. We are talking about the transfer phase.

Hon LJILJANNA RAVLICH: Will all contracts be transferred in their current form? In the transfer of contracts in Westrail to the new operator, is there any likelihood of variations to the contracts? I ask that because the explanation provided in clause 19 is that it will prevent the termination of contracts or legal proceedings because a contract is transferred to the purchaser of the rail freight business. If one assumes that the net effect of the transfer is nil, because the contract is being transferred in the exact form for the exact period of time, one could argue that there is no requirement for the provision that legal action cannot be taken. However, if one follows the argument that there could be variation to the contract during the transfer process, for whatever reason, that would give rise to a greater likelihood that the aggrieved party would sue for a breach of the contract. That is why I ask whether it will be a direct transfer.

Hon M.J. CRIDDLE: The intention is that the contracts be transferred as they are without a change.

Hon KIM CHANCE: The Opposition has probably made an error in dealing with the specifics and not defining what the clause is all about. It is understandable that we sought to deal with the specifics, because the clause lays out the scope in a specific way and it is easier to imagine what might be the circumstances of a person who is caught without any potential for redress as a result of the clause. When it is viewed in the entirety, I do not think the minister will disagree with my summary that the effect of this clause is to ensure that nothing gets in the way of the operation of the clause so that those things which are necessary to be done in the disposal are not hindered by litigation along the way. It is an argument for the benefit of the greater good. That also lies behind the broad application of the saving clause. I did not understand how broad it was until we had some debate. My concern is that there is no recognition that sometimes little people may be caught in the scope of the cost applied to the greater good. I do not know how legislation can possibly get around that. I am on record as welcoming the provisions of clause 10 of the Bill because I think it is very good that the Crown effectively volunteers to be bound. However, in clause 19, at least in respect of issues dealt with in part 2, the Crown seeks to protect itself and I note my disappointment.

Hon M.J. CRIDDLE: I do not think it is a matter of the Crown protecting itself; we are trying to protect the contracts and not spoil the sale because of some problems with the contracts.

Hon KIM CHANCE: A Legislature exists for the greater good and not for individuals. However, on occasions individuals are caught up in the maelstrom of whatever must be done to achieve the greater good. Is there anything in this legislation or within the power of government itself which can identify cases in which an individual has been wronged as a result of the application of legislation for the greater good, and provide for the individual to at least have access to law, despite the provisions of the saving clause? In other words, can the saving clause be applied in a discriminatory manner to allow the little person the opportunity to his or her rights in law?

Hon M.J. CRIDDLE: This should not be a problem for the contractor. All he must do is put up with the new owner. I am trying to be very basic because we have got ourselves into a bind.

Hon J.A. SCOTT: The minister has explained that it applies only during this transfer period. I understand that this will ensure easy transfer of the contracts to the new owner, and it is not a legal remedy for someone who does not want to transfer to a new owner. How can the minister ensure that with an existing contract for a wheat network, the new owner will not, say, drop a section of the track on the network that may be unprofitable? Can the Government bind the new owner or will it simply be a matter of negotiation under this saving clause?

Hon M.J. CRIDDLE: That is what they are doing when they buy the business - they are taking the contracts. It is as simple as that.

Hon J.A. SCOTT: This clause would appear to apply to not only Westrail but also the possible new owner. It appears that if it decided to drop off some of the contracts, there would be nothing the Government could do.

Hon M.J. CRIDDLE: They can be sued if they do not perform. We are talking about the transfer.

Hon J.A. SCOTT: Surely part of the transfer is the transfer of contracts.

Hon M.J. CRIDDLE: Of course it is.

Clause put and passed.

Clause 20: State indemnities and guarantees -

Hon J.A. SCOTT: To what does the Government envisage these indemnities and guarantees will apply? Why do they apply?

Hon M.J. CRIDDLE: This will enable us to give limited undertakings in the sale contract.

Hon LJILJANNA RAVLICH: Can the minister provide an example of a situation in which these warranties might be given by the Treasurer under the sale agreement?

Hon M.J. CRIDDLE: We could warrant that we have the ability to sell.

Clause put and passed.**Clause 21: Regulations -**

Hon LJILJANNA RAVLICH: This clause creates a regulation-making power with respect to the sale agreement and the disposal of the commission's rail freight business under part 2 of the Bill. Are these regulations able to be disallowed?

Hon M.J. CRIDDLE: Under the Interpretation Act, yes.

Hon LJILJANNA RAVLICH: Does this mean that these regulations will come to this place as a matter of course?

Hon M.J. CRIDDLE: Yes.

Clause put and passed.**Clause 22 put and passed.****Clause 23: Minister may make transfer orders -**

Hon LJILJANNA RAVLICH: This clause is critical. It deals with the whole question of transfer orders. I would like clarification of whether these transfer orders include employees. I believe that is the case, particularly given subclause (4), which provides -

Anyone or anything may be specified in a transfer order by describing the person or thing as a member of a class.

I assume that employees may be defined either as a class or a person.

Subclause (5) provides that -

Before a transfer order is made specifying anything by reference to a schedule, a copy of which will be required to be delivered to a relevant official under section 28, the Minister is to consult as to the form and content of the schedule with the relevant official (or each relevant official if there is more than one).

Firstly, it specifies what can be in the transfer order and ensures that consultation will take place. I seek clarification from the minister that all employees will be included as part of the transfer order, because I would like to make comments on the Westrail freight employees.

Hon M.J. CRIDDLE: This is the mechanism for the transfer orders for the employing company, not for the employees.

Hon LJILJANNA RAVLICH: My interpretation of the minister's comments is that individuals cannot be transferred, but a company by which the employees are employed can be transferred. Is that correct? Is there a name for the company? Irrespective of how they are transferred - via a company or individually - I have some grave concerns about the lack of consultation and the lack of resolution on the transfer of the employees. Clause 23(5) clearly provides for consultation on the content of the schedule. I assume that the content of the schedule will include provision for employees. We heard earlier during the motion moved by Hon Kim Chance to suspend standing orders some comments by Hon Mark Nevill which suggest that most of the issues regarding employees have been resolved and many of their outstanding concerns have been attended to. However, that is not my understanding of the situation. I want to place on the public record some of the concerns employees and their representatives have about this legislation. The other day I received a letter from John Mossenson, an organiser with the Australian Manufacturing Workers Union.

Hon M.J. CRIDDLE: Hon Ljiljanna Ravlich is now referring to personnel. The clause covers a transfer of the shares of the company, not the personnel.

Hon J.A. SCOTT: Subclause (3) provides that the transfer order may specify things by reference to schedules that need not be published in the *Gazette*, but must be available for public inspection. Where would the public inspection be done?

Hon M.J. CRIDDLE: We are referring to many land schedules so they would be made available at the Department of Land Administration or somewhere like that. It will involve a huge number of papers.

Hon LJILJANNA RAVLICH: Will the minister clarify why employee concerns cannot be addressed under clause 23, given that he just said we are dealing with the shares of the company and that those employees will make up the company?

Hon M.J. CRIDDLE: As I said earlier, we are talking about the shares of a company, not the personnel in the company.

Hon KIM CHANCE: The minister has twice said that transfer orders referred to in clause 23 apply to the shares of a

company; however, they apply to much more than that. Clause 23, read with clauses 11 and 13, deals with a whole range of Westrail assets which can be its contracts, land and hardware, whether the hardware be rolling stock or whatever. I can understand that the transfer orders may specify items by reference to schedules as the schedules would occasionally list such a large number of items that it would require a truck to move a single copy of the *Government Gazette*, if it were published in the *Gazette*, as it would be a massive document. This goes to the point in clause 23(3) referred to by Hon Jim Scott. I am also interested to know the location of those items for public inspection. However, clause 23 is a mechanical clause which puts into place those things which must be done under clause 13, which draws its power from clause 11. It is the telling of the disposal of anything which has been negotiated, and that virtually fits the description of clause 19.

Hon J.A. Scott interjected.

Hon KIM CHANCE: I am interested to know that and I can understand that the member asked that question. I understand that the Bill does not require the publication of the schedules because, I hope, they would be long-winded documents as these items must be spelt out in detail. I will refine the question asked by Hon Jim Scott: Will transfer orders which deal with assets other than land and contracts - in other words hardware assets - be published in a schedule, not necessarily in the *Government Gazette*, and where will schedules of that nature be available for public inspection?

Hon M.J. CRIDDLE: We will make them available. Does the member want to know where?

Hon Kim Chance: Yes.

Hon M.J. CRIDDLE: Possibly the public library.

Clause put and passed.

Clauses 24 to 27 put and passed.

Clause 28: Registration of documents -

Hon M.J. CRIDDLE: I move -

Page 15, lines 4 to 7 - To delete the subclause.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 29 and 30 put and passed.

Clause 31: Definitions -

Hon KIM CHANCE: I seek clarification of the definition of "Act Minister". When I first read the reference to the term "Act Minister", I could imagine no circumstances in which the minister responsible for the administration of the Act could be anything other than the Minister for Transport. Why is it contemplated that the Act minister may be another minister, and which minister might it be?

Hon M.J. CRIDDLE: It is to allow the rail corridor minister to be put in another portfolio if required.

Clause put and passed.

Clause 32: Rail Corridor Minister -

Hon KIM CHANCE: Given the minister's answer to my question about the Act Minister, in what circumstances is it envisaged that it may be necessary to have an Act Minister and a Rail Corridor Minister?

Hon M.J. CRIDDLE: The Act Minister will always remain as he is, but the Rail Corridor Minister may well be the minister responsible for the Dampier pipeline or land access issues.

Hon KIM CHANCE: That thought had occurred to me. During the second reading debate, we canvassed some views about the Government's responsibility for the continuation of the rail service. Leaving aside the issue of Westrail for the time being and going to the matter of the privatisation of assets, I understand the philosophy of the Government and the things which drive it in matters of this nature can fairly be described as the Government's having a responsibility to ensure that services are provided, but not necessarily to be the provider of the services themselves. The minister might disagree with that, but that seems to be a definition that we have heard from government in the past. It is a general definition, even if this Government does not subscribe to it, that hands-off government takes responsibility for the provision of services - MetroBus is probably a good example - but does not provide the services itself.

It seems that the Rail Corridor Minister will clearly not be the Minister for Transport because the Act Minister, by definition, will always be the Minister for Transport. Therefore, we are contemplating a minister who has charge of that vital standard gauge rail corridor, for example, being a different person from the Minister for Transport. How can government in future hope to have control in a standardised way of transport outcomes - not of transport itself but of transport outcomes - if the minister who controls the rail corridor is not the Minister for Transport? How can government transport policy be implemented in circumstances in which the Act Minister is separate from the Rail Corridor Minister - two ministers having perhaps different points of view on the way that transport policy can be implemented?

Hon M.J. CRIDDLE: I do not envisage that would happen, but this is a provision under which it could. As I just mentioned, there is the Dampier pipeline and the other issue concerning the Minister for Forest Products and the Department of Conservation and Land Management and so forth. It is a possibility, but I do not envisage it would happen.

Clause put and passed.

Clause 33: Use of government staff and facilities -

Hon KIM CHANCE: This clause is of particular interest to me because, quite properly, a decision has been made by this Chamber on a matter which I raised earlier concerning a suspension of standing orders, and advice has been given to the Opposition, which it has gratefully accepted, on the scope of amendments and the scope of the Act. That decision was based upon the fact that the Bill does not deal with matters relating to employees. I ask members to read clause 33 now. It deals directly with the employees of the organisation and states -

- (1) The Rail Corridor Minister may by arrangement with the relevant employer make use, either full-time or part-time, of the services of any officer or employee -
 - (a) in the Public Service;
 - (b) in a State agency; or
 - (c) otherwise in the service of the Crown in right of the State.
- (2) The Rail Corridor Minister may by arrangement with -
 - (a) a department of the Public Service; or
 - (b) a State agency,
 make use of any facilities of the department or agency.
- (3) An arrangement under subsection (1) or (2) is to be made on terms agreed to by the parties.

Be quite clear about this. The heading of clause 33 is the "Use of government staff and facilities". This clause deals directly with the employment of persons within the new Westrail organisation. I do not know whether the minister wants to comment on this; however, at a later point in the committee stage I will most certainly come back to this matter because I believe the existence of this clause is evidence that the scope of the Bill is perhaps wider than the Opposition first thought.

Hon M.J. CRIDDLE: This provision is for the Rail Corridor Minister to use perhaps Department of Land Administration people or Westrail employees who remain or perhaps people in Transport to carry out his functions.

Clause put and passed.

Clause 34: Designating government railway land as corridor land or land other than corridor land -

Hon J.A. SCOTT: As we have just looked at the separation of the Act Minister and the Rail Corridor Minister, I wonder why it is the Act Minister who would designate government railway land identified by the order as corridor land or land other than corridor land. Why would that not be the corridor minister?

Hon M.J. CRIDDLE: The Act Minister makes the decisions; the Rail Corridor Minister manages the rail corridor.

Clause put and passed.

Clauses 35 and 36 put and passed.

Clause 37: Ordering land to be no longer corridor land -

Hon J.A. SCOTT: In clause 37, as compared with 34, the Minister for Transport is saying the Rail Corridor Minister may by order notice published in the *Government Gazette*, cancel the designation as corridor land of any land that is no longer required to be corridor land. In clause 34, the Act Minister designates the land. Here, the corridor minister is to be able to say it is no longer required to be corridor land. I do not understand why there is a difference.

Hon M.J. CRIDDLE: Once again, it is a management issue and that is the responsibility that the Rail Corridor Minister will have.

Hon NORM KELLY: I have a question about a possible decision to stop services on a length of line and then dispose of the corridor land for that section. Are any protections available to ensure that other rail users can guarantee that the corridor will be maintained so that if the below rail operator decides it is not a viable part of the network and wants to dispose of it, that corridor land is not disposed of prior to other potential operators coming along who could operate a viable service over that part of the network?

Hon M.J. CRIDDLE: It goes back to being government railways land which could be closed only by a discontinuance Act. Some such legislation is before Parliament at present.

Clause put and passed.

Clauses 38 to 41 put and passed.

Clause 42: Functions in respect of corridor land and certain things on it -

Hon M.J. CRIDDLE: I move -

Page 22, line 18 - To insert after the word "Minister" the following words -

but before exercising powers in respect of land that is in the DBNGP corridor (as defined in Part 4 of the *Dampier to Bunbury Pipeline Act 1997*), or anything on that land, the Rail Corridor Minister is required to consult with the DBNGP Land Access Minister (as defined in that Part)

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 43 to 46 put and passed.

Clause 47: No construction on corridor land without consent -

Hon M.J. CRIDDLE: I move -

Page 24, line 17 - To insert after the word "writing" the following words -

or the regulations state that the agreement of the Rail Corridor Minister to the construction is not required

Hon KIM CHANCE: I have allowed the minister to move amendments without speaking to them when the function of the amendment is clear, such as with the Dampier to Bunbury natural gas pipeline issues. We all understand why those amendments are needed. However, the purpose of the amendment before the Chair needs to be spelt out in some detail by the minister.

Hon M.J. CRIDDLE: This amendment will allow for the regulation to provide that in certain circumstances construction may occur on the corridor land without the minister's written permission. This is intended to streamline the approval processes and allow them to be managed at an administrative level where the impact of the construction is minor. In other words, it is an administrative matter.

Hon KIM CHANCE: My colleague Hon Ken Travers raised something that was occupying my mind: I do not understand why this amendment is necessary. It would take more time for the regulations to be framed to suit a circumstance than it would to comply with the requirements of clauses 47(1) and (2). This is a good clause and I am a little concerned about the nature of the amendment. The rail corridor land clearly must be protected from persons constructing anything on the land. The minister has the capacity to agree to such construction in writing, which presumes that the minister will be satisfied that the construction is in the interests of his portfolio. The agreement to give the Rail Corridor Minister the capacity to do that underlines my concern about the possible division between the responsibilities of the Act Minister and the Rail Corridor Minister. We are dealing here with issues of some importance. Construction on rail corridor land almost inevitably deals with infrastructure which is directly related to the functions of the line.

Hon M.J. CRIDDLE: You have it the wrong way around, but carry on.

Hon KIM CHANCE: I do not. These are decisions to be made by the Rail Corridor Minister, not the Act Minister. The Act Minister will almost inevitably be the Minister for Transport. The Rail Corridor Minister, if that be a different person, will have a responsibility to consent to the construction of buildings or whatever on the rail corridor land. Because those constructions inevitably have a direct influence on the loading and unloading of rail facilities - the classic example is the Co-operative Bulk Handling Ltd facility - it seems that those decisions should be made by the Minister for Transport. The Minister for Transport is the person most likely to be the Act Minister. Devolving that decision to the Rail Corridor Minister would seem to be incompatible with the purposes of implementing a government transport policy. That is the issue I raised about the separation of those two ministers. Can the minister comment on that?

Hon M.J. CRIDDLE: The regulation in this case would be a general regulation to allow some of the minor things to go ahead. Then the minister would give permission in writing for larger constructions. However, we are not envisaging that there will be two separate ministers.

Hon Kim Chance: So why does the Bill contemplate two separate ministers?

Hon M.J. CRIDDLE: Because of the issues I raised earlier, and we are returning to the original debate. There will be a general regulation for minor issues such as signal boxes. If there were a major construction, as the member has mentioned, written ministerial permission would need to be sought.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 48: Other restrictions on corridor land -

Hon M.J. CRIDDLE: I move -

Page 25, line 7 - To insert after the word "first" the following words -

or the regulations state that the approval of the Rail Corridor Minister under this paragraph is not required

Hon B.K. DONALDSON: Perhaps what Hon Kim Chance was referring to would have more to do with clause 48. He was talking about interference with the movement of freight on what may be constructed on corridor land. If he reads the reasons for clause 48, he might pick up that point.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 49: Delegation by Rail Corridor Minister -

Hon M.J. CRIDDLE: I move -

Page 25, after line 30 - To insert the following new subclause -

- (2) A power or duty in respect of land cannot be delegated under subsection (1) if the land is in the DBNGP corridor (as defined in Part 4 of the *Dampier to Bunbury Pipeline Act 1997*).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 50: Certain matters that regulations may deal with -

Hon M.J. CRIDDLE: I move -

Page 26, after line 17 - To insert the following new subclause -

- (3) Regulations may make provision as to operational and technical matters arising from corridor land being land that is in the DBNGP corridor (as defined in Part 4 of the *Dampier to Bunbury Pipeline Act 1997*).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 51: Power of entry -

Hon KIM CHANCE: Presumably the power of entry authorisation in clause 51 is an authorisation from the minister. Clause 51 refers to a person authorised by the Rail Corridor Minister. That is a delegated authority from the minister.

Hon M.J. Criddle: Yes.

Hon KIM CHANCE: There is a limitation on the powers as I read the clause; that is, the exercise of those powers is limited to doing those things which are required for the protection of corridor land and the things on it. That is a broad authorisation. I imagine that the authorisation would be made available only to those persons who were employees or agents of the Rail Corridor Minister from time to time.

Progress reported and leave granted to sit again, pursuant to standing orders.

House adjourned at 9.55 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

REGIONAL FOREST AGREEMENT, SWAN, CENTRAL AND SOUTHERN FOREST REGIONS

895. Hon J.A. COWDELL to the Attorney General representing the Minister for the Environment:

- (1) Can the Minister for the Environment advise as to the area available for timber production for the Swan, Central and Southern forest regions under -
 - (a) the Regional Forest Agreement (RFA); and
 - (b) the revised RFA?
- (2) Can the Minister advise as to the area of Comprehensive, Adequate, Representative (CAR) formal, CAR informal and other informal reserves for the Swan, Central and Southern forest regions under -
 - (a) the RFA; and
 - (b) the revised RFA?
- (3) Can the Minister advise as to the area of CAR formal, CAR informal and other informal reserves for the Swan, Central and Southern forest regions under the revised RFA?
- (4) Can the Minister advise as to the area of old growth in CAR formal, CAR informal and other informal reserves for the Swan, Central and Southern forest regions under the revised RFA?

Hon PETER FOSS replied:

Under the Regional Forest Agreement (RFA) a total of 1 169, 100 hectares of forest and non forest ecosystems are excluded from future harvest. This includes 613 300 hectares of jarrah, 84 800 hectares of karri, and 99 700 hectares of wandoo forests. The areas include 189 700 hectares (70% of the total) of old growth jarrah, 46 000 hectares (71%) of old growth karri, and 9 800 hectares (90%) of old growth wandoo forests. Subsequently, the report of the Ministerial Advisory Group (the Ferguson Committee) was received. The Committee recommended that sensitive karri and karri/tingle old growth in 16 forest blocks be excluded from timber harvesting. The effect of this recommendation, which has been accepted by the Government, is that an additional 9 500 hectares will not be harvested. This means that 86% of the existing old growth karri forest will not be harvested.

- (1)

(a)		Total Area (all ecosystems) hectares	Jarrah, karri, and wandoo ecosystems hectares
	Swan Region	333 250	316 550
	Central Forest Region	492 370	460 560
	Southern Forest Region	321 380	318 130

 - (b) Under the Government's announcement of 15 December 1999, 12 800 hectares of the above forest will be excluded from timber harvesting, comprising;

9 500 ha old growth karri and karri/tingle forest
400 ha two-tiered karri/tingle forest
2 900 ha other previously unlogged karri and karri/tingle forest.
- (2)

(a)	All ecosystems	CAR formal Jarrah, karri, wandoo	All ecosystems	CAR informal Jarrah, karri, wandoo	Other Informal All ecosystems	Jarrah, karri, wandoo
	Swan Region	210 390	191 290	46 210	39 500	28 130
	Central forest Region	186 000	148 680	40 070	25 990	49 330
	Southern forest Region	499 760	257 580	64 510	33 770	44 430
						37 480

 - (b) Under the Government's announcement of 15 December 1999, a further 12 800 hectares of forest will be excluded from timber harvesting, comprising;

9 500 ha old growth karri and karri/tingle forest
400 ha two-tiered karri/tingle forest
2 900 ha other previously unlogged karri and karri/tingle forest
- (3) This is the same question as 2(b).
- (4) Under the Regional Forest Agreement (RFA), the areas of old growth jarrah, karri and wandoo forests within different reserve categories are as follows:

	CAR formal	CAR informal	Other Informal
Swan Region	12 050	1 070	140
Central Forest Region	38 690	2 620	1 910
Southern Forest Region	163 610	14 800	10 600

Under the Government's announcement of 15 December 1999, a further 9 500 hectares of karri and karri/tingle old growth forest in the Southern forest region will be excluded from harvesting.

EDUCATION DEPARTMENT, PROPERTY SALES

1308. Hon CHRISTINE SHARP to the Parliamentary Secretary representing the Minister for Education:

- (1) From 1996 to 1999, 26 properties have been sold by Education WA. How many of these properties were undeveloped?
- (2) If any of these properties are undeveloped, could the Minister for Education list all the undeveloped blocks?
- (3) Have these undeveloped parcels been appraised for their environmental, social and heritage values?
- (4) How much of this undeveloped property is held in freehold titles?
- (5) When were these freehold titles issued?

Hon BARRY HOUSE replied:

- (1) Three.
- (2)
 - (i) Goegrup C/T 2155/23 (East Mandurah)
 - (ii) Reserve 18658 (Cowaramup)
 - (iii) Portion of Reserve 39489 (Langford) consisting of:
 - Canning Location 4059 (CG 2073/150)
 - Canning Location 4060 (CG 2073/151)
 - Canning Location 4061 (CG 2073/152)
 - Canning Location 4062 (CG 2073/153)
 - Canning Location 4063 (CG 2073/154)
 - Canning Location 4064 (CG 2073/154)
 - Canning Location 4065 (CG 2073/155)
 - Canning Location 4066 (CG 2073/156)
 - Canning Location 4067 (CG 2073/157)
- (3) No.
- (4)
 - (i) 8.7150 hectares
 - (ii) 4120 square metres
 - (iii) 8.7188 hectares
- (5)
 - (i) Goegrup - 12 February 1999.
 - (ii) Cowaramup - Amalgamation Order H283951 registered 18 November 1999.
 - (iii) Portion of Reserve 39489 Langford – All Crown Grants were issued on 16 May 1996.

LANGUAGE DEVELOPMENT CENTRES, APPLICANTS

1387. Hon LJILJANNA RAVLICH to the Parliamentary Secretary representing the Minister for Education:

- (1) Can the Minister for Education advise the number of applicants at each of the four Language Development Centres for entry in the year 2000?
- (2) How many applicants were successful?
- (3) How many applicants met the criteria for acceptance into the Language Development Centres?

Hon BARRY HOUSE replied:

- | | | | |
|-----|---|-----|-----------------------|
| (1) | Carawatha Language Development Centre | 144 | applicants |
| | North West Metropolitan Language Development Centre | 93 | applicants |
| | North East Metropolitan Language Development Centre | 125 | applicants |
| | South East Metropolitan Language Development Centre | 73 | applicants |
| (2) | Carawatha Language Development Centre | 69 | successful applicants |
| | North West Metropolitan Language Development Centre | 41 | successful applicants |
| | North East Metropolitan Language Development Centre | 55 | successful applicants |
| | South East Metropolitan Language Development Centre | 40 | successful applicants |

These figures reflect the additional FTEs allocated to each Centre for 2000

- | | | | |
|-----|---|-----|-----------------------------|
| (3) | Carawatha Language Development Centre | 131 | applicants met the criteria |
| | North West Metropolitan Language Development Centre | 91 | applicants met the criteria |
| | North East Metropolitan Language Development Centre | 115 | applicants met the criteria |
| | South East Metropolitan Language Development Centre | 67 | applicants met the criteria |

Applicants to LDCs are assessed and places are allocated to those students considered to be in the greatest need of the programs provided. Those children unable to access the LDCs remain in the mainstream classroom where they are supported at their local school.

Schools are responsible for providing quality educational programs for all students including those with speech

and language problems. In order to identify and plan for students at educational risk, resources have been provided to districts and schools so that staff can develop programs in response to local and individual needs.

The Education Department is developing a Speech and Language Plan, part of which will assess ways, in collaboration with allied professional support, of further strengthening classroom teaching practice to better meet the needs of students with speech and language impairment who are not able to be placed in a LDC.

TEACHERS, COST OF LOCALITY ALLOWANCES

1397. Hon BOB THOMAS to the Parliamentary Secretary representing the Minister for Education:

What is the annual cost of paying locality allowances to teachers serving outside the metropolitan area?

Hon BARRY HOUSE replied:

During the 1999 calendar year the Education Department of Western Australia paid \$6,164,968.92 in locality ("district") allowances to teaching staff serving outside of the metropolitan area. Locality allowances are paid in accordance with Clause 18 of the *Teachers' (Public Sector Primary and Secondary Education) Award 1993*.

LANGUAGE DEVELOPMENT CENTRES, DEMAND AND ENROLMENTS

1407. Hon KEN TRAVERS to the Parliamentary Secretary representing the Minister for Education:

(1) What is the current demand for places in Language Development Centres in Western Australia?

(2) How many places, and at which locations, will be provided in 2000?

(3) What were the enrolments at Language Development Centres in -

- (a) 1985;
- (b) 1990;
- (c) 1993;
- (d) 1996; and
- (e) 1999?

(4) What is the projected demand for placements at the Language Development Centres in -

- (a) 2001;
- (b) 2002; and
- (c) 2003?

(5) How many places will be provided in -

- (a) 2001;
- (b) 2002; and
- (c) 2003?

Hon BARRY HOUSE replied:

(1)-(2) LDCs (including satellite classes)		Enrolment 2000	Waiting List 2000	Total Demand 2000	
Carawatha (3 satellite classes – Bullcreek PS) (1 satellite class – Orelia PS) (1 satellite class – Bungaree PS) (1 satellite class – Mandurah PS)		173	55	228	
South East Metro (2 satellite classes – Kingsley PS)		110	27	137	
North East Metro (1 satellite class – North Balga PS)		116	30	146	
North West Metro (3 satellite classes – Ridgewood ECC)		103	48	151	
(3) LDCs (including satellite classes)		1985	1990	1993	1996
Carawatha		66	69	72	86
South East Metro		30	32	40	34
North East Metro		30	30	40	45
North West Metro		20	30	40	50

(4)-(5) The demand for placements in 2001, 2002 and 2003 is not yet known. The numbers available will be determined by the numbers of referrals, the number of students who leave LDC programs, changes to the target population growth and distribution and resources available.

MITCHELL FREEWAY, HODGES DRIVE EXTENSION

1408. Hon KEN TRAVERS to the Minister for Transport:

(1) How much has been spent on the extension of the Mitchell Freeway to Hodges Drive to date?

- (2) What is the expected final cost of the extension and associated works?
 (3) Can the Minister provide a breakdown of these costs?

Hon M.J. CRIDDLE replied:

- (1) \$14.29 million.
 (2) \$18 million.
 (3) Design \$1 million
 Project/Contract Management \$0.65 million
 Hodges Drive/Traffic Signal alterations \$1 million
 Construction \$15.35 million

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1419. Hon LJILJANNA RAVLICH to the Minister for Racing and Gaming:

For each department or agency under the Minister's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
 (2) How many permanent staff are employed?
 (3) How many non-permanent staff are employed?
 (4) How many substantive positions are vacant?
 (5) How many substantive positions are filled in an acting capacity?
 (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon N.F. MOORE replied:

Lotteries Commission

- (1) Level 1 19 staff
 Level 2 30 staff
 Level 3 27 staff
 Level 4 26 staff
 Level 5 20 staff
 Level 6 14 staff
 Level 7 6 staff
 Level 8 Nil
 Level 9 5 staff
 Total 147 staff

- (2) 122 permanent staff.
 (3) 25 non-permanent staff.
 (4) 4 vacant substantive positions.
 (5) 4 substantive positions filled in an acting capacity.
 (6) 3 substantive positions filled in an acting capacity for longer than three months (clearance and advertising action since 1 March 2000).

Office of Racing, Gaming and Liquor Burswood Park Board

- (1) Six. 2 x Level 6 Full time
 2 x Level 3 Full time
 2 x Level 1 Part-time
 (2) Five.
 (3) One.
 (4)-(6) Nil.

Totalisator Agency Board

- (1) 95 1 x Special 2
 3 x Level 9
 4 x Level 8
 2 x Level 7
 11 x Level 6
 7 x Level 5
 15 x Level 4
 22 x Level 3
 21 x Level 2
 9 x Level 1
 (2) 95

- (3) 161 (casual contract)
 (4) 3
 (5)-(6) 1

Western Australian Greyhound Racing Authority

- (1) 45 7 x Level 1
 13 x Level 2
 5 x Level 3
 3 x Level 4
 3 x Level 5
 3 x Level 6
 2 x Level 7
 2 x Executive Contract
 7 x Ground staff (Clerical levels not applicable)
 (2) 43
 (3) 2
 (4)-(6) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1426. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

For each department or agency under the Minister for Employment and Training's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
 (2) How many permanent staff are employed?
 (3) How many non-permanent staff are employed?
 (4) How many substantive positions are vacant?
 (5) How many substantive positions are filled in an acting capacity?
 (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon N.F. MOORE replied:

- (1) [See paper No 918.]
- (2)
- | | |
|--|-----|
| Western Australian Department of Training and Employment | 325 |
| Central Metropolitan College of TAFE | 513 |
| West Coast College of TAFE | 375 |
| South East Metropolitan College of TAFE | 314 |
| South Metropolitan College of TAFE | 309 |
| Midland College of TAFE | 135 |
| South West Regional College of TAFE | 73 |
| Great Southern Regional College of TAFE | 41 |
| Central West Regional College of TAFE | 37 |
| Hedland College | 23 |
| Karratha College of TAFE | 45 |
| C Y O'Connor College of TAFE | 43 |
| Kimberley College | 22 |
- (3)
- | | |
|--|-----|
| Western Australian Department of Training and Employment | 78 |
| Central Metropolitan College of TAFE | 373 |
| West Coast College of TAFE | 706 |
| South East Metropolitan College of TAFE | 145 |
| South Metropolitan College of TAFE | 191 |
| Midland College of TAFE | 81 |
| South West Regional College of TAFE | 157 |
| Great Southern Regional College of TAFE | 99 |
| Central West Regional College of TAFE | 129 |
| Hedland College | 132 |
| Karratha College of TAFE | 77 |
| C Y O'Connor College of TAFE | 73 |
| Kimberley College | 65 |
- Lecturers and academic staff are generally engaged on a contractual basis.
- (4)
- | | |
|---|----|
| Western Australian Department of Training and Employment | 57 |
| Central Metropolitan College of TAFE: Central TAFE is currently reviewing the way in which the establishment is presented on its Human Resource Management Information System. It is unable to identify vacant positions recorded on the HRMIS that are part of the actual establishment as opposed to those which are not. Although a position may be recorded as vacant it may not be part of the approved establishment. | |
| West Coast College of TAFE | 56 |
| South East Metropolitan College of TAFE | 4 |
| South Metropolitan College of TAFE | 7 |
| Midland College of TAFE | 4 |
| South West Regional College of TAFE | 6 |
| Great Southern Regional College of TAFE | 3 |
| Central West Regional College of TAFE | 8 |

	Hedland College	0
	Karratha College of TAFE	3
	C Y O'Connor College of TAFE	1
	Kimberley College	2
(5)	Western Australian Department of Training and Employment	31
	Central Metropolitan College of TAFE	31
	West Coast College of TAFE	35
	South East Metropolitan College of TAFE	18
	South Metropolitan College of TAFE	4
	Midland College of TAFE	5
	South West Regional College of TAFE	3
	Great Southern Regional College of TAFE	2
	Central West Regional College of TAFE	3
	Hedland College	0
	Karratha College of TAFE	2
	While awaiting successful candidates to commence employment within nominated positions.	
	C Y O'Connor College of TAFE	15
	Kimberley College	1
(6)	Western Australian Department of Training and Employment	19
	Central Metropolitan College of TAFE	20
	West Coast College of TAFE	24
	South East Metropolitan College of TAFE	16
	South Metropolitan College of TAFE	2
	Midland College of TAFE	3
	South West Regional College of TAFE	1
	Great Southern Regional College of TAFE	1
	Central West Regional College of TAFE	3
	Resulting from Public Sector Standards on temporary deployment that allows acting for a period of up to 6 months.	
	Hedland College	0
	Karratha College of TAFE	0
	C Y O'Connor College of TAFE	5
	Kimberley College	0

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1429. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Lands:

For each department or agency under the Minister for Lands' direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon N.F. MOORE replied:

DOLA

(1)	Total	731
	Level 1	184
	Level 2	144
	Level 2/4	10
	Level 3	100
	Level 4	103
	Level 5	86
	Level 6	58
	Level 7	18
	Level 7/8	5
	Level 8	11
	Level 9	4
	Class 1	4
	Group 2	1
	Tea Attendants	3
(2)	629	
(3)	102	
(4)	17	
(5)	41	
(6)	33	

LANDCORP

- (1) 54 staff employed including part time employees and employees absent on leave.

Level 1	10	Level 6	12
Level 2	4	Level 7	4

	Level 3	8	Level 8	6
	Level 4	1	Level 9	4
	Level 5	4	S2	1
(2)	41			
(3)	13			
(4)	7			
(5)	7			
(6)	2			

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1430. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

For each department or agency under the Minister for Parliamentary and Electoral Affairs' direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon N.F. MOORE replied:

(1)	Level 1 -	13
	Level 2 -	8
	Level 3 -	4
	Level 4 -	6
	Level 5 -	6
	Level 6 -	1
	Level 7 -	3
	Level 8 -	1
	S2	1
	Total:	43
(2)	39	
(3)	4	
(4)-(6)	Nil.	

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1434. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Youth:

For each department or agency under the Minister for Youth's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon N.F. MOORE replied:

(1)	Level 9	1
	Level 7	6
	Level 6	2
	Level 5	4
	Level 4	5.9
	Level 3	2.4
	Level 2	1
	Level 1	2
	Total full time employees -	24.3
(2)	13.4	
(3)	10.9	
(4)	3	
(5)	1	
(6)	1	

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1444. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Services:

For each department or agency under the Minister for Services' direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon M.J. CRIDDLE replied:

The State Supply Commission has an approved interim structure of only 11 FTEs. The FTEs are deployed as follows:-

- (1) Total Staff 11 :-
 Level 3 - 2 Non Permanent
 Level 5 - 1 Permanent
 Level 6 - 2 Non Permanent
 Level 7 - 3 - 2 Permanent, 1 Non Permanent
 Level 8 - 1 Permanent Staff
 Level 9 - 2 Permanent Staff
- (2) 6
- (3) 5
- (4) 8
- (5) 7
- (6) 7

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1447. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Works:

For each department or agency under the Minister for Works' direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon M.J. CRIDDLE replied:

- (1) Total staff 337
 Level 1 32
 Level 2 58
 Level 3 29
 Level 4 51
 Level 5 45
 Level 6 30
 Level 7 56
 Level 8 27
 Level 9 2
 Class 1 5
 Group 3 1
 Bricklayer 1
- (2) 317
- (3) 20
- (4) 62
- (5) 40
- (6) 27

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1449. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for the Arts:

For each department or agency under the Minister for the Arts' direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?

- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon PETER FOSS replied:

- (1) The Ministry for Culture & the Arts employs a total of 842 staff. The levels are

Level 1	206
Level 2	109
Level 3	34
Level 4	45
Level 2/4	90
Level 5	66
Level 6	43
Level 7	21
Level 8	19
Level 9	3
C1	1
S1	1
S4	1
Casual/Wages	203

- (2) There are 500 Permanent staff.
- (3) There are 342 Non Permanent staff.
- (4) There are 85 substantive positions vacant.
- (5) There are 32 substantive positions filled in an acting capacity.
- (6) There are 21 substantive positions filled in an acting capacity for longer than 3 months.

[See paper No 919.]

ROAD ACCESS, BROOME, DERBY AND FITZROY CROSSING

1505. Hon TOM STEPHENS to the Minister for Transport:

Will the Minister table -

- (1) On how many occasions have the towns of Broome, Derby and Fitzroy Crossing each been isolated from road access in each of the last ten years, including this year?
- (2) How many days these towns were isolated on each occasions?

Hon M.J. CRIDDLE replied:

- (1) Broome - one (2000).
Derby - one (1991), two (1993), one (2000).
Fitzroy Crossing - two (1993), one (1995), two (2000).
- (2) Broome - six (2000).
Derby - one (1991), three (1993), three (1993), nine (2000).
Fitzroy Crossing - two (1993), five (1993), one (1995), one (2000), ten (2000).

POLICE, ABORIGINAL LIAISON OFFICER IN KALUMBURU

1520. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

- (1) Will the Police Minister allocate additional resources so as to enable the allocation of an Aboriginal police liaison officer to the Kalumburu community?
- (2) If not, why not?
- (3) What steps will the Government take to ensure there is an adequate police presence at Kalumburu?

Hon PETER FOSS replied:

- (1)-(3) The entire issue of the manner in which police deliver quality services to remote aboriginal communities is constantly under review within the Northern Region. The Kalumburu community and the style and manner of policing is a component of that review. The subject of the placement of aboriginal police liaison officers and the scope of their duties is also being reviewed within the Northern Region to further ensure their role as an interface between the police service and the aboriginal community is preserved. There is no specific plan to implement the placement of permanent police presence at the Kalumburu Aboriginal Community at this time.

PRISONS, NURSES' RATES OF PAY

1523. Hon BOB THOMAS to the Minister for Justice:

What proportion (in percentage and dollar terms) of the different cost of nursing per detainee per annum between metropolitan and regional detention centres is as a result of nurses in regional prisons being employed under the ANF award at lesser pay rates than nurses employed under the WA Prison Officers award?

Hon PETER FOSS replied:

Differences in the cost of nursing per detainee, metropolitan versus regional detention centres, cannot be attributed directly to the pay rates of nurses paid under different awards, for these reasons:

- (i) Nursing services in metropolitan prisons/detention centres are provided by a mix of hospital officers employed under the Gaol Officers' Award (Casuarina, Hakea Prisons) and nurses employed under the ANF (WA Public Sector) Award 1994.
- (ii) Major prisons/detention centres in the metropolitan area (Casuarina, Hakea, Bandyup Womens Prison, Rangeview Detention Centre) have 24 hour nursing cover, in keeping with the special roles required of those institutions. Those roles include:
 A high rate of admissions.
 A high level of acuity associated with the Casuarina Prison Infirmery and Crisis Care Unit.
 Relatively high proportion of female offenders in custody.

Direct comparison of pay rates for hospital officers (Gaol Officers Award) and nurses covered by the ANF (WA Public Sector) Award 1994 is complicated by the different structure of the pay rates. Hospital officers have annualised salaries which include penalty shift work rates in the base salaries. The ANF nurses do not have annualised salaries. Whilst a direct comparison of salary rates is unavailable, the rates of the two award groups are considered to be within a comparable range.

ROAD TRAFFIC CODE, DEFINITION OF "SHORT TRIP" BY FARMERS

1527. Hon TOM STEPHENS to the Minister for Transport:

I refer to the *Road Traffic Code Amendment Regulations (No 2) 1999*, Gazetted on September 28 last year, and the Department of Transport's information brochure and ask -

- (1) What is the definition of a "short trip" that can be taken by farmers, referred to on the back of the brochure?
- (2) Who will determine whether the trip involved falls within this definition?
- (3) Is the Road Safety Council's project manager, Andrew Waters, correct in the *Kimberley Echo* article, February 3 2000, to interpret this as meaning trips between paddocks and, if yes, what limit, if any, would apply to how far apart paddocks could be?
- (4) Has the Director General exempted, or is he proposing to exempt, vehicles other than emergency services and farmers making short trips?
- (5) If so, which ones?
- (6) What guidelines will exist as to what frequency will be considered sufficient for sub-clause (c) of reg 1510?
- (7) Will these regulations apply equally to private and publicly used vehicles?
- (8) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) According to the Road Traffic Code Amendment Regulations (No. 2) 1999, gazetted on 28 September 1999, the provisions of the open load space regulation do not apply to the driver of, or passengers on or in, a vehicle while it is being used solely, or principally, for agricultural purposes or farming activities. The brochure is only intended as a guide to the original intended policy which would allow farmers to travel from one portion of his property to another or to travel short distances on public roads in the course of their farming activities.
- (2) As there is no definition of a "short trip" in the regulations this is not applicable.
- (3) Andrew Waters, the Road Safety Council's project manager in the Kimberley, is correct in referring to "trips between paddocks" as an example of the sort of trips intended by the regulation. The regulations do not restrict the driver of, or passengers on or in, a vehicle while it is being used solely, or principally, for agricultural purposes or farming activities to a specific length of journey. However, the intention is for travel to be kept to a minimum as much as possible.
- (4)-(5) According to the Road Traffic Code Amendment Regulations (No. 2) 1999, the Director General of Transport may, in writing, exempt the driver of a particular vehicle and any passengers on that vehicle, either generally, or for a specified time or purpose, from the provisions of the open load space regulations. There is no intention currently to exempt vehicles other than emergency services and farmers making short trips. Individuals may apply

to the Director General for exemption under this provision and each application will be decided on the basis of its individual merit.

- (6) Sub-clause (c) requires the passenger to prove that they were engaged in work that required them to alight from and re-enter the vehicle at frequent intervals and that the vehicle was being driven at a speed not exceeding 25 kilometres per hour. It is envisaged that the nature of work covered will include local council workers engaged in line-marking roads or garbage collection, milk and newspaper deliverers, and work of a similar nature.
- (7) Yes, these regulations will apply equally to both private and publicly used vehicles.
- (8) Not applicable.

POLICE, BEAGLE BAY COMMUNITY

1528. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

I refer to a letter dated December 14 1995 from the Acting Police Commissioner to the Chairman of the Beagle Bay Community referring to "an immediate and pressing need for the establishment of a police station with permanent officers" and that "the Police Service would establish an appropriate police presence made up of sworn police officers and police aides (suggested a total of 4) and would also provide the necessary infrastructure, support and recurrent costs", and ask -

- (1) Given this need and these undertakings, why has the Beagle Bay Community been requested to provide from its own resources the establishment of a resident police officer?
- (2) Is this representative of the approach to police resourcing within this State generally or only for remote Aboriginal communities?
- (3) Will the Minister for Police table any guidelines that exist as to population and/or resources required for a permanent police presence to be provided in regional and rural towns in WA?
- (4) If not, why not?

Hon PETER FOSS replied:

- (1) Because there are in excess of 130 communities in the Kimberley Police District alone the provision of policing services needs to be prioritised and managed within the parameters dictated by available resources. Regular patrols visit these communities and requests made for a permanent police presence at all major communities are a matter actively and regularly canvassed. It is not possible or practical to provide a permanent police presence at every community, however the Kimberley District Police Office has carried out a feasibility study and various strategies have been recommended. These strategies require funding for support infrastructure, suitable amendments to the Aboriginal Communities Act, and the transfer of sufficient funding from the Aboriginal Affairs Department to re-vitalise, develop and improve, to provide an efficient and cost effective Warden Schemes. Because of the similar demands from a number of different communities, the police service has in the past and will continue to enter into an agreement with communities to assist with residential accommodation and the erection of a police post.

A pilot scheme predicated on the same basis at Bidyadanga has proved most successful, as the community own the program, and the emphasis is on community development and self-determination rather than strict regulatory law enforcement. Ultimately the latter could end in a higher level of community representation brought into the Criminal Justice System, which is not desirable, and not the intention. The Beagle Bay Community approached the Kimberley District Police Office with regards to the placement of an Aboriginal Police Liaison Officer at the Community and guarantees were offered by the Community to provide residential accommodation and infrastructure should this arrangement go ahead.

The partnership was necessary to enable the police to provide a similar service to this community within existing resources without reducing services to other communities. The Council at Beagle Bay have since given that house to a community member, and although materials have been transported on site, no work has been commenced on the police post, as was the agreement. Without an undertaking from the community to provide infrastructure it would be highly unlikely given current resources that Police would be able to accede to their request for a permanent policing presence without reducing services to the myriad of other Aboriginal Communities in the Northern Region who arguably show a greater need.

- (2) The police have finite resources that have to be prioritised to deliver the optimum service to the entire community, and that includes remote Aboriginal Communities. Because of the isolated nature of some of these communities special police patrols are currently providing an adequate police service. Police respond to incidents of a more pressing nature as expeditiously as access to a particular community permits at any given time. The approach to the prioritisation of police resources is consistent with the demands of the entire community.
- (3) Each and every request for policing services has to be assessed on its own particular merits. Therefore it is not possible to use a particular formula to decide whether or not that policing service will be provided. Issues such as population demographics and trends in offending need to be examined. The Northern Region is aware of the need to provide quality, policing services to isolated communities. And as such endeavours to provide the best possible policing service to these communities within existing resource capabilities.
- (4) Refer to questions 1, 2 and 3 above.

KWINANA MOTORSPORT COMPLEX, RISK REPORT

1529. Hon TOM STEPHENS to the Attorney General representing the Minister for Planning:

- (1) Will the Minister for Planning table the risk report on the \$21m motorsport complex at Kwinana that the Ministry for Planning has released?
- (2) If not, why not?

Hon PETER FOSS replied:

- (1)-(2) In July 1999 ERM Mitchell McCotter prepared a societal risk report on the Kwinana International Motorplex proposal for the Western Australian Planning Commission. This report was released for public comment. Environmental Risk Solutions prepared a societal risk report on the Kwinana International Motorplex proposal for the Ministry for Planning. This report was released under Freedom of Information in December 1999. Both these reports are publicly available from the Ministry for Planning.

ROAD ACCESS, BROOME, DERBY AND FITZROY CROSSING

1530. Hon TOM STEPHENS to the Minister for Transport:

- (1) On how many occasions have the towns of Broome, Derby and Fitzroy Crossing each been isolated from road access in each of the last 10 years, including this year?
- (2) How many days were these towns isolated on each occasion?

Hon M.J. CRIDDLE replied:

- (1)-(2) Refer to Legislative Council Question on Notice Number 1505.

FISHERIES, SEADRAGONS

1533. Hon GIZ WATSON to the Minister for Transport representing the Minister for Fisheries:

With regards to the protection of seadragons and other *Syngnathids* in West Australian waters -

- (1) Why are Leafy Seadragons protected under Fisheries Legislation?
- (2) Why are Common (weedy) Seadragons not similarly protected under Fisheries Legislation?
- (3) Does the Minister for Fisheries accept that both types of *Syngnathids* are subject to pressure from some types of commercial fishing, the aquarium trade and illegal taking?
- (4) What is the population status of the Leafy Seadragon in WA waters?
- (5) What is the population status of the Common (weedy) Seadragon in WA waters?
- (6) On what basis are licenses to take *Syngnathids* granted?
- (7) What evidence can the Minister provide that the populations of both these *Syngnathids* are not declining?

Hon M.J. CRIDDLE replied:

- (1) The Leafy Seadragon is protected under Fisheries legislation for the following reasons -
 - indications are that, populations are small and have a limited distribution
 - Leafy Seadragons are highly desired as aquarium specimens
 - the ease of capture of Leafy Seadragons
- (2) Advice from the WA Museum is that the Common Seadragon, whilst not abundant, is relatively common and more widely distributed in comparison to the Leafy Seadragon. I am advised that Fisheries WA has not received any advice that Common Seadragon populations in WA are at risk from fishing.
- (3) Leafy Seadragons are totally protected under the Fish Resources Management Act and may not be taken by either commercial or recreational fishermen. Common Seadragons may be legally taken by recreational fishermen and commercially by the 11 licensees in the Marine Aquarium Fishery.
- (4) See 1.
- (5) See 2.
- (6) Only licensees in the Marine Aquarium Fishery may take *Syngnathids* commercially. This fishery has 11 licensees and no new licences may be granted.
- (7) There is no direct evidence or research that shows that populations of either Leafy or Common Seadragons are declining.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1552. Hon KEN TRAVERS to the Minister for Racing and Gaming:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister's control award to -
- (a) O'Keefe & Gee;
 - (b) Picton Press;
 - (c) Frank Daniels;
 - (d) Vanguard Press;
 - (e) Advance Press;
 - (f) Muhlings Print; and
 - (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
 - (b) the actual final cost;
 - (c) the award date; and
 - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon N.F. MOORE replied:

Lotteries Commission; Office of Racing, Gaming and Liquor; Burswood Park Board; Western Australian Greyhound Racing Authority; Totalisator Agency Board.

- (1) Nil.
 (2)-(3) Not applicable.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1553. Hon KEN TRAVERS to the Minister for Tourism:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister's control award to -
- (a) O'Keefe & Gee;
 - (b) Picton Press;
 - (c) Frank Daniels;
 - (d) Vanguard Press;
 - (e) Advance Press;
 - (f) Muhlings Print; and
 - (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
 - (b) the actual final cost;
 - (c) the award date; and
 - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon N.F. MOORE replied:

Rottneest Island Authority

- (1) (a) Nil
 (b) One
 (c)-(d) Nil
 (e) One
 (f)-(g) Nil
- (2) (a) Picton Press
 \$1540.00 plus film production
 (b) \$1900.00
 (c) December 1998
 (d) December 1998
- (a) Advance Press
 (a) \$1060.00
 (b) \$1060.00
 (c) July 1998
 (d) August 1998
- (3) Verbal quotations were obtained.

Western Australian Tourism Commission

- (1) (a)-(d) Nil
 (e) Printing WATC letterhead, stickers and tickets
 (f) Nil
 (g) Printing the English and foreign versions of a promotional brochure.

- (2) (a) Advance Press Letterhead - \$2570
Stickers - \$1425
Tickets - \$3630
Lamb Print English version - \$25,450
Foreign version - \$22,756
- (b) Advance Press As above
Lamb Print English version – as above
Foreign version - \$26,750 (additional work was required).
- (c) Advance Press Letterhead – 20 August, 1998
Stickers – 14 September, 1998
Tickets – 11 December, 1998
Lamb Print English version – April 1999
Foreign version – June 1999
- (d) Advance Press Letterhead – 8 September, 1998
Stickers – 26 October, 1998
Tickets – 21 December, 1998
Lamb Print English version – May 1999
Foreign version – August 1999
- (3) Advance Press: Three
Lamb Print: English version - Three
Foreign version - One, this was based on the original quote response which was considerably lower, coupled with a familiarity of the requirements needed and that some of the equipment was able to be utilised from the previous print job.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1559. Hon KEN TRAVERS to the Leader of the House representing the Minister for Employment and Training:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Employment and Training's control award to -
- (a) O'Keefe & Gee;
(b) Picton Press;
(c) Frank Daniels;
(d) Vanguard Press;
(e) Advance Press;
(f) Muhlings Print; and
(g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
(b) the actual final cost;
(c) the award date; and
(d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

The answer was tabled. [See paper No 920.]

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1561. Hon KEN TRAVERS to the Leader of the House representing the Minister for Fair Trading:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Fair Trading's control award to -
- (a) O'Keefe & Gee;
(b) Picton Press;
(c) Frank Daniels;
(d) Vanguard Press;
(e) Advance Press;
(f) Muhlings Print; and
(g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
(b) the actual final cost;
(c) the award date; and
(d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon N.F. MOORE replied:

- | | | | |
|-----|-----|----------------|-------|
| (1) | (a) | O'Keefe & Gee | Nil |
| | | Picton Press | Nil |
| | | Frank Daniels | Nil |
| | | Vanguard Press | One |
| | | Advance Press | Three |
| | | Muhlings Print | Nil |
| | | Lamb Print | Nil |
- (2) Vanguard Press - Printing Laser Cheques
- | | | |
|-----|-----------------------------|---------------|
| (a) | <i>Original Tender Cost</i> | \$1,645 |
| (b) | <i>Actual Final Cost</i> | \$1,645 |
| (c) | <i>Award Date</i> | 7 March 1998 |
| (d) | <i>Completion Date</i> | 30 March 1998 |
- Advance Press - Printing of Customer Feedback Notice Leaflets
- | | | |
|-----|-----------------------------|---------------|
| (a) | <i>Original Tender Cost</i> | \$405 |
| (b) | <i>Actual Final Cost</i> | \$405 |
| (c) | <i>Award Date</i> | December 1998 |
| (d) | <i>Completion Date</i> | January 1999 |
- Advance Press - Keeping Baby Safe Book and Safe Toys For Kids Book
- | | | |
|-----|-----------------------------|---------------|
| (a) | <i>Original Tender Cost</i> | \$13,665.00 |
| (b) | <i>Actual Final Cost</i> | \$13,665.00 |
| (c) | <i>Award Date</i> | 5 March 1999 |
| (d) | <i>Completion Date</i> | 22 March 1999 |
- Advance Press - Buying a Computer Booklet
- | | | |
|-----|-----------------------------|--------------|
| (a) | <i>Original Tender Cost</i> | \$4,860.00 |
| (b) | <i>Actual Final Cost</i> | \$4,860.00 |
| (c) | <i>Award Date</i> | 18 June 1999 |
| (d) | <i>Completion Date</i> | 29 June 1999 |
- (3) Vanguard Press (Printing Laser Cheques) - *3.
 Advance Press (Printing of Customer Feedback Notice Leaflets) - *1
 Advance Press (Keeping Baby Safe Book and Safe Toys For Kids Book) - *2
 Advance Press (Buying a Computer Booklet) - *3

*In all cases requests for quotation were issued to three companies but responses were not always received from all companies.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1567. Hon KEN TRAVERS to the Leader of the House representing the Minister for Youth:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Youth's control award to -
- | | |
|-----|---------------------|
| (a) | O'Keefe & Gee; |
| (b) | Picton Press; |
| (c) | Frank Daniels; |
| (d) | Vanguard Press; |
| (e) | Advance Press; |
| (f) | Muhlings Print; and |
| (g) | Lamb Print? |
- (2) For each contract, what was -
- | | |
|-----|---------------------------|
| (a) | the original tender cost; |
| (b) | the actual final cost; |
| (c) | the award date; and |
| (d) | the completion date? |
- (3) For each contract, how many companies tendered for the contract?

Hon N.F. MOORE replied:

- (1) Nil.
- (2)-(3) Not applicable.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1568. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Aboriginal Affairs' control award to -
- | | |
|-----|----------------|
| (a) | O'Keefe & Gee; |
| (b) | Picton Press; |
| (c) | Frank Daniels; |

- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

- (1) (a)-(b) Nil.
 (c) Printing of the 1998 Annual Report and further reprint of 1998 Annual Report.
 (d)-(g) Nil.
- (2) (a)-(b) Frank Daniels (i) \$13,998.00.
 (ii) \$5,740.00.
 (c) Frank Daniels (i) 22 October 1998.
 (ii) 3 December 1998.
 (d) Frank Daniels (i) 30 November 1998.
 (ii) 10 February 1999.
- (3) Frank Daniels (i) 3.
 (ii) 1.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1569. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Citizenship and Multicultural Interests:

(1) In 1998/99 what contracts did Government departments and agencies under the Minister for Citizenship and Multicultural Interests' control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

Office of Citizenship and Multicultural Interests

- (1) None
 (2)-(3) Not applicable.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1570. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Disability Services:

(1) In 1998/99 what contracts did Government departments and agencies under the Minister for Disability Services' control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

- (3) For each contract, how many companies tendered for the contract?

The answer was tabled. [See paper No 921.]

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1571. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Family and Children's Services' control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

- (2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

- (3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

- (1) (a) Nil
- (b) 20 orders to a total value of \$28,495
- (c) 15 orders to a total value of \$78,360
- (d) Nil
- (e) 17 orders to a total value of \$27,346
- (f) 2 orders to a total value of \$3,949
- (g) Nil

- (2)-(3) All the above were beneath the value required to go to tender.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1572. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Fisheries:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Fisheries' control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

- (2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

- (3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

- (1) No formal contracts via the Public Tendering System were awarded to any of the companies listed during the 1998/99 financial year. However, 18 orders at a cost of \$68,747 were issued to Muhlings Print in that period.
- (2) For each order the total amount paid matched the original order value. The award date and completion date is not applicable in these circumstances.
- (3) For each order, quotations were obtained in accordance with WA Government requirements.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1573. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Housing's control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

- (1) (a)-(d) Nil.
(e) Two, business stationery printing and publication printing.
(f)-(g) Nil.
- (2) (a) These contracts were awarded on an ongoing basis to provide printing services over a two year period with the tenderers submitting prices against a sample range of business stationery and publication printing.

(b) The final expenditure under these contracts will not be known until they expire in July 2000.

(c) Business stationery printing was initially awarded to the lowest tenderer, Press Power, on 9 July 1998. When this contract was cancelled on 19 May 1999 it was offered to the second lowest tenderer, Advance Press, on 20 May 1999.
Publication printing – 9 July 1998.

(d) Business stationery printing – 9 July 2000.
Publication printing – 9 July 2000.
- (3) Business stationery printing – 21 companies.
Publication printing – 15 companies.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1576. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Seniors:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Seniors' control award to -

(a) O'Keefe & Gee;
(b) Picton Press;
(c) Frank Daniels;
(d) Vanguard Press;
(e) Advance Press;
(f) Muhlings Print; and
(g) Lamb Print?
- (2) For each contract, what was -

(a) the original tender cost;
(b) the actual final cost;
(c) the award date; and
(d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

Please refer to question on notice 1571.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1577. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Services:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Services' control award to -

(a) O'Keefe & Gee;
(b) Picton Press;
(c) Frank Daniels;
(d) Vanguard Press;
(e) Advance Press;
(f) Muhlings Print; and
(g) Lamb Print?

- (2) For each contract, what was -
- (a) the original tender cost;
 - (b) the actual final cost;
 - (c) the award date; and
 - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

State Supply Commission

- (1) (a)-(f) Nil
(g) Layout and printing of a Contract Process to complement the Commission's new Policies and Guidelines for Buying Wisely manual.
- (2) (a) \$978
(b) \$978
(c) 21 April 1999
(d) 27 April 1999
- (3) One - Lamb Print had been previously engaged through a competitive tender process by the Commission's public relations and marketing contractor.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1579. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Women's Interests:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Women's Interests' control award to -
- (a) O'Keefe & Gee;
 - (b) Picton Press;
 - (c) Frank Daniels;
 - (d) Vanguard Press;
 - (e) Advance Press;
 - (f) Muhlins Print; and
 - (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
 - (b) the actual final cost;
 - (c) the award date; and
 - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

Please refer to question on notice 1571.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1580. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Works:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Works' control award to -
- (a) O'Keefe & Gee;
 - (b) Picton Press;
 - (c) Frank Daniels;
 - (d) Vanguard Press;
 - (e) Advance Press;
 - (f) Muhlins Print; and
 - (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
 - (b) the actual final cost;
 - (c) the award date; and
 - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

Department of Contract & Management Services

- (1) Contract and Management Services' (CAMS) awarded the following contracts (>\$5,000) in 1998/99:

- (a)-(b) Nil.
 (c) BB841/98 Printing of "Managing Risks in Contracting" manual. BB136/00 Printing of "How to buy with CAMS Common Use Contracts" information folder.
 (d)-(g) Nil.
- (2) BB841/98
- (a) \$15,630
 (b) \$15,740
 (c) October 1998
 (d) February 1999
- BB136/00
- (a) \$7,580
 (b) \$7,830
 (c) November 1998
 (d) February 1999
- (3) BB841/98 3
 BB136/00 1 - Only 1 quote was called for as CAMS had just been through a quotation process for a similar job.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1582. Hon KEN TRAVERS to the Attorney General representing the Minister for the Arts:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for the Arts' control award to -
- (a) O'Keefe & Gee;
 (b) Picton Press;
 (c) Frank Daniels;
 (d) Vanguard Press;
 (e) Advance Press;
 (f) Muhlins Print; and
 (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
 (b) the actual final cost;
 (c) the award date; and
 (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

Ministry for Culture & the Arts

- (1) (a)-(g) None.
 (2)-(3) Not applicable.

ArtsWA

- (1) (a)-(g) None.
 (2)-(3) Not applicable.

Western Australian Museum

- (1)
- | | |
|--------------------|---------------------|
| (a) O'Keefe & Gee | None |
| (b) Picton Press | 1 contract awarded |
| (c) Frank Daniels | 4 contracts awarded |
| (d) Vanguard Press | None |
| (e) Advance Press | 1 contract awarded |
| (f) Muhlins Print | None |
| (g) Lamb Print | 6 contracts awarded |
- (2) Picton Press
- (a) \$655
 (b) \$655
 (c) 22 March 1999
 (d) 27 March 1999
- Frank Daniels
- (a) \$9 440
 (b) \$11 745
 (c) 20 August 1998
 (d) 9 November 1998

Frank Daniels

- (a) \$9 930
- (b) \$9 930
- (c) 10 March 1999
- (d) 20 April 1999

Frank Daniels

- (a) \$10 700
- (b) \$10 700
- (c) 23 March 1999
- (d) 30 April 1999

Frank Daniels

- (a) \$4 200
- (b) \$4 200
- (c) 9 June 1999
- (d) 28 June 1999

Advance Press

- (a) \$13 775
- (b) \$13 775
- (c) 19 April 1999
- (d) 30 April 1999

Lamb Print

- (a) \$20 162
- (b) \$21 264
- (c) 31 March 1999
- (d) 25 May 1999

Lamb Print

- (a) \$3 771
- (b) \$3 771
- (c) 18 December 1998
- (d) 21 December 1998

- (a) \$1 250
- (b) \$1 250
- (c) 1 October 1998
- (d) 8 October 1998

- (a) \$4 319
- (b) \$4 719
- (c) 28 July 1998
- (d) 12 August 1998

- (a) \$5 764
- (b) \$6 460
- (c) 28 July 1998
- (d) 26 February 1999

- (a) \$12 316
- (b) \$12 316
- (c) 9 October 1998
- (d) 21 October 1998

- (3) Picton Press 1 company tendered
- Frank Daniels 3 companies tendered
- Frank Daniels 0 – Reprint
- Frank Daniels 0 – Reprint
- Frank Daniels 0 – Reprint
- Advance Press 3 companies tendered
- Lamb Print 3 companies tendered
- Lamb Print 3 companies tendered
- Lamb Print 3 companies tendered
- Lamb Print 3 companies tendered
- Lamb Print 3 companies tendered
- Lamb Print 3 companies tendered

Library and Information Service of Western Australia

- (1) (a)-(f) None.

- (2)-(3) Not applicable.

Art Gallery of Western Australia

- (1) (a)-(f) None.

- (2)-(3) Not applicable.

ScreenWest

- (1) (a)-(f) None.

- (2)-(3) Not applicable.

PLANNING, WUNGONG, SOUTHERN RIVER AND FORRESTDAL E AREAS

1594. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

- (1) Is the Minister for Planning aware that his department is proposing large scale urbanisation in the Wungong, Southern River and Forrestdale areas which contain sensitive wetlands and valuable groundwater?
- (2) Is the Minister aware that this development will involve discharging large quantities of water into the Southern River and Wungong Brook, which eventually flow into the Canning and Swan Rivers?
- (3) In view of the serious algal blooms resulting from excessive nutrient runoff into the lower Swan and Canning Rivers over several years what measures has, or will, the Minister put in place to prevent nutrient or chemical runoff from this proposed urban development?

Hon PETER FOSS replied:

- (1) The Minister for Planning is aware that the Ministry for Planning in association with the Cities of Gosnells and Armadale and in consultation with the local community is developing a structure plan for the Southern River, Forrestdale, Brookdale and Wungong localities. The structure plan area contains a number of valuable wetlands, water resource management areas and remnant vegetation. These are identified for protection and are being taken into account in the development of the structure plan.
- (2)-(3) Stormwater management in the structure plan area will be required to comply with the policies and standards of the Water and Rivers Commission. In addition, the Minister for Planning understands that the structure plan will recommend that a Drainage and Nutrient Management Plan be developed and a Technical Review Committee be set up to develop drainage standards and monitor the water resource.

SHEARWATER DEVELOPMENT

1601. Hon Ken Travers to the Minister for Transport representing the Minister for Housing:

I refer to the Media Statement released on November 28 1999 headed "Further compromise announced on the preservation of Tuart forest in Shearwater Development", and ask -

- (1) From whom and for how much is compensation being sought to pay the Ministry for Housing for land at the Shearwater development?
- (2) Has the compensation been agreed to?

Hon M.J. CRIDDLE replied:

- (1)-(2) As a compromise position and to assist the retention of tuart trees in Shearwater, the Government has given up an additional 20 hectares of residential land for bushland, reduced road reserves and will develop a number of larger ranch style lots in order to maximise the retention of tuarts. Compensation will be sought from the Western Australian Planning Commission for land relinquished for a regional park under the region scheme.

HOUSING, NEW LIVING PROGRAM, WITHERS, BUNBURY

1657. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

Regarding the Ministry of Housing's appointment of Pindan the Property Group to develop Withers, Bunbury, under its New Living program -

- (1) Were -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
 called for this project?
- (2) Where and when were they advertised?
- (3) How many companies submitted their -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
 and what were their names?
- (4) If -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
 were not called, why weren't they?

- (5) Who made the decision to award the “preferred partner” status to Pindan?
- (6) Does Pindan own any of the land in the development?
- (7) If yes, how much land does it own and how much does the Ministry of Housing own?
- (8) What are the terms of this joint venture agreement in respect to -
 - (a) profit sharing;
 - (b) cost sharing, and
 - (c) liability in the event of failure of the project?
- (9) What are the anticipated costs and profits of the project to the Ministry of Housing?
- (10) What is the value of the contract to Pindan?

Hon M.J. CRIDDLE replied:

- (1) Yes, (c).
- (2) The West Australian Newspaper during July and August 1999 with submissions closing on Friday 17 September 1999.
- (3) Two. Pindan Property Group and Bunbury Projects Pty Ltd.
- (4) Not applicable.
- (5) A selection panel comprising the Chairman of the Landstart Board (an internal governance board), a Commissioner from the State Housing Commission Board, Ministry of Housing executive officers, the Chief Executive Officer of the City of Bunbury and an industry representative made a recommendation to the following hierarchy:
 - Landstart Board.
 - State Housing Commission Board.
 - Minister for Housing.

It should be noted that pursuant to section 12A of the *Housing Act* the Governor must approve the joint venture and this is being progressed.

- (6) No.
- (7) Not applicable.
- (8)-(10) The Joint Venture Agreement is still being negotiated with the proponent and is subject to commercial confidentiality.

HOUSING, NEW LIVING PROGRAM, CAREY PARK, BUNBURY

1658. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

Regarding the Ministry of Housing’s appointment of Pindan the Property Group to develop Carey Park, Bunbury, under its New Living program -

- (1) Were -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
 called for this project?
- (2) Where and when were they advertised?
- (3) How many companies submitted their -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
 and what were their names?
- (4) If -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
 were not called, why weren’t they?
- (5) Who made the decision to award the “preferred partner” status to Pindan?
- (6) Does Pindan own any of the land in the development?

- (7) If yes, how much land does it own and how much does the Ministry of Housing own?
- (8) What are the terms of this joint venture agreement in respect to -
- (a) profit sharing;
 - (b) cost sharing, and
 - (c) liability in the event of failure of the project?
- (9) What are the anticipated costs and profits of the project to the Ministry of Housing?
- (10) What is the value of the contract to Pindan?

Hon M.J. CRIDDLE replied:

Please refer to the answer provided for Question on Notice 1657.

HOUSING, SHEARWATER, BUNBURY

1659. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

Regarding the Ministry of Housing's appointment of Pindan the Property Group as its "preferred partner" in the development of Shearwater, Bunbury -

- (1) Were -
- (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
- called for this project?
- (2) Where and when were they advertised?
- (3) How many companies submitted their -
- (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
- and what were their names?
- (4) If -
- (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
- were not called, why weren't they?
- (5) Who made the decision to award the "preferred partner" status to Pindan?
- (6) Does Pindan own any of the land in the development?
- (7) If yes, how much land does it own and how much does the Ministry of Housing own?
- (8) What are the terms of this joint venture agreement in respect to -
- (a) profit sharing;
 - (b) cost sharing, and
 - (c) liability in the event of failure of the project?
- (9) What are the anticipated costs and profits of the project to the Ministry of Housing?
- (10) What is the value of the contract to Pindan?

Hon M.J. CRIDDLE replied:

Please refer to the answer provided for Question on Notice 1657.

HOUSING, GLEN IRIS, BUNBURY

1660. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

Regarding the Ministry of Housing's appointment of Pindan the Property Group as its "preferred partner" in the development of Glen Iris, Bunbury -

- (1) Were -
- (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,
- called for this project?

- (2) Where and when were they advertised?
- (3) How many companies submitted their -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,and what were their names?
- (4) If -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,were not called, why weren't they?
- (5) Who made the decision to award the "preferred partner" status to Pindan?
- (6) Does Pindan own any of the land in the development?
- (7) If yes, how much land does it own and how much does the Ministry of Housing own?
- (8) What are the terms of this joint venture agreement in respect to -
 - (a) profit sharing;
 - (b) cost sharing, and
 - (c) liability in the event of failure of the project?
- (9) What are the anticipated costs and profits of the project to the Ministry of Housing?
- (10) What is the value of the contract to Pindan?

Hon M.J. CRIDDLE replied:

Please refer to the answer provided for Question on Notice 1657.

HOUSING, BUNBURY HOSPITAL SITE

1661. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

Regarding the Ministry of Housing's appointment of Pindan the Property Group to develop the former Bunbury Hospital site -

- (1) Were -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,called for this project?
- (2) Where and when were they advertised?
- (3) How many companies submitted their -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,and what were their names?
- (4) If -
 - (a) expressions of interest;
 - (b) tenders; or
 - (c) request for proposals,were not called, why weren't they?
- (5) Who made the decision to award the "preferred partner" status to Pindan?
- (6) Does Pindan own any of the land in the development?
- (7) If yes, how much land does it own and how much does the Ministry of Housing own?
- (8) What are the terms of this joint venture agreement in respect to -
 - (a) profit sharing;
 - (b) cost sharing, and
 - (c) liability in the event of failure of the project?

(9) What are the anticipated costs and profits of the project to the Ministry of Housing?

(10) What is the value of the contract to Pindan?

Hon M.J. CRIDDLE replied:

Please refer to the answer provided for Question on Notice 1657.

REGIONAL PARKS, LEGISLATION

1666. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

(1) When will the Government introduce the regional parks legislation which it promised before the last State Election?

(2) Why wasn't this legislation included in the current amendments to the *CALM Act*?

Hon PETER FOSS replied:

(1) The legislation will be introduced as a part of legislative amendments to the Conservation and Land Management (CALM) Act that will occur in future Parliamentary sessions.

(2) It was not included in the current amendments to the CALM Act because it was not directly related to the purposes of the Bill.

PLANNING, FUTURE PERTH

1668. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

(1) When is the planning strategy "Future Perth" to be released for public comment?

(2) When was work on the "Future Perth" report commenced?

Hon PETER FOSS replied:

(1) The Future Perth Project will involve a wide ranging public consultation programme which will see the ongoing release of working documents during the planning process. It is currently envisaged that a major document outlining options and strategies for Future Perth will be released for public comment in mid 2001.

(2) The Future Perth Project was formally launched by the Minister for Planning on 18 June 1999.

EMPLOYERS, PROSECUTIONS

1682. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

(1) Can the Minister for Labour Relations advise the number of prosecutions made against employers by the Department of Productivity and Labour Relations in the Industrial Magistrates Court in each of the following years -

- (a) 1993/94;
- (b) 1994/95
- (c) 1995/96;
- (d) 1996/97;
- (e) 1997/98; and
- (f) 1998/99?

(2) How many complaints have not been resolved in a conciliatory manner in each of the following years -

- (a) 1993/94;
- (b) 1994/95
- (c) 1995/96;
- (d) 1996/97;
- (e) 1997/98; and
- (f) 1998/99?

(3) What action does DOPLAR take if complaints cannot be resolved in a conciliatory manner?

Hon PETER FOSS replied:

(1) (a) 12
(b) 5
(c) 6
(d) 2
(e) 2
(f) 3

(2) (a) 12
(b) 5
(c) 6
(d) 2
(e) 2
(f) 3

- (3) If the parties are unable to resolve the complaint, and Department of Productivity and Labour Relations (DOPLAR) considers the evidence will support a case before the Industrial Magistrates Court, DOPLAR will initiate prosecution action.

BUILDING AND CONSTRUCTION INDUSTRY TASK FORCE, INVESTIGATIONS

1683. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) How many breaches of section 2.1.10 (Occupational Health and Safety) of the *Code of Practice for the WA Building and Construction Industry* have the Building and Construction Industry Task Force investigated and/or reported to WorkSafe WA for their investigation in each of the following years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97;
 - (e) 1997/98; and
 - (f) 1998/99?
- (2) How many safety issues has the Task Force reported to WorkSafe WA for their investigation in each of the following years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97;
 - (e) 1997/98; and
 - (f) 1998/99?
- (3) What formal training/instruction have the members of the Task Force received relating to the provisions of the *Occupational Health and Safety Act*?
- (4) What arrangements, formal or otherwise, are in place between the Task Force and WorkSafe WA regarding safety on building and construction sites?

Hon PETER FOSS replied:

- (1) No breaches of section 2.1.10 of the Code of Practice have been reported to the Taskforce. Alleged breaches of the Occupational Health Safety and Welfare at Work Act are investigated by WorkSafe WA.
- (2) The Taskforce maintains a regular contact with WorkSafe WA and has referred a number of on site safety issues for their investigation. The Taskforce has not maintained a record of these referrals.
- (3) The Taskforce Executive Officer has attended an Industrial Foundations for Accident Prevention (IFAP) course for construction site managers.
- (4) The Taskforce maintains regular contact with officers of WorkSafe WA. The Taskforce and WorkSafe WA have established a protocol setting out arrangements for the agencies in handling occupational health and safety issues on building sites.

KUNUNURRA DISTRICT HIGH SCHOOL, ABORIGINAL ISLANDER EDUCATION OFFICERS

1689. Hon TOM STEPHENS to the Parliamentary Secretary representing the Minister for Education:

- (1) Does the Minister for Education consider that as part of their role, Aboriginal Islander Education Officers (AIEO's) need to liaise with Aboriginal parents regularly?
- (2) Will the Minister provide funding for a vehicle for the AIEO's based at Kununurra District High School to ensure they are able to meet with Aboriginal parents in their home environment when required?
- (3) If not, why not?

Hon BARRY HOUSE replied:

- (1) Yes.
- (2)-(3) No. All Aboriginal education funding is being directed towards:
- improving student outcomes in literacy and numeracy;
 - increasing the attendance rate of Aboriginal students; and
 - achieving the targets of the Indigenous Education Strategic Initiatives Program Agreement with the Commonwealth Government.

AIEOs are able to liaise with Aboriginal parents by telephone, through ASSPA committees, special functions such as sausage sizzles, and through notes sent home with students. In addition, if they use their private vehicles to visit parents at home, AIEOs can claim the mileage involved.

LANDCORP, WOODSOME MANAGEMENT PTY LTD

1690. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Lands:

I refer to LandCorp's contract with Woodsome Management Pty Ltd and ask -

- (1) Did LandCorp seek an exemption from calling tenders for this contract from the State Supply Commission?
- (2) If yes -
 - (a) did the State Supply Commission grant an exemption;
 - (b) what was the maximum value of the exemption;
 - (c) on what date was the exemption granted;
 - (d) what were the State Supply Commission's reasons for granting the exemption;
 - (e) will the Minister for Lands table a copy of LandCorp's request to waive tenders and the State Supply Commission's response; and
 - (f) if not, why not?
- (3) If LandCorp did not request the right to waive tenders from the State Supply Commission, why wasn't this request sought?

Hon N.F. MOORE replied:

- (1) No.
- (2) Not applicable.
- (3) LandCorp's land development activities are conducted in accordance with prudent commercial principles as required by its legislation and do not fall within the jurisdiction of the State Supply Commission.
- (4) The resignation of LandCorp's staff project manager together with the need to commence the joint preparation of documentation required to initiate amendments to the Metropolitan Region Scheme (Metropolitan Region Scheme) and Local Town Planning Scheme, resulted in the appointment of Woodsome Management Pty Ltd due to their experience with the earlier masterplanning phase of the joint planning initiative. The introduction of a third party to duplicate this function would not have delivered the same economic efficiencies. Following the MRS Amendment phase, LandCorp will appoint a project manager through an appropriately competitive selection process to oversee its own development.

HOUSING, SUPPORTED ACCOMMODATION PROGRAM IN ALBANY

1691. Hon BOB THOMAS to the Minister for Transport representing the Minister for Family and Children's Services:

Which organisations in Albany receive funding from the Supported Accommodation Program and how much did they receive in -

- (a) 1997/98;
- (b) 1998/99; and
- (c) 1999/2000 to date?

Hon M.J. CRIDDLE replied:

(a)	Albany Youth Accommodation Service (Young House)	\$216,907
	Albany Family Violence Service (Women's Centre)	\$204,724
(b)	Albany Youth Accommodation Service (Young House)	\$267,890
	Albany Family Violence Service (Women's Centre)	\$205,598
(c)	Albany Youth Accommodation Service (Young House)	\$301,569
	Albany Family Violence Service (Women's Centre)	\$254,017

BUS SERVICE IN BUNBURY, SUBSIDY

1692. Hon BOB THOMAS to the Minister for Transport:

- (1) What is the amount of the annual subsidy for the Bunbury regular public transport bus service in Bunbury?
- (2) What proportion of the subsidy is for the service between the Wollaston Rail Station and the CBD?
- (3) What is the frequency of the bus service between the rail station and the CBD?

Hon M.J. CRIDDLE replied:

- (1) The subsidy for 1999/2000 for Bunbury City Transit is \$1 646 000.
- (2) Approximately one per cent (\$16 500) of the total subsidy relates to the service between the Wollaston Rail Station and the Central Business District.
- (3) The frequency of the bus service between the rail station and the Central Business District is as follows -

Monday, Tuesday, Wednesday, and Friday - 18 services
Thursday - 20 services
Saturday - 13 services
Sunday - no services

COLLEGE GROVE ESTATE

1693. Hon BOB THOMAS to the Leader of the House representing the Minister for Lands:

- (1) How much land has been released in the College Grove estate and how many blocks have been sold?
- (2) What is the value of land sold to date?
- (3) How much land is available for future sales and how many blocks will be created?

Hon N.F. MOORE replied:

- (1) 367 Lots have been released and 316 lots have been sold
- (2) \$11,462,850
- (3) College Grove (south) is likely to consist of a further 580 lots (approx) for future development and release.

KWINANA INDUSTRIAL AREA

1694. Hon BOB THOMAS to the Leader of the House representing the Minister for Lands:

- (1) What is the size of the core of the Kwinana industrial area?
- (2) What is the size of the buffer of the Kwinana industrial area?
- (3) What uses are prohibited in the buffer zone?

Hon N.F. MOORE replied:

- (1) The existing Kwinana Industrial area encompasses an area of approximately 2,400 hectares.
- (2) The existing Environmental Protection Policy Buffer encompasses an area of approximately 3,000 hectares.
- (3) Land uses in the buffer zone are subject to the provisions of the City of Cockburn and Town of Kwinana Planning Schemes. Relevant zoning tables indicate the full range of permitted and prohibited industry.

LANDCORP, LEACH HIGHWAY COUNCIL DEPOT SITE

1695. Hon MARK NEVILL to the Leader of the House representing the Minister for Lands:

Would the Minister for Lands be prepared to support LandCorp taking a minority interest in a joint venture proposal to develop and/or sell the Leach Highway Council Depot site in order to assist in satisfying the financial objectives sought by the City of Melville?

Hon N.F. MOORE replied:

Section 16(1)(c) of the Western Australian Land Authority Act states that a function of LandCorp is "to be an agency through which local governments and regional local governments may dispose of land in accordance with the *Local Government Act*." LandCorp, pursuant to this function, is currently joint venturing with the City of Bunbury and is discussing possible joint ventures with two other local governments. It would therefore be within LandCorp's capacity to joint venture with the City of Melville to maximise the returns from development of the depot site. As the Minister for Lands I would support such an approach, if it was supported by the City of Melville and also subject to the LandCorp Board making the appropriate recommendation.

LANDCORP, LAND DEVELOPMENTS

1696. Hon GIZ WATSON to the Leader of the House representing the Minister for Lands:

With regard to LandCorp's role in land development in the metropolitan area -

- (1) Will the Minister for Lands let me know how many developments LandCorp is involved with in Perth?
- (2) How many developments involve existing Bushplan sites or sites nominated to be included in Bushplan?
- (3) Which are these developments?
- (4) What is LandCorp's role intended to be in the acquisition of land - merely acquiring the land and distributing it, or involvement in the role of developers as well?

Hon N.F. MOORE replied:

- (1) LandCorp owns 43 development sites
- (2) 10

- (3) Lots 68 and 70, Corner Ranford and Anstey Rds, Forrestdale
 Lots 102 & M1503, Alkimos-Eglinton
 Lot 7, Clarence Rd, Mt Brown, Naval Base
 Lot 1, Lot 13, and Lot 11, Phoenix Road, Bibra Lake
 Lot 204, Lyon Road, Atwell South
 Lot 101, Marmion Ave, Yanchep
 Lot 65, Cockburn Road, Spearwood
 Lot 4, Joondalup Drive, Joondalup
 Lot 1 Russell Road, Henderson
 Lot 9630, Burns Beach Road, Neerabup
- (4) Section 16 of the *Western Australia Land Authority Act 1992*, outlines the functions of the Authority. The functions include the provision of land to meet the economic needs of the State, to be an agency through which the Crown and public authorities may dispose of land, to acquire, hold, deal with, manage and dispose of land and to plan, undertake, provide for, promote and coordinate the development of land. LandCorp can acquire land, sell undeveloped land and develop the land.

TOURISM, DR DAVID SUZUKI

1698. Hon TOM STEPHENS to the Minister for Tourism:

I refer to the Minister's answer on Tuesday, March 28 2000, in relation to the WA Tourism Commission's efforts to obtain David Suzuki as foundation patron of a new eco-tourism strategy and ask -

- (1) Was the Minister correct when he said "Nobody has been directing anybody to do anything in relation to this matter"?
- (2) Isn't it correct that the Minister directed the WATC to abandon such a strategy?
- (3) If not, how does the Minister explain the fact he confirmed to *The West Australian* newspaper that he quashed this project?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) No.
- (3) The newspaper article does not refer to me directing the Western Australian Tourism Commission.

RESERVE 24913, EXCISION OF LOCATION 7836, OCEAN BEACH ROAD

1710. Hon GIZ WATSON to the Leader of the House representing the Minister for Lands:

With regards to the excision of location 7836 – Ocean Beach Road, from Class 'A' Reserve 24913 -

- (1) Will the Minister for the Environment give an assurance that no further excisions will occur from this reserve?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) No.
- (2) I cannot give that assurance because I need to consider ever changing community needs. However, if any proposals are put forward relating to this reserve the appropriate statutory processes and procedures will be followed in accordance with the Land Administration Act 1997.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1724. Hon E.R.J. DERMER to the Attorney General representing the Minister for the Arts:

For each of the Government agencies for which the Minister for the Arts has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon PETER FOSS replied:

Ministry for Culture & the Arts (including ArtsWA)

- (1) \$71 040.
- (2) Nil.
- (3) \$77 000.
- (4) Nil.
- (5) \$247 328.
- (6) \$3 199.
- (7) \$277 000.
- (8) \$80 000.

Library and Information Services of Western Australia

- (1) \$73 000.
- (2) \$125 000.
- (3) \$70 000.
- (4) \$25 000.
- (5) \$1.2 million (includes telecommunications).
- (6) \$500 000 (includes telecommunications).
- (7) \$1.3 million (includes telecommunications).
- (8) \$500 000 (includes telecommunications).

Western Australian Museum

- (1) \$155 319.
- (2) \$15 813.
- (3) \$157 000.
- (4) \$2 700.
- (5) \$236 349.
- (6) \$82 770.
- (7) \$250 000.
- (8) \$200 000.

Art Gallery of Western Australia

- (1) \$52 547.
- (2) Nil.
- (3) \$58 000.
- (4) Nil.
- (5) \$19 197.
- (6) Nil.
- (7) \$14 384.
- (8) \$33 721.

Perth Theatre Trust

- (1) \$154 975.
- (2) \$13 874.
- (3) \$189 065.
- (4) Nil.
- (5) \$61 026.
- (6) Nil.
- (7) \$71 000.
- (8) \$68 838.

ScreenWest

- (1) \$22 529.
- (2) Nil.
- (3) \$20 000.
- (4) Nil.
- (5) \$31 363.
- (6) Nil.
- (7) \$20 000.
- (8) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1728. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

For each of the Government agencies for which the Minister for Parliamentary and Electoral Affairs has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?

- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
 (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon N.F. MOORE replied:

- (1) \$82,000
 (2) Nil.
 (3) \$82,000
 (4) Nil.
 (5) \$763,000
 (6) \$630,000
 (7) \$540,000
 (8) \$460,000

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1730. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Fisheries:

For each of the Government agencies for which the Minister for Fisheries has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
 (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
 (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
 (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
 (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
 (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
 (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
 (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon M.J. CRIDDLE replied:

I refer the member to Question on Notice 1037 of 8 December 1999, tabled on 14 March 2000.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1733. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Aboriginal Affairs:

For each of the Government agencies for which the Minister for Aboriginal Affairs has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
 (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
 (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
 (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
 (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
 (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
 (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
 (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon M.J. CRIDDLE replied:

- (1) \$481,313.00.
 (2) Nil.
 (3) \$423,000.00.
 (4) Nil.
 (5) \$836,889.00.
 (6) \$450,000.00.
 (7) \$929,000.00.
 (8) \$450,000.00.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1736. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Lands:

For each of the Government agencies for which the Minister for Lands has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
 (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
 (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon N.F. MOORE replied:

LANDCORP

- (1) \$88,000
- (2) \$8,000
- (3) \$107,000
- (4) \$8,000
- (5) \$844,000
- (6) \$419,000
- (7) \$1,088,000
- (8) \$310,000

DOLA

- (1) \$892,019
- (2) Nil
- (3) \$949,835
- (4) Nil
- (5) \$11,582,979
- (6) \$ 2,174,052
- (7) \$13,410,334
- (8) \$3,243,303

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1741. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Water Resources:

For each of the Government agencies for which the Minister for Water Resources has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon M.J. CRIDDLE replied:

Office of Water Regulation:

- (1) \$131,132.00.
- (2) Nil.
- (3) \$215,000.00.
- (4) \$87,000.00.
- (5) \$86,000.00.
- (6) Nil.
- (7) \$171,000.00.
- (8) \$87,000.00.

Water and Rivers Commission:

- (1) \$528,000.00.
- (2) Nil.
- (3) \$490,000.00.
- (4) Nil.
- (5) \$2,532,000.00.
- (6) \$162,000.00.
- (7) \$2,471,000.00.
- (8) \$300,000.00.

Water Corporation:

- (1) \$6.1 million.
- (2) \$3.1 million.
- (3) \$5.6 million.
- (4) \$7.2 million.
- (5) \$7.4 million.
- (6) \$40 million.

- (7) \$14.2 million.
- (8) \$23.8 million.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1744. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Youth:

For each of the Government agencies for which the Minister for Youth has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon N.F. MOORE replied:

- (1) \$38 350.
- (2) Nil.
- (3) \$54 000.
- (4) Nil.
- (5) \$7 331.
- (6) \$21 926.
- (7) \$12 000.
- (8) \$10 000.

ACACIA PRISON, STAFF

1761. Hon MARK NEVILL to the Attorney General:

- (1) What protocols are in place for Corrections Corporation of Australia in approaching members of the Ministry of Justice to work at Acacia Prison?
- (2) Is the Attorney General aware of any approaches to existing Ministry of Justice staff to provide services to that prison?
- (3) Is the Attorney General aware of any Ministry of Justice staff who have left to join the employ of CCA for Acacia Prison?

Hon PETER FOSS replied:

- (1) The relevant clause, Clause 3.3 of Annexure A, page 134 of the publicly available Acacia Prison Services Agreement between the State of Western Australia and Corrections Corporation of Australia states:
 - 3.3 Arrangements for employment of Department staff by the Contractor
 - (a) If the Contractor wishes to offer employment to any of the Department's staff, an approach must be made through the CEO.
 - (b) The Contractor must not provide employment or any other incentive to personnel attached to the Project Team, Project Control Group, Steering Committee and Evaluation Panels of the Prison Project for a period commencing from the date of issue of the Request for Proposal issued by the Department in respect of the Prison until 24 months after the signing of the Services Agreement, without the approval of the CEO.
- (2)-(3) No.

WATER CORPORATION, RELATIONSHIP WITH FREEHILL, HOLLINGDALE AND PAGE

1762. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Water Resources:

- (1) Will the Minister for Water Resources explain why the Water Corporation have spent over \$1m per year for at least the last two years on legal advice from the legal firm Freehill, Hollingdale and Page?
- (2) Will the Minister explain the contractual arrangement that the Water Corporation has with this company?
- (3) Does the Water Corporation call for tenders for the provision of legal advice?
- (4) If not, by what mechanism are law firms employed?

Hon M.J. CRIDDLE replied:

- (1) The Water Corporation requires a range of professional legal services in its day to day operations, including property, contractual, litigious and commercial advisory services.
- (2) The Water Corporation has a non-exclusive agreement for the provision of general legal services.
- (3) Yes.
- (4) Not applicable.

WATER CORPORATION, EXPENDITURE ON LEGAL ADVICE

1763. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Water Resources:

- (1) How much has the Water Corporation spent in the current financial year on legal advice?
- (2) What are the names of the legal firms it has used and for each firm how much has been spent?

Hon M.J. CRIDDLE replied:

- (1) \$865,787.00.
- (2) Freehill Hollingdale & Page (\$857,295.00).
Talbot & Oliver (\$8,492.00).

BAILIFFS, DEBT COLLECTORS LICENCES

1764. Hon KEN TRAVERS to the Attorney General:

- (1) Can a bailiff of the local court in Western Australia hold a licence as a debt collector in this State?
- (2) Are there any bailiffs of the local court in Western Australia licensed as debt collectors?
- (3) If yes, which bailiffs of the local court are licensed as debt collectors?

Hon PETER FOSS replied:

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

ROYAL COMMISSION INTO DEATHS IN CUSTODY, RECOMMENDATIONS

1767. Hon TOM STEPHENS to the Minister for Justice:

- (1) What commitment was given during the 1997 Ministerial Summit as to reporting on the implementation of recommendations of the Royal Commission into Deaths in Custody?
- (2) Which recommendations have been implemented?
- (3) Which recommendations are proposed to be implemented, when and what is the cause for the delay?
- (4) Which recommendations are not to be implemented and what are the reasons for not doing so?

Hon PETER FOSS replied:

- (1)-(4) The outcome of the 1997 Ministerial Summit was not a recommendation by recommendation response to the Royal Commission into Aboriginal Deaths in Custody. Rather it was a series of multilateral agreements between Commonwealth, State and Territory Governments to address underlying issues, some of which were raised by the Royal Commission into Aboriginal Deaths in Custody. As a consequence of this, the Western Australian Justice Coordinating Council, in conjunction with the Aboriginal Justice Council has developed a high level State Aboriginal Justice Plan which addresses these issues. This was the first Aboriginal Justice Plan developed in Australia.

QUESTIONS WITHOUT NOTICE

UNDERGROUND POWER, NORTH WEST

1022. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

I refer to your announcement in Parliament yesterday of the underground power projects that the Government is funding and ask -

- (1) Can the minister confirm that only one of the projects is in the north west?

- (2) Can the minister also confirm that the north west is the only part of this State that regularly suffers severe power blackouts due to cyclones - the most recent example being Broome?
- (3) Will the minister please table a list detailing -
- (a) the north west centres in which the Government has embarked upon underground power programs;
 - (b) the number of -
 - (i) streets;
 - (ii) households; and
 - (iii) businesses
 that are currently connected directly to underground power?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The underground power program contains two components: Major residential projects that look at significant sized projects with predominantly residential areas; and localised enhancement projects that include smaller projects, typically a main road or scenic drive that has heritage, tourist, scenic or geographic significance. Under round two of the LEP aspect of the program, the minister has announced that Denham in the Shire of Shark Bay was successful in its submission to receive government funding and to participate in the program.
- (2) Storms which result in power blackouts are common to various parts of the State, hence the Government has embarked on this program. In fact, the May 1994 storms which hit Perth were the catalyst for the program, which is the envy of other States in Australia. The Minister for Energy wishes to point out that recently members of the Queensland Government, including the Queensland Minister for Energy, have visited the State to look at the program. The Queensland Government has recently announced that it is considering a similar program possibly modelled on the Western Australian scheme.
- (3) (a) Since round one of the ongoing program was initiated in early 1998, no submissions have been received from local authorities situated in the north west of the State to participate in the major residential projects aspect of the program. In round two of the program, only one application was received from a north west local authority - Shire of Roebourne - for the LEP aspect of the program. The application did not satisfy the selection criteria to the same extent as submissions that were received from those councils that have been selected.
- (b) Currently there are approximately 200 000 connections or about 28 per cent of all Western Power customers supplied via an underground network.

PERTH INTERNATIONAL ARTS FESTIVAL 2000, BUDGET SHORTFALL

1023. Hon TOM STEPHENS to the minister representing the Minister for the Arts:

I refer to the budget shortfall in the Perth International Arts Festival 2000 and the gap between income anticipated from PIAF's film festival and that which was ultimately received, and the impact that this gap has had on PIAF's overall budgetary position and ask -

- (1) Does the Minister for the Arts accept that the steps taken by his colleague the Minister for the Environment to sanction a competing outdoor film venue in neighbouring Kings Park at the same time as PIAF's film festival has in fact contributed to PIAF's precarious financial position?
- (2) What steps will the Minister for the Arts take to have reviewed the licence agreement between Tailpalm Pty Ltd (Sunset Theatre) and the Botanic Parks Authority, for this outdoor cinema operating in competition with and in close proximity to and at the same time as the PIAF film festival?
- (3) Does the minister accept that the action of the Minister for the Environment in approving this agreement has attacked a key income stream for PIAF from its film festival events and placed the future of this major arts event at some risk?
- (4) Is it not the case that the Government has effectively sacrificed the interests of PIAF in order to benefit a private company and the Botanic Parks Authority?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) As the member knows, the Perth International Arts Festival is funded by the University of Western Australia and the Lotteries Commission and therefore does not report directly to the Minister for the Arts. However, the minister has a keen interest in the festival and has sought a pro-active relationship with the organisation in order to play a strategic role in future festivals. The minister has met with Sean Doran and has outlined many areas in which the Ministry for Culture and the Arts can work in partnership with the festival. The minister accepts the steps taken by the Minister for the Environment in regard to Kings Park because there was a cabinet decision to amend

the Kings Park legislation to allow various events to occur in Kings Park. However, the Minister for the Arts has not been involved in nor is he responsible for specific events produced at Kings Park.

- (2) The Minister for the Arts is not aware of the licence agreement and would be happy to be briefed by Kings Park authorities. The issue of competition for the festival needs to be discussed in a more global sense as competition exists in various forms besides that of the Sunset Theatre in Kings Park.
- (3) PIAF has been placed at some financial risk for future events. The minister has not been made aware of audience research on the festival, and particularly the film season. Therefore it is too premature to comment at this stage on whether there is a link between competition from Kings Park and the successful future of the festival.
- (4) A number of factors influenced the performance of the Perth International Arts Festival in 2000. The festival is reviewing these and the minister will seek information when it is available.

CASH DEFICIT FIGURE, AUSTRALIAN BUREAU OF STATISTICS INFORMATION

1024. Hon N.D. GRIFFITHS to the minister representing the Premier:

Some notice of this question has been given. I refer to the answer provided by the Premier yesterday in respect of the financial data sent from State Treasury to the Australian Bureau of Statistics in which it was stated that data used by the ABS to develop accrual government finance statistics was originally transmitted on 30 November 1999 and ask -

- (1) Was this data subsequently retransmitted to the ABS; that is, after 30 November 1999?
- (2) If yes, on what dates did State Treasury resubmit the data?
- (3) Using the ABS accrual government finance statistics methods and the midyear data, what adjustments should be made to the \$830m deficit published, and what is the true figure?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Midyear figures were public.
- (2) Not applicable.
- (3) See question without notice 1011 asked yesterday.

JODETTA SUPERFUND PTY LTD, SETTLEMENT OF CLAIM

1025. Hon J.A. SCOTT to the minister representing the Minister for the Environment:

- (1) Are there any other associated companies involved in the settlement of the State's claim against Jodetta Superfund Pty Ltd? If so, will the minister please provide details?
- (2) Was a monetary amount included in the settlement of the State's claim against Jodetta Superfund Pty Ltd?
- (3) As taxpayers will be paying for the cleanup of the Omex site, will the minister table the deed of settlement?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Providing information in the time available is not possible, and I request that the member place the question on notice.

LIQUID PETROLEUM GAS TRIAL, VEHICLE NUMBERS

1026. Hon NORM KELLY to the minister representing the Minister for the Environment:

On 5 April 1998, the Government announced a two-year trial in which 300 light vehicles would be run on LP gas. In November 1999, the Government announced that only 31 vehicles had been included in the trial.

- (1) How many vehicles are now participating in the trial?
- (2) Does 25¢ per litre remain the lowest current LPG price that has been negotiated by the Government?
- (3) Given the increasing price differential between LPG and petrol prices, and the recognised environmental benefits of LPG, is the Government intending to make a commitment to converting a greater proportion of the government fleet to LPG?
- (4) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Fifty two vehicles are now participating in the trial, which has been somewhat limited because of the additional costs associated with dual-fuel vehicles. The trial was for up to 300 vehicles and was on a voluntary basis and subject to resources available.

- (2) The cost of liquefied petroleum gas was not a primary factor in establishing the trial. However, I am assured that 24.9¢ a litre was the lowest ever government contract price negotiated for LPG in August 1998.
- (3) The Government is maintaining under review the cost effectiveness and environmental benefits of LPG for those vehicles already in the trial.
- (4) Not applicable.

WHITTAKERS MILL, REOPENING

1027. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Regional Development:

Can the minister confirm that the Whittakers mill has reopened and has started to employ previously unemployed mill workers?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

It is anticipated that settlement will occur today and that the mill will reopen tomorrow. The State Government has acted swiftly to assist the new employers to recruit the necessary staff for the new mill. Preference, where possible, will be given to retrenched workers from the former Whittakers mill. I understand that a number of former Whittakers workers have been appointed with effect from 1 May 2000 and are standing by ready to commence work. The employment service has been provided to the new employers through the profit from experience program funded by the Western Australian Department of Training and Employment and administered in the south west by Jobs South West.

CYCLONE ROSITA, BUSINESS ASSISTANCE

1028. Hon TOM HELM to the Leader of the House representing the Premier:

I refer to cyclone Rosita which hit Broome on Wednesday, 19 April. What assistance will be available to businesses which have been badly hurt by the effects of the cyclone?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

Government officials visited Broome on Monday, 1 May for discussions with the president and chief executive officer of the local authority, which has already established a local recovery committee to manage the overall recovery process. Any provision of assistance will be determined following a full assessment of damage on advice received through the State Recovery Coordination Committee.

BALLAJURA DRUG FORUM, ADVERTISEMENT

1029. Hon KEN TRAVERS to the Attorney General representing the minister responsible for drug strategies:

I refer to a full page advertisement for the Ballajura drug forum in this week's *Eastern Suburbs Reporter* and ask -

- (1) What was the cost of producing and running the advertisement?
- (2) How much was contributed by the Government?
- (3) How much was contributed by each of the forum's other supporters?
- (4) Is compere Ricky Grace being paid; and, if so, how much?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The exact cost is unknown.
- (2) The Ballajura Local Drug Action Group paid for the advertisement from a \$2 000 grant provided to the group by the Western Australian Drug Abuse Strategy Office to hold the forum.
- (3) Hon Graham Edwards MHR is supporting the event with advertising through his office and by newsletter; Rhonda Parker MLA is supporting the event with electorate staff time; Rotary is supporting the event with members' time and promotion; the Church of Jesus Christ of Latter-Day Saints is providing the premises and members' time organising the event; and the Catholic Church is providing the catering.
- (4) No.

HOME AND COMMUNITY CARE, QUARTERLY FUNDING CHEQUES

1030. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Health:

I refer to the 171 home and community care funded agencies which failed to receive their quarterly funding cheques due in the first week of April and ask -

- (1) Given that the Health Department has admitted to a computer error which meant that \$6.6m was not paid to these agencies, will the department be assisting agencies to recover costs such as banking fees for overdrawn accounts?
- (2) If not, why not?
- (3) If yes to (1), when can agencies anticipate recuperation of those costs and when will this assistance begin?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The payment of the fourth quarter home and community care grants were due within 10 working days of 31 March 2000. The Health Department of WA will reimburse agencies that received this payment after 14 April 2000 and incurred bank charges for overdrawn accounts as a consequence.
- (2) Not applicable.
- (3) Reimbursement will be provided on receipt by the department of documented evidence of all costs incurred relating to banking charges for overdrawn accounts subsequent to 14 April 2000 and up to and including the date of receipt of the payment.

WINDIMURRA VANADIUM PENTOXIDE MINE

1031. Hon GIZ WATSON to the Minister for Mines:

I refer to the Windimurra vanadium pentoxide mine and processing plant.

- (1) Is the minister aware that since the commencement of mining activity the water bores on the Windimurra pastoral property are going dry?
- (2) If so, can the minister identify the cause of the lowering of the watertable?
- (3) If no to (2), will the minister investigate the causes of the lowering of the watertable?

Hon N.F. MOORE replied:

I ask for clarification. Question 941 was asked yesterday which has the member's three questions asked today and a fourth question.

Hon Giz Watson: You might have an earlier draft.

Hon N.F. MOORE: The three questions the member has asked are what she wants answered now?

Hon Giz Watson: Yes, three questions.

Hon N.F. MOORE: I thank the member for some notice of this question.

- (1) I am informed that Vanadium Australia Pty Ltd has completed an investigation on the possible impact of its bore field on the pastoral property bores. The company has provided a copy of this report to the Department of Minerals and Energy.
- (2) I am informed that the investigation identified that the source of the problem may be associated with the extraction of water from the station bores using a centrifugal pump when there was insufficient wind to drive the windmills. The centrifugal pump would exceed the bores' ability to draw water at the higher pumping rate. I understand that Vanadium Australia Pty Ltd is currently discussing alternative methods of maintaining the stock water supply with the pastoralist.
- (3) Not applicable.

BELLTOWER, INSURANCE, ENERGY AND WAGES COSTS

1032. Hon G.T. GIFFARD to the Minister for Tourism:

- (1) What is the estimated insurance contributions per annum for the belltower -
 - (i) against property damage;
 - (ii) against loss of profits;
 - (iii) for public liability; and
 - (iv) for workers compensation?
- (2) What is the estimated cost per annum of -
 - (i) electricity; and
 - (ii) wages of staff who will be employed?

Hon N.F. MOORE replied:

- (1)-(2) Estimations of revenues and expenses in relation to the management and operation of the belltower have been made and are currently being reviewed by external consultants Ernst and Young, given that the scope of the project is now clear. Ernst and Young were appointed on 26 April 2000 to undertake such a feasibility study and their report is due in approximately four weeks. The questions asked by the member will be addressed as part of Ernst and Young's assessment. Details will be released when the Government has made a decision on the management of the facility.

ATTORNEY GENERAL, OFFSHORE TECHNOLOGY CONFERENCE

1033. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to the Attorney General's trip to Houston, Texas, to lead a WA delegation to the Offshore Technology Conference Exhibition.

- (1) Why is the Attorney General leading the delegation?
- (2) On what date did he depart and when is he expected to return?
- (3) What destinations has he visited and what destinations will he visit on this trip?
- (4) How many staff are travelling with him and what is the estimated total cost of the trip to the Government?
- (5) Will the Premier table the Attorney General's itinerary; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Attorney General was asked to lead a delegation by the American Chamber of Commerce. The Attorney General has not only legal experience in the oil and gas industry, but also holds a senior government position which is well recognised in the United States.
- (2) The date of departure was 28 April 2000 and the date of return is Monday, 8 May 2000.
- (3) Houston and Austin, with an overnight stopover in London on return.
- (4) One staff member is travelling with the Attorney General. The total cost of the trip will be reported in the quarterly report in due course.

Hon Ljiljanna Ravlich: Who is the staff member?

Hon N.F. MOORE: Does the member want to know whether they clean their teeth in the morning?

- (5) Houston: 28 April until 5 May; Austin: 5 May; London: 6 May; and Perth: 8 May.

FRANKLIN ROAD AND JANDABUP LAKE, PLANNING RESTRICTIONS

1034. Hon RAY HALLIGAN to the Attorney General representing the Minister for Planning:

Can the minister outline the current planning restrictions for the land between Franklin Road and Jandabup Lake in the City of Wanneroo?

Hon M.J. CRIDDLE replied:

Under the Metropolitan Region Scheme the land between Franklin Road and the foreshore of Jandabup Lake in the City of Wanneroo is zoned rural while the foreshore and Jandabup Lake itself are reserved for parks and recreation. The Western Australian Planning Commission is currently acquiring the land reserved for parks and recreation to form part of the proposed Gnaragana Regional Park. The land between Franklin Road and Jandabup Lake which is zoned rural in the metropolitan region scheme is also zoned rural under the City of Wanneroo town planning scheme No 1.

Development on these lands is controlled in the following manner: Any development on land reserved for parks and recreation in the MRS requires the approval of the Western Australian Planning Commission; the City of Wanneroo is the authority responsible for the determination of the majority of development applications within the rural zone; the principal exceptions to this are poultry farms and extractive industries, which may require the approval of the Western Australian Planning Commission; and all subdivision applications are determined by the Western Australian Planning Commission. The minimum lot size adopted by the commission for the locality is four hectares.

The City of Wanneroo has prepared a new district planning scheme No 2 which proposes to rezone the land currently zoned rural between Franklin Road and Jandabup Lake to the general rural zone. The objectives of the general rural zone are to accommodate agricultural, horticultural and equestrian activities; and maintain and enhance the character and amenity of the areas designated for rural use and to protect their ground water and environmental values.

It is anticipated that the Western Australian Planning Commission will consider the City of Wanneroo district planning scheme No 2 in May 2000 and make a recommendation for final approval to the Minister for Planning.

FRANKLAND RIVER AREA, WILD HORSES

1035. Hon J.A. COWDELL to the minister representing the Minister for the Environment:

- (1) How many wild horses are estimated to be in the Frankland River area?
- (2) Does the Department of Conservation and Land Management propose to cull these horses?
- (3) On what basis has this cull been determined?
- (4) Has there been any liaison with other interested groups or organisations?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) It is estimated that between 20 and 30 horses are in the nature reserves and state forest in the Frankland River area.
- (2) No.
- (3) Not applicable.
- (4) In the past, discussions have been held with the Warren Horse Riders Association, which is strongly opposed to removal or cull. There have been no recent discussions.

MINING TENEMENTS, ENCLOSED PASTORAL LEASES

1036. Hon MARK NEVILL to the Minister for Mines:

Has the minister commenced to grant mining tenements over enclosed pastoral leases and expired mining leases which were found to have extinguished native title under the Full Bench of the Federal Court of Australia decision in the Miriuwung-Gajerrong appeal? If not, why not?

Hon N.F. MOORE replied:

I am aware that the department is considering that matter. I am not sure whether it has finally determined to grant those titles, but it is my view that it should. I will discuss that matter with the department as soon as I leave the House to ascertain whether it has granted the tenements.

FLINDERS PARK PRIMARY SCHOOL

1037. Hon BOB THOMAS to the parliamentary secretary representing the Minister for Education:

- (1) Will the Minister for Education table -
 - (A) How many full-time equivalent school psychologists were available to the Flinders Park Primary School in -
 - (a) 1997;
 - (b) 1998;
 - (c) 1999; and
 - (d) budgeted for 2000?
 - (B) What was the total number of -
 - (a) pre-primary and kindergarten students; and
 - (b) Year 1-7 student enrolments
 in the school in those years?
- (2) What was the reason for the ratio of school psychologists to students falling at the school?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

- (1) I have a lengthy list of figures, and I seek leave to table them.

Leave granted. [See paper No 917.]

- (2) The provision of school psychologist support to schools in the Albany education district, including Flinders Park Primary School, was reviewed during 1999. A model of delivery has been implemented for 2000 which focuses on whole school programs and improved interagency collaboration to meet the needs of all students. The school continues to receive dedicated school psychologist time in line with previous years and is able to negotiate through its service delivery agreement for other support as needed for specific students and programs. This support is not based on a specific student ratio but on student needs.

INTERNATIONAL ORGANISATION FOR STANDARDISATION, INFORMATION TECHNOLOGY

1038. Hon E.R.J. DERMER to the minister representing the Minister for Services:

- (1) Has the Minister for Services evaluated the merits of implementing the International Organisation for Standardisation ISO15504 as a requirement for government agency contracts for information technology provision?
- (2) If yes, what was the result of this evaluation?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) State Supply Commission policy on quality assurance states that the objective is to specify the minimum quality requirements appropriate to the particular procurement. The Department of Contract and Management Services has considered the use of ISO15504 as a requirement for information technology software development. However, CAMS does not recommend its use in all situations due to the additional cost involved and its impact on small businesses that develop software. It may be applied to large value contracts in consultation with the government agency concerned.

AGRICULTURE WA, COMMUNICATIONS KIT

1039. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:

The communications kit relating to the Agriculture Western Australia survey entitled "Rapid Multi Perspective Appraisal" states on page 3 that the minister requires a summary report by Easter. The Director General of Agriculture has stated that this was inaccurate and that it would be more correct to state that he had undertaken to the Minister for Primary Industry that the survey results would be provided to the minister by Easter. The Minister for Primary Industry has stated that he knew nothing about the survey. Which of the three statements is the core statement?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The Minister for Primary Industry has made it clear that he knew nothing about the "Rapid Multi Perspective Appraisal" survey. However, he supports the chief executive officer of Agriculture Western Australia and his aim to provide the minister with information on a regular basis.

BUS CONTRACTS, REVIEWS

1040. Hon LJILJANNA RAVLICH to the Minister for Transport:

I refer to the Government's contracting out of Perth's bus routes and ask -

- (1) Have any reviews been undertaken into the privatised operation of Perth's bus contracts?
- (2) If so, on what date were these reviews commenced and completed?
- (3) If not, when are these operations due to be reviewed?
- (4) Will the minister table any reviews that have been undertaken; and, if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(4) The Office of the Auditor General conducted a review of the contracting out process of Transperth's bus operations in 1997. The Auditor General's report 3/97, titled "Bus Reform - Competition Reform of Transperth Bus Services", was tabled in Parliament on 25 June 1997. A more recent review has been conducted by the Auditor General and is due to be tabled in Parliament in June this year.

NATIVE TITLE LEGAL PROCEEDINGS, PRIVATE INFORMATION

1041. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Will the Premier guarantee that the State Government has not sought, and will not seek, private information and documents on Aboriginal families, including members of the stolen generation, held by agencies such as the Aboriginal Affairs Department for use against those families in native title legal proceedings?
- (2) If not, will the Premier identify where and how such information has been or is proposed to be used?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) In conducting native title proceedings, the State accesses documents relating to Aboriginal people. Mostly those documents are available to all parties to the native title proceedings. When claimants have had recourse to documents containing private information, the State has sought access to those documents by ordinary court processes. The confidentiality of private information is protected by orders of the courts.

ENVIRONMENTAL PROTECTION AUTHORITY, MANJIMUP POWER STATION

1042. Hon BOB THOMAS to the minister representing the Minister for the Environment:

- (1) Is the Environmental Protection Authority currently assessing, or has it completed an assessment for, the construction of a power station using timber residue as a fuel source in Manjimup?
- (2) If so, who is the proponent and what is the capacity of the plant?
- (3) What is the date on which the assessment will be completed?
- (4) What is the expected date of commencement for the project?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(4) No such proposal has been referred to the Environmental Protection Authority or the Department of Environmental Protection for assessment.

STATE BUDGET 2000-01, INFORMATION FOR THE PUBLIC

1043. Hon TOM STEPHENS to the minister representing the Treasurer:

- (1) How much will the Government spend on informing the public about the 2000-01 state budget?
- (2) Will the minister representing the Treasurer table the breakdown of this expenditure?
- (3) From what budget source will these funds be drawn?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) Preparation of materials to inform the public about the 2000-01 state budget has not yet been completed. As has been the case in previous years, full details of the costs and source of funding will be made public.
-