



# **Parliamentary Debates**

**(HANSARD)**

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LEGISLATIVE ASSEMBLY

Thursday, 29 June 2000

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**THE SPEAKER** (Mr Strickland) took the Chair at 9.00 am, and read prayers.

## **YAMATJI LAND AND SEA COUNCIL, NATIVE TITLE CLAIM AGREEMENT**

*Statement by the Premier*

**MR COURT** (Nedlands - Premier) [9.03 am]: The Western Australian Government is pleased to announce that it has entered into a cooperative planning agreement with the Yamatji Land and Sea Council for the future management of native title in the Murchison-Gascoyne area. The Yamatji Land and Sea Council is a representative body with statutory responsibility under the Native Title Act for native title claims in the Murchison-Gascoyne region of Western Australia. The agreement applies to nine native title claims across that region and other claims are likely to be added in the near future.

The purpose of the agreement is to establish an ongoing basis for communication and consultation between the Government and the representative body on the future management of all native title claims in the region. The agreement commits the parties to a process of resolving native title issues in a cooperative, orderly, cost-effective and timely manner. Litigation of claims will only occur if all other strategies for settlement fail to produce results. In endorsing the agreement, the Government gives full credit to the executive committee of the representative body for development of the agreement. It approached the Government in 1999 and made it clear that it was seeking a positive partnership with Government and with business interests in the region.

The message delivered to the Government in 1999 was that the council was aware that there was no advantage to anyone if native title strangled business development in the region. The council has consistently promoted a process of building Aboriginal futures out of improved training and employment and long-term economic development. The Government and the Yamatji Land and Sea Council are now in a position to jointly set goals to deal with native title claims and for streamlining the granting of mineral and land titles. There is currently a backlog of about 1 000 mineral title applications in the Murchison-Gascoyne that should eventually benefit from the agreement. The strength of the agreement is its simplicity. The Government and the Yamatji Land and Sea Council have agreed to cooperate wherever possible to sort out native title across the region. The agreement does not involve government recognition of native title but provides a basis for considering each native title claim systematically. The Government's policy on evidence required to justify individual native title claims is unchanged.

Negotiations between the Yamatji Land and Sea Council and the Ministry of the Premier and Cabinet have already led to a draft indigenous land use agreement with the Badamia native title claimants for a claim covering an area of 36 000 square kilometres around Mt Magnet and Meekatharra. If adopted, the ILUA will streamline prospecting and exploration activities within the claim area. The overall basis of the agreement is communication. There are a number of reasons that explain why the State Government has been able to build this sort of relationship with this representative body. The first is that the council approached the State in 1999 openly and in good faith to see how the Government might jointly improve native title management, without imposing any conditions on our discussions. Secondly, the council made it clear it recognised that any native title agreements must include the State Government as a major partner. This simple level of recognition has been absent in the State's communication with some other land councils in Western Australia that have adopted a more divisive and unrealistic approach to native title. Thirdly, the Yamatji Land and Sea Council and the Government share the same fundamental goals. We both aim to promote economic development, minimise unnecessary obstructions to development and seek constructive results which will lead to more jobs, training and general economic participation by Aboriginal people.

Finally, the Yamatji Land and Sea Council has had realistic expectations for native title. The council respects that native title is not a global panacea for Aboriginal disadvantage and that the formal process of establishing native title is complex and demanding. Again, this level of pragmatism has been missing in a lot of negotiations between the Government and other land councils. The Government believes the agreement is a progressive step in its response to native title and welcomes a constructive ongoing dialogue with the Yamatji Land and Sea Council.

## **LONG-LINE FISHERMEN**

*Grievance*

**MR BLOFFWITCH** (Geraldton) [9.08 am]: My grievance is to the Minister for Fisheries and it is about the concern held by people in my electorate for professional fishermen who are long-lining. The fishermen long-line for sharks, tuna and table fish such as coral trout, jewfish and other delicacies. These fishermen catch sharks and grind the cartilage from them to make a powder which is supposed to be beneficial to sufferers of cancer. The powder is said to be readily saleable. The rumours around Geraldton are that they have been told that they will have their licences taken from them. Many of the fishermen have spent a lot of money developing their processes for grinding the cartilage and so on. They are very concerned that they may lose their licences.

A second tuna fishing boat costing \$5m has just been constructed in Geraldton. The first was completed about three months ago. They were built specifically for tuna fishing in the area. There are grave concerns for their future because of constant pressure by our green friends, who believe that long-lining is not the way to fish and that it should be stopped. I have been out on one of these long-line boats, and 99 per cent of the fish they catch is tuna. There is no point in their catching any

other species, because there is no value to them in doing that. They make very good money out of the tuna which they send to Japan. That is why they treat them gently. They put them on ice and send them directly to Japan. They get an excellent price for these fish. As a matter of fact, some tuna boats make as much as, if not more than, crayfishing boats. That is the type of market that is being developed. It is a good market.

One of the things I love about Geraldton is going down to the fish market and buying a fillet of jewfish that has been caught by the professionals. I take it home and cook it, and it melts in my mouth. It would be the best fish I have ever tasted. If they cannot get jewfish, members should try blue groper or coral trout, which are absolutely superb. Where will we get our local seafood from if we cut out long-line fishing? I have told many visitors to Geraldton to try blue groper and jewfish and when they do, they say they have never tasted fish like it. It is hard to beat fresh fish. It does not matter whether it is tailor or any other fish, if it is caught and cooked on the same day the flavour is awesome; it is beautiful. We have been developing that market in Geraldton.

I am grieving to the minister because I would hate to think that these markets and the livelihoods of the tuna and shark fishermen could be affected by what is happening in Geraldton. It could go that way. I ask the minister to respond to my grievance, hopefully in a positive manner, and advise me in which direction these fisheries will go.

**MR HOUSE** (Stirling - Minister for Fisheries) [9.12 am]: The member for Geraldton has raised an issue that is of concern to all members. Western Australia has two categories of fisheries in the matter to which the member for Geraldton alluded, and one is the commonwealth-managed fishery. It is one of the few commonwealth-managed fisheries still in Western Australia. Over the years, most of the responsibility for the management of fisheries has been passed to the Western Australian Government. The tuna and billfish fishery is a commonwealth-managed fishery. All of the tuna-type species remain under the control of the Commonwealth under the offshore constitutional settlement agreement. Half of the 48 fishing licences are active. One of the concerns expressed by a number of people to me, and I am sure to the member for Geraldton, is that some of those boats encroach on waters that are normally fished by Western Australian licensed fishermen. However, because the Commonwealth controls that fishery, there has not been the degree of control that is expected in Western Australia. As a result of a number of instances in recent months, people have complained bitterly that some of these fishermen should not be allowed to fish as they have been taking species that are normally taken by recreational fishermen or people licensed to fish in Western Australian waters.

That is one side of the debate. The other is that it provides an opportunity for some of our fishermen to get involved in that fishery. That fishery has a number of inactive licences, and a number of people - particularly one or two in Geraldton - have taken advantage of that fishery and built purpose-built boats. They have done very well by taking fish that would not normally have been taken in any other way. They have improved the ability of this State to increase its wealth from a renewable resource. We have had discussions with the Commonwealth about that fishery on a number of occasions. Concern was expressed about the movement of the line, which is now at 35 degrees south. I have made representations to the commonwealth minister on behalf of the fishermen about that.

Mr Bloffwitch: Have they not agreed to keep it where it is now?

Mr HOUSE: Yes, they have. That appears to be resolved. The thrust of the member's grievance is directed more towards what we call the west coast net and long-line fishery, which is Western Australian managed. That fishery goes from the North West Cape to Augusta, and it covers some of the electorate of the member for Burrup and my electorate. Of the 26 licences in that fishery, only seven or eight are active. The concern is that latent opportunity could be used to overfish that fishery. Broad agreement has been reached among fishermen that the number of licences available and the fishing effort should be reduced. The broad agreement is that a 50 per cent reduction in effort is needed in that fishery to keep it sustainable, and we have been working with fishermen to implement that over a number of years so that that adjustment can be sustained. No further cuts are being considered at this time. I assure the member for Geraldton that beyond that target, which the fishermen know about and agree on, no further reductions are anticipated at this time.

However, fisheries management changes from time to time depending on circumstances. Every member of this House and the fishermen would agree that we must have a sustainable fishing industry. We have been reasonably good at that in this State, although we have had a couple of failures. Although I can give an assurance at this time, we cannot be sure what might happen in the future. The best example I can give is the pelagic fishery off the south coast that was ravaged by disease twice in four years. We had to take drastic action to save the base breeding stock and we closed that fishery. The scientific view is that it will be closed for another couple of years.

The fishery about which the member for Geraldton is concerned is not only well managed but broad agreement exists among fishermen on its management. Fishermen often express legitimate concerns and we have tried to address those concerns in a positive way. We will continue to work with them to ensure this State has a good supply of fresh table fish for people to enjoy.

## **HARDING RIVER DAM, WATER QUALITY**

### *Grievance*

**MR RIEBELING** (Burrup) [9.18 am]: My grievance is to the Minister for Water Resources and relates to trihalomethanes. I have serious concerns about the quality of drinking water from the Harding River dam, which supplies half of the water for the southern half of the Pilbara region. The World Health Organisation indicates that the safe level of THMs is 250 micrograms per litre. The Water Authority of Western Australia tells the public that those levels are not exceeded on

average, and that about 160 milligrams per litre is the average level that has been achieved over the past few years. Therefore, the public should not be concerned. I have had conversations with officers from the Water Corporation who have told me that lengthy exposure to high levels of THMs can cause diseases such as cancer. This chemical is a byproduct of treating naturally-occurring impurities in the water with a chlorine substance. The high temperatures in the Pilbara mean that more chemical is used than is desirable.

The problem with what the Water Corporation is telling the public is that almost all the water that comes from the Harding Dam exceeds the 250 micrograms per litre recommended limit. In fact, the Water Corporation's records show that for the catchment of Burrup, the average between October 1998 and February 2000 from the Harding Dam was 285 micrograms per litre; for Dampier it was 265 micrograms; for Karratha it was 221 micrograms; for Wickham it was 263 micrograms; for Cape Lambert it was 303 micrograms; for some reason the rate at Point Samson was 162 micrograms; and for Roebourne it was 209 micrograms.

The average is maintained by transferring to Millstream water, which is underground water and which has very low requirements for treatment, although it is very hard. That source is very low in THMs. Without suggesting that the figures are dodgy, the average is pulled down not by improving the water from the Harding Dam but by not using it in the knowledge that the levels are exceptionally high. Over the past 10 years, the Harding Dam water source has returned levels of THMs which are unacceptable to the World Health Organisation and which should be unacceptable to the Water Corporation. During five of the past 10 years, people in the Pilbara have been subjected to long-term exposure to THM levels well in excess of the World Health Organisation's recommended levels of exposure.

A solution has been seized upon by the Water Corporation and the minister; that is, to install a filtration system at a cost of \$16m. Unfortunately, the people of the Pilbara have to wait another three years for that solution to be implemented. I urge the minister to bring forward the timetable and to put in place a solution whereby the people of the Pilbara can be confident that the water they and their children are drinking will not cause long-term problems, such as cancers that can result from exposure to high THM levels.

It is a difficult problem, but drinking water is one of the basic requirements in an area such as the Burrup Peninsula or my electorate, which covers a desert region. It is totally unacceptable to have had these levels for six months of every year for the past 10 years. I do not know the results of that type of long-term exposure, and I am sure the Water Corporation does not know. However, it does know that long-term exposure creates the possibility of cancer. To have only six months of the year with low results and the other six months for the past 10 years, or since the Harding Dam was opened, with exceptionally high levels is playing with the future of our children. My children grew up in this area, so since the Harding Dam was opened they have been exposed to exceptionally high levels of THMs. Every time the Water Corporation has been contacted about this issue, officers have said that the average is 160 micrograms per litre. The only way that average has been achieved is by using Millstream water, which has an exceptionally low level of THMs.

This situation cries out for urgent action, not for a slow, planned response with a solution in three years. We have been facing it unknowingly since the Harding Dam was opened. We now know the true situation and we call on this Government to act quickly.

**DR HAMES** (Yokine - Minister for Water Resources) [9.24 am]: It amazes me that the member for Burrup can be so negative. I refer particularly to the member's comments about the Government's suddenly plucking \$16m out of the air to fix this problem. The Government is spending that money to fix a well-recognised problem.

The member provided me with figures recently, and I thank him for that. He has taken an average of all the figures for each spot test. In doing that, he is assuming that each spot test represents a certain portion.

Mr Riebeling: They are your figures.

Dr HAMES: I know, but the member may be misinterpreting them. If he were to spot test each area and assume that each spot test represented a certain proportion of water, that would be reasonable. If each of the spot test figures referred to the timing of the test and different volumes of water were taken from different sources at different times, the method would not be correct.

Mr Riebeling: That is the test you use to judge the levels.

Dr HAMES: The member is not listening. I will refer to the member's example of Karratha. The first water source is the Harding Dam, which has 302 micrograms of THM per litre. The next figure for the dam is 320 micrograms and the figure for Millstream is 18 micrograms. What if those three tests indicated that 50 per cent of the water came from Millstream and only 50 or even 20 per cent came from the Harding Dam? It is not possible to interpret from these figures the average for the year; that is not a fair mechanism.

Mr Riebeling: Your figure of 160 micrograms is based on those figures.

Dr HAMES: I do not think it is.

Mr Riebeling: It is.

Dr HAMES: That figure is based on these figures, but it relates to the actual volumes that flow from these areas.

Mr Riebeling: It is not. I asked your expert at Karratha how long after a high reading of 412 micrograms the corporation reviews the situation, because that would ring alarm bells. He said the readings are reviewed every three months.

Dr HAMES: That does not contradict what I said. Greater volumes of water could come from the Harding Dam or Millstream when the levels are low. The member has pointed out - quite rightly because it is in the Water Corporation letter to him - that 250 micrograms per litre is the guideline level. He has averaged all the other figures and concluded that for six months of the year the figure is higher than that. Does the member live in Karratha?

Mr Riebeling: Yes.

Dr HAMES: Even if we assume that these figures are correct - that each figure represents the time that the water flows in Karratha - for the first period, the figure was below the guideline level. It was above the guideline level for the second period, and below for the third, fourth, fifth, sixth and seventh periods. For only one period of the seven has the level been higher than the guideline level.

I am not saying that that is acceptable, but let us consider the alternative. The reason for having THMs in the water in the first place is that something far more dangerous is being stopped. That is not to say cancer is not dangerous. The risk of getting cancer from trihalomethanes is recognised, but it is due only to long-term exposure. The risk would be far less than the well known risk of developing cancer due to the member for Burrup, for example, and others smoking or the risk of children being exposed to cigarette smoke. As the member for Burrup said, the area is a desert region in which the supply of water is scarce.

Furthermore, THMs have existed not only since the coalition took office, but also during Labor Governments.

Mr Riebeling: Some places in Europe say 40 micrograms per litre is too high.

Dr HAMES: That is because those places take their water from a different source; they do not have to treat it as we do because they do not supply remote areas like ours. If we do not treat it, there is a significant risk of your children being seriously affected by salmonella or other bacterial infections growing in untreated water, particularly in a long pipeline.

Mr Riebeling: No-one is saying do not treat it.

Dr HAMES: The reality is if we want towns like Karratha, we must provide them with water and to do that, it must come from these traditional sources.

We acknowledge the risk, albeit a small one, although the member for Burrup has overstated it.

Mr Riebeling: Your department is arguing that 160 micrograms -

Dr HAMES: I must have time to finish my remarks and I only have a minute left. The department is saying 250 micrograms of THM per litre is all right because it is under the guidelines, but the member for Burrup is saying that 260 or 270 micrograms is not. The guidelines are set at a low level. The Health Department considers the level of 250 micrograms per litre to be a very low risk. The average level for Burrup is 285 micrograms per litre due to high levels in the summer months; 265 micrograms for Dampier, which is 15 over; 221 for Karratha - the member for Burrup's children have not been exposed except for that one small period - and 263 micrograms for Wickham, which is only just over the limit.

It is recognised that these higher levels are unacceptable in the longer term; therefore the Government is injecting \$16m into the member for Burrup's electorate. That is a big chunk of money to treat the water in the Harding Dam to ensure the problem is resolved.

## BRUNSWICK IRRIGATION CHANNEL

### *Grievance*

**MR BRADSHAW** (Murray-Wellington - Parliamentary Secretary) [9.32 am]: My grievance is to the Minister for Water Resources and is about the irrigation channel which runs through the town of Brunswick. In 1968, open irrigation channels flowed through the streets between the fence line and the road verge. Even though they were sometimes popular areas in which people swam, they were dangerous and children have drowned in them.

Over the years, pipes have been installed to replace the channels so that there is no longer open-irrigation channels in Harvey. However, in Brunswick the open irrigation channel, which runs in a north-south direction and divides the town, has not been piped and remains open. It appears that there has been discrimination by the previous Public Works Department and the Water Authority and what is now the Water Corporation because the Brunswick channel should have been piped in the same way as were the channels in Harvey. The situation is an indication of a lack of sympathy that the corporation has for the people of Brunswick. The problem has been compounded in the past few years because the irrigation system has been taken over by South West Irrigation. I do not believe the responsibility for solving this problem belongs to South West Irrigation; it belongs to the Water Corporation.

When June Craig was a member, a child drowned in the Brunswick channel. Consequently, a cyclone wire fence was erected to stop any other children from playing in it or falling into it. As members can appreciate, children see a fence as just another challenge to overcome; it does not stop them wanting to get into an area. Where there is a will, there is a way and it is easy to climb a cyclone fence.

A couple of letters I have received illustrate the situation well. One is from Rebecca Parker and one is from the Brunswick Junction Fire and Rescue service. Rebecca Parker's letter reads -

I wish to bring to the attention of your organisation an incident in which my 2 year old son crawled under the fence of the main Brunswick irrigation channel, adjacent to Reading Street, on Monday 8th February 1999. I am extremely concerned with the ease with which my son was able to access the channel. Following the incident, outlined below, which lasted only a few minutes, the gravity of the situation became apparent and I was physically sick at the thought of how close to drowning my son was.

My youngest son (Jackson) was playing with his older brother and sister and a number of other children in the Talbot Road park, in the block next door to my property. (At the time there were adults on the front lawn of my property who were keeping an eye on the children.) Some of the children playing ran to my house shouting Jackson had gone down to the channel. Some of the others ran to stop him, although he was under the fence which (supposedly) prevents access to the channel before the older children were able to stop him. Vivid in my memory is that of my 2 year old son sitting on the bank of the fast-flowing channel while the older children (who were too big to crawl under the fence and too short to reach the latch on the nearby gate to get in and grab hold of him) were screaming. I reached my son just as he was lowering himself into the water. Had I been 10 seconds later it is very likely he would have been washed away and drowned in front of my eyes and those of his sister.

Over the years I have swum in the channel and can confirm that the water in it flows very rapidly. A two year old would have no chance in that situation.

The letter I received from Captain Francis Burgoyne, Captain of the Brunswick Junction Fire and Rescue describes the situation well. It reads -

I am writing to you personally and on behalf of the Brunswick Junction Volunteer Fire and Rescue about a situation we in Brunswick would like improved. It is in regard to an irrigation channel that we have running through the centre of town. After a drowning several years ago, a high cyclone fence was erected on either side of the channel as a safety measure. However, this fence is, and has always been, an eyesore. The residents of Brunswick Road and McAndrew Street look directly at that fence from their front doors (not a pretty sight as the enclosed photos show). Also children can still be seen playing in the area between the fence and the channel so as a barrier it is not very effective.

As an emergency service we also have a problem in that there is only a single access bridge across the channel to East Brunswick which, in the event of an emergency, would make it very difficult to evacuate people whilst trying to access with emergency vehicles. The retort that "the likelihood is very low" goes against our policy of identifying and eliminating dangerous situations.

That sums up succinctly the problems with this irrigation channel. Apart from the danger the open irrigation channel poses and the ability for children to play and possibly drown, it dissects the eastern side of the town. People feel as though they have a "Berlin wall" splitting the town. It is also a dreadful eyesore which should not have been created in the first place. The money spent on the fence was wasted; the water should have been piped from day one.

Dr Hames: When was it done?

Mr BRADSHAW: About 25 years ago. It is located on a hill nearby which means residents look directly at the fences. The situation is wrong. I have some photographs that I will table so people can see how atrocious the situation is.

The SPEAKER: The member can lay the photographs on the table for other members to see during the day.

Mr BRADSHAW: The photographs reveal the unsightly look of the channel and how it divides the town. The channel is a barrier and it is time the fences were removed and the water running down the irrigation channel was piped.

**DR HAMES** (Yokine - Minister for Water Resources) [9.40 am]: The member is exactly right about the need for the water in this irrigation channel to be piped. I have seen this irrigation channel, and, as the member said, it goes through the middle of the town and has an extremely unsightly fence around it. That work should have been done 25 years ago, when instead of sticking a fence around that irrigation channel, the water should have been piped.

The question is not whether that work needs to be done but who should pay for that work to be done. It has been suggested that that work should be done by the Water Corporation as a community service obligation. However, that highlights people's misunderstanding of what a community service obligation actually means. A community service obligation does not mean what it sounds like. It does not mean something that the Government is obliged to provide as a service to the community. A community service obligation means that if the Water Corporation, or Western Power, for that matter, loses money in providing whatever it is licensed to provide, whether it be water for a farming community, or a dam, under the arrangements we have with the Commonwealth, Treasury has an obligation to pay back the Water Corporation.

The reality is that irrigation is no longer a service that the Water Corporation is licensed to provide. It is licensed to provide a range of other things, and on many of those things the Water Corporation loses money, and the Government pays it back. If irrigation had been an obligation of the former Water Authority and it had decided to put in that pipe, the Water Authority would have lost money in doing that work, and the Government would have had to pay back the Water Authority, and that is where that community service obligation would have come in.

The reality is that the Water Corporation has significantly discounted all of its irrigation assets and has given a local co-operative - South West Irrigation - the right to own and manage those assets on behalf of the community; so the community now owns that irrigation drain. It is fair to say that when we were calculating the management and operating

costs for SWI, we did not take into account that it might need to fork out a large chunk of money to pipe the irrigation channel, and it is quite unreasonable to tell SWI that it must now do that work. However, because it does own that asset on behalf of the irrigators, it should make some contribution towards the cost of the work. Who else should pay? The beneficiary of this work will be the local community. The local community has an irrigation channel that creates a risk. Many communities have open lakes and water features that children can get into where there is a risk of drowning, and to some extent it makes it more difficult if a fence is around such water features and drains because children can get under the fence but adults have trouble getting in to save them from drowning. The community would certainly benefit from having the water in this irrigation channel piped, because it would get rid of the unsightly fence and would reduce the risk of drowning in the channel. Therefore, the community should make some contribution; and because the council represents the community, I contend the council should make some contribution.

I agree with the member that the Government should also make a contribution to ensure that the water in this unsightly channel is piped. The Government is under some pressure from the City of Armadale, which does not have the same risk but does have an unsightly pipe running through the middle of the member for Armadale's electorate.

Ms MacTiernan: I think it is quite attractive.

Dr HAMES: The council has been chasing me to try to get that pipe put underground, and the Water Corporation has said no, because it functions quite well and a significant cost is involved in doing that work. However, the Government, in trying to improve the community, as it does, should make some contribution. Who should do the piping work? Should it be the Water Corporation? No, it should not be the Water Corporation.

Mr Bloffwitch: It has the expertise.

Dr HAMES: It does have the expertise, but so also do a lot of private operators. If the Government decided that the right thing to do was to pipe the water in the irrigation channel, it would put that work out to tender. The Water Corporation would probably put in a tender to do the piping, and so would a lot of the other people who operate in the south west, and whoever came in with the lowest tender should do the work. The community service obligation, if we want to call it that, using the words in a different way, is that the Government should make some contribution towards that work.

The best way to deal with this matter is to have some tripartite arrangement under which SWI will pay one-third of the cost, the council will pay one-third and the Government, probably through Treasury, will pay one-third. There is no reason that the Water Corporation should put up that money. The Water Corporation already gives a dividend to Treasury of about \$130m a year. It is quite reasonable for the Government to pay one-third of the cost. The work could be put out to tender, and if the Water Corporation won that tender, so be it. If the Government, SWI and the council provided the Water Corporation with the money to do the work, the Water Corporation would be happy to do that work, but it is not necessarily the best body to do the job.

#### **BUNBURY YOUTH DRIVER EDUCATION PROGRAM - GRIEVANCE**

**MS MacTIERNAN** (Armadale) [9.47 am]: My grievance is to the minister representing the Minister for Transport and is that a very worthwhile youth driver education program is being denied access to road safety funds while money is being squandered on glossy brochures and expensive advertising campaigns. We need to urgently address the problem of young drivers. The statistics are very clear. Young people, particularly those in rural Western Australia, are grossly over-represented in the death and serious accident statistics. The 17 to 24 age cohort comprises 13 per cent of the population; however, it comprises 31 per cent of deaths and serious injuries. What has the Government done other than beat its breast and issue yet more press releases on road safety? The Government has done virtually nothing.

An extraordinarily innovative youth education program is being run in the Bunbury-Australind area. This program was started by community people, and in particular the South West Touring Car Club. The aims of this program are to change the culture with regard to the attitudes and responsibilities of the next generation of drivers associated with both driving and maintaining a motor vehicle; through both theory and practical education modules, to develop correct reflexes and responses to control a vehicle in the following situations: Emergency braking on gravel, avoidance and slide control on a gravel surface, emergency braking on bitumen, and avoidance and slide control on a mixed surface; and to impart a competency-based training system which provides a total picture of the how, where and why of driving a vehicle to avoid conflict with other vehicles and road obstacles. This program has been developed in accordance with research which shows that it is not enough to give young people the technical skills. What is equally important is fostering and developing an attitudinal change towards driving and towards motor vehicles. This program is targeted foursquare on that aim.

The pilot program kicked off at Australind High School in 1998 with a great deal of private sector support, in particular from local mining companies, local car dealers, local government and an outfit called Road Skills Australia, which provided the technical expertise. After that very successful pilot, in 1999 the program was fully subscribed, and 194 year 11 students enthusiastically joined up from seven schools in the south west. These kids were prepared to pay \$100 each to participate in the project. That provided half the funding for the program and the other half came from the industry groups and local government which I have just described. In the current year the program has further strengthened. It now has 300 fully subscribed students from schools in the south west, and the total budget for this year is \$75 000. There is a hole in the budget and there will be a further hole next year as expenses have increased. The youth driver education program has been unable to attract any substantial financial support from the Government. We know the Government collects \$40m a year in red light and speed camera fines and, of that money, it gives an inadequate \$13m, or one-third, to the road trauma trust fund. This program, which targets the most vulnerable group in road safety, has been told that its program does not fit in

and that, because it fits within driver training and not driver education, it is outside the charter of the Road Safety Council. All this brilliant program, which is training 300 kids a year, has been able to get is one grant of \$5 000 to develop a first aid module to add to the training program.

This morning I grabbed at random a pile of brochures which have been produced by the Road Safety Council. These brochures would have cost far more than \$5 000 to produce. These are all full colour road safety newsletters, and each of them is festooned with pictures of ministers. The Premier features a couple of times in the first one and the former Minister for Transport is dotted throughout it. The next brochure has photographs of the former Minister for Transport and the Minister for Youth. It did not change with the new minister. He is beaming away on the front and back pages of the next brochure. The last one has not only the Minister for Transport but also the Minister for Seniors getting into the act. This comes within the charter. These brochures, which never reach a single problem driver, can be produced; yet, this program, which is targeting young people in a very innovative program that is gaining real support from young people, is not getting funding. I urge the Government to give this program substantial funding so it can not only continue but also expand and become a model for developing these programs across Western Australia, particularly within rural Western Australia. We must do more than pontificate about road safety. We must get in there and be prepared to put in place programs that work, not just simply produce these absurd glossy magazines.

**MR COWAN** (Merredin - Deputy Premier) [9.53 am]: I listened with great interest to the member for Armadale's comments on this program. I listened with interest, first, to hear the allegations she made about the lack of the sources of funding and, secondly, because I have had an active involvement in the establishment of this program through the South West Development Commission. It was through the South West Development Commission that those groups which the member mentioned - for example, the South West Touring Car Club - in conjunction with two of the major mining companies in that area, Wesfarmers Coal Ltd and Worsley Alumina Pty Ltd, were able to secure access to some land at a disused mine site for the establishment of an off-road driving track which would be used not only for the local touring car club but also for driver training. It is one of those programs that has been very enthusiastically picked up. As the member said, last year it had just under 200 students and this year it has over 300. I would share the member's disappointment if this program could not be funded.

As I said, I was involved through the South West Development Commission in the establishment of the infrastructure and the facilities which enable students to undertake the off-road driving lessons that are made available. It must be borne in mind that these students are 16 years of age. Some of them would not be eligible for the normal driving permits - unless the new legislation has been passed, enacted and proclaimed. When it began, that was not available to the students and a lot of them had to be taught how to drive in an off-road situation where a licence is not required.

Another issue that was raised is the current funding for the program. Now that the facilities are available -

**Ms MacTiernan:** The facilities were provided by the private sector; is that not the case?

**Mr COWAN:** Yes, but there was also a contribution from the Government through the South West Development Commission. I would not like to be held to account for the amount, but I think the member will find that \$40 000 to \$50 000 has been made available to assist in putting in place some infrastructure for the development of a touring car club track at one of the disused collieries. The idea was that the track be used for off-road driver training. It would also be used for heavy vehicle training for those people who want to get involved in the mining industry for the driving of off-road vehicles, such as Haulpaks and things of that nature. I do not think that segment of it has been fully developed, but work is still being done.

I am interested in the comments made by the member for Armadale, because it is a project worthy of funding from the State. If, as she says, it has received only \$5 000 from the different programs that are available, that would disappoint me as well.

**Ms MacTiernan:** That was only for first aid; it was not for the core activity.

**Mr COWAN:** I would be very disappointed, because my understanding is that three projects are supposed to be identified for driver training and they would be in the south west, at Joondalup and in the Cannington districts. Admittedly, the scheme provides only small grants to various community groups. However, I would be disappointed if they were not applicants, and successful applicants at that.

**Ms MacTiernan:** They were told that they were not eligible for assistance from the Road Safety Council.

**Mr COWAN:** That is a matter which I will take up with the Minister for Transport. I assure the member for Armadale that I got involved in ensuring that the South West Development Commission joined with those mining companies and the enthusiasts in the car touring club to establish the facilities that enabled this driver training program. The member must bear in mind that it is not just standard driver training; it is about teaching youngsters to handle an emergency in a motor vehicle and to understand that a motor vehicle can become a lethal weapon if it is not used correctly. That level of awareness is something that everyone would want to be taught if it were made available.

**Ms MacTiernan:** It is also about an attitudinal change.

**Mr COWAN:** Yes, and part of the training program can deal with that. All I can say to the member for Armadale is that, as the Government was involved in the establishment of the facilities and the infrastructure associated with the program to which she has referred, I would share her disappointment if there were no ongoing funding for the administration and continuation of that course. Its popularity is easily documented by the number of students who apply to undertake the

course. We would certainly like to see it maintained. I give an undertaking to the member for Armadale that I will pursue that with the Minister for Transport to ensure that every consideration for support from the Government is given to make sure that program is not only maintained but also, if the numbers grow, as we want them to, that the additional numbers can be catered for within the program.

The SPEAKER: Grievances noted.

### **BILLS - RETURNED**

1. Revenue Laws Amendment (Assessment) Bill 2000.
2. Treasurer's Advance Authorisation Bill 2000.  
Bills returned from the Council without amendment.
3. Parliamentary Superannuation Legislation Amendment Bill 1999.  
Bill returned from the Council with amendments.

### **ROAD TRAFFIC AMENDMENT (VEHICLE LICENSING) BILL 2000**

#### *Introduction and First Reading*

Bill introduced, on motion by Mr Cowan (Deputy Premier), and read a first time.

#### *Second Reading*

**MR COWAN** (Merredin - Deputy Premier) [10.01 am]: I move -

That the Bill be now read a second time.

This Bill will assist Western Australia to fulfil its obligations under the national competition policy agreement by aligning vehicle licensing practices in Western Australia with the national registration scheme. The national scheme is aimed at providing consistent legislation with regard to vehicle registration matters. In particular, it will provide uniform arrangements for initial registration, renewal, transfer, suspension and cancellation of vehicle registrations. The scheme is aimed primarily at heavy vehicles and will make these vehicles easier to operate across borders. Many of the provisions will, however, have application to all vehicles and generate benefits across the community. In particular the scheme will -

- eliminate unnecessary duplication of resources and regulations in vehicle licensing processes;
- streamline the vehicle licensing process;
- contribute to improved efficiency by removing licensing differences between States.

Western Australia has been able to implement many of the national registration initiatives administratively and already complies with the majority of the policy initiatives contained in the scheme. There are, however, a range of issues contained in this Bill which could not be addressed administratively, and some expansion of the regulation-making powers is required.

Under the national scheme a number of changes will be made to the requirements for a vehicle to be licensed and the eligibility of a vehicle for registration. With regard to requirements for licensing, the emphasis will change to one which requires all vehicles used on a road to be licensed unless specifically exempted in regulation, rather than defining the vehicles which are and are not required to be registered in the legislation. This approach will provide a simpler mechanism for coping with changing vehicle configurations over time. In particular, it will provide a more flexible approach to dealing with special purpose vehicles, such as towed agricultural implements.

The eligibility requirements will include the requirement for a vehicle to be principally based in Western Australia to be registered here. This mirrors similar requirements in other States. However, provision will be made for the registration of vehicles that are itinerant and not kept primarily in any single jurisdiction. There will also be a prohibition on the licensing of vehicles that are subject to a vehicle licence or registration suspension or cancellation in another State or Territory. Changes will also be made to the existing penalty provisions for driving unlicensed vehicles by removing an anomaly that allows unscrupulous operators to avoid a substantial part of the penalty by retrospectively renewing the registration on the vehicle.

In addition, the requirement for interstate registered vehicles to obtain a permit for movement of goods on intrastate trips will be deleted. Restrictions on the issue of these permits were removed some time ago in line with Western Australia's adoption of mutual recognition principles. This amendment will remove the unnecessary paperwork in issuing these permits to all operators who require one. These provisions will remove existing anomalies within the system and assist in ensuring that registered operators can be held accountable for the use of the vehicle in the road system.

The regulation-making powers will be modified to provide increased flexibility in respect of the timing and periods for renewal of vehicle licences, and alignment of renewal periods for people owning multiple vehicles. The fee schedules will be transferred to regulations, addressing the concerns of the Joint Standing Committee on Delegated Legislation in respect of section 23A of the current Act. These changes will allow more flexible registration options to be offered to operators, including allowing Western Australia to offer seasonal registration of vehicles.

Under the current Act, vehicle licences can be cancelled but not suspended. In line with the national scheme, power will be provided for licences to be suspended or cancelled in prescribed circumstances and for appropriate review processes to be established. This will assist in the fair and equitable enforcement of the road rules. There are also a number of minor amendments associated with the adoption of terminology consistent with the national framework and minor consequential amendments to other Acts.

I believe the Bill proposes a range of sensible incremental changes to the vehicle licensing system in this State, which will result in a simpler, more flexible and more equitable system for all Western Australians. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

### **ROAD TRAFFIC AMENDMENT (VEHICLE LICENSING) (TAXING) BILL 2000**

#### *Introduction and First Reading*

Bill introduced, on motion by Mr Cowan (Deputy Premier), and read a first time.

#### *Second Reading*

**MR COWAN** (Merredin - Deputy Premier) [10.07 am]: I move -

That the Bill be now read a second time.

This Bill includes amendments that transfer the second schedule of the Act containing vehicle licence fees to the regulations. The Bill imposes certain charges under section 19(3) of the Road Traffic Act 1974 to the extent that those fees or charges may be a tax. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

*Sitting suspended from 10.10 to 10.12 am*

### **ELECTORAL AMENDMENT BILL 2000**

#### *Consideration in Detail*

Resumed from 28 June.

#### **Clause 58: Section 175 amended -**

Debate was adjourned after the clause had been partly considered.

#### **Clause put and passed.**

#### **Clause 59: Section 175E amended. -**

Mr KOBELKE: This clause amends section 175E of the Electoral Act which deals with eligibility for, and notice of, appointment. It relates to agents of political parties, although that is not specifically stated. It appears to be a minor amendment, but I seek an explanation. Under existing subsection (4) of the Act, the appointment of an agent under certain sections is not effective if notice of the appointment was given to the Electoral Commissioner after the hour of nomination. That will be amended to allow for notice of the appointment to be given to the Electoral Commission up to 6.00 pm on the day before polling day. Why is that change proposed?

Mr SHAVE: I am advised by the commissioner that in previous elections, some people have experienced difficulty complying with the time set down. This extension will give people more time in which to comply. It allows them to go to the deadline and provides extra time.

Mr Kobelke: Notice can be given after the hour of nomination?

Mr SHAVE: People can now give notice up to 6.00 pm on the day before the election.

Mr Kobelke: Previously it was?

Mr SHAVE: On the day of nomination.

#### **Clause put and passed.**

#### **Clauses 60 and 61 put and passed.**

#### **Clause 62: Part IIIA inserted -**

Mr KOBELKE: This clause inserts new part IIIA relating to the registration of political parties. A whole new process will be placed in the Western Australian Electoral Act. It is most welcome and it will improve the way in which the Act functions and elections are conducted. Previously the requirement to register a political name to go on the ballot paper was a much more limited process, and it occurred after the election was called. The role of political parties will now be recognised in statutes, and this is a fundamental change in our electoral laws. Previously, although it has been accepted that political parties play a major role, they have been acknowledged in the statute only by indirect reference. This is a direct reference to political parties and their registration.

To what extent does this registration process parallel the process in commonwealth legislation? In general, there has been a move to reflect the provisions of commonwealth legislation in state legislation, which makes it much simpler because there is a crossover in enrolments. In this area there is also a crossover which will lead to issues relating to political financing and declaration of political expenditure. It is unnecessary duplication for political parties to need to keep two separate sets of books to comply with different legislation. Will the minister outline in general terms the degree to which these provisions on the registration of political parties parallel those in commonwealth legislation, and the major differences between the two?

Mr SHAVE: There are no major differences. The wording of the new section is modelled more on the Queensland legislation than the commonwealth legislation. Western Australia is the last State to include this registration of political parties in its legislation. All other States already include it.

Mr KOBELKE: Can the minister explain the advantages in following more closely the Queensland model rather than the commonwealth model?

Mr SHAVE: The Queensland legislation is the most recently passed legislation that basically updated the commonwealth legislation with two added areas of advantage to run elections smoothly. The Queensland model was used for that reason.

Mr Kobelke: What is the current state of play around Australia with ministers coordinating state and commonwealth legislation? Is coordination being actively pursued or is there agreement in principle but not much work going on to try to create parallel electoral legislation?

Mr SHAVE: We do not have much discussion on a minister-to-minister level. Because commissioners have a level of independence, discussions take place between commissioners who liaise on different areas. There is very little contact between ministers such as I have in three-monthly meetings with the chief executive officers of fair trading ministries around the country. Since I have been the Minister for Parliamentary and Electoral Affairs, no ministerial meetings have occurred. The commissioner determines amendments to be made to the legislation and I am guided by his recommendations.

Mr KOBELKE: I will pursue that matter a little further. What are the potential conflicts in the registration of a political party at both commonwealth and state levels, given that a party operating in Western Australia must register under the provisions of this Bill and under commonwealth provisions? Can the minister state whether any conflicts exists because a party may be able to register in one jurisdiction but not in another, yet the parties are operating in both federal and state elections?

Mr SHAVE: There is no significant difference in the number of members required; that is, 500 is the minimum for the Commonwealth and the State. The requirements to register with the commonwealth system are similar to the State's; there is no conflict.

Mr Kobelke: Given that existing parties are recognised by this Bill, I do not see a problem for existing parties whose names have been accepted by the Commonwealth. I presume that registration would flow through automatically and the party would have registration at the state level. However, if two new entities were to seek registration as political parties and were in conflict with similar names, one party might register at the commonwealth level simultaneously to the alternative party registering at the state level. There is a potential there for a problem. The minister may be able to dismiss that concern as there may be other facts I have not taken account of; or, alternatively, he may be able to provide an answer to that question.

Finally, I can see no reference in this Bill to the commonwealth legislation or that registration must take place with the Commonwealth. If there is a seamless flow from one registration to the other, there would be no need to recognise commonwealth legislation and the extra complications that would entail. Why is it unnecessary to refer to the commonwealth legislation for parties that have already registered under that system?

Mr SHAVE: I expect that if someone wants to register a political party from Western Australia at the federal level, the Commonwealth would seek the commissioner's view. There could be a potential problem. However, new parties are required to advertise publicly for a month at federal and state levels. I imagine two competing forces would object to the registration of the other, either at the federal or state levels.

Mr Kobelke: There would then be a need to sort out that problem at both levels.

Mr SHAVE: The commissioners would need to get together to resolve the issue.

**Clause put and passed.**

**Clauses 63 to 77 put and passed.**

**Clause 78: Section 187 amended -**

Mr KOBELKE: Section 187 outlines a number of illegal practices, which, in addition to bribery and undue influence, relate to the publication of electoral advertising, handbill, pamphlet or any electoral notice without at the end thereof the name and address of the person authorising the advertisement. A second illegal practice is printing or publishing any electoral advertisement, handbill or pamphlet without the name and place of business of the printer being printed at the foot of it. A third illegal practice is the attendance by a candidate after nomination day at any committee meeting held for the purpose of promoting or procuring his or her election on premises on which the sale by retail of any intoxicating liquor is authorised.

A fourth illegal practice is the attendance by any member of a committee formed in the interests and with a view to obtaining the return of any candidate at an election at a committee meeting held on any premises licensed to sell by retail spirituous liquors; and there are some exceptions.

We now find that the proposed section, relating to the distribution of printed material without an authorisation and the name of the printer, reads -

- (2) Subsection (1)(a) and (b) do not apply in relation to -
  - (a) T-shirts, lapel buttons, lapel badges, pens, pencils or balloons;
  - (b) business or visiting cards that promote the candidacy of any person in an election;
  - (c) letters and cards -
    - (i) that bear the name and address of the sender; and
    - (ii) that do not contain a representation or purported representation of a ballot paper for use in an election;
  - or
  - (d) an article included in a prescribed class of articles.

Can the minister indicate the prescribed class of articles to be exempt? Is the intention of this amendment to leave room to manoeuvre in the event that there are some other smaller items - as most of these are small items - on which it is hard to put an authorisation? Does the minister have in mind other matters that might be covered or does it provide room to move as new ideas emerge and rightly fall in this general class?

Mr SHAVE: The member was correct when he made the comment that the proposed subsection was there to give the commissioner the ability to make assessments and decisions on what might be exempt, but any decision that was made would have to be done by regulation. The reason for the proposed subsection is to bring the situation into line with the commonwealth legislation. Various political parties have been advising the commission that they are having difficulty because of the rigid nature of the state legislation where everything has to contain the words "authorised by" and they are unable to use material for both state and federal elections. A cost is involved and the commissioner has accepted the argument that if it is not required at the commonwealth level it should not be required at the state level. Therefore, the proposed subsection will facilitate a request by a number of political parties. It gives them more flexibility with advertising without creating any issues in terms of fraud or anything like that. The proposed subsection takes everything from the commonwealth legislation and incorporates it in the state legislation.

Mr KOBELKE: I wish to raise a question about proposed subsection (2)(c) which states that subsection (1)(a) and (b) does not apply in relation to -

- . . . letters and cards -
  - (i) that bear the name and address of the sender; and
  - (ii) that do not contain a representation or purported representation of a ballot paper for use in an election;

This means that as candidates, which clearly members of Parliament will be, at any future elections it will be acceptable to write a letter on which a member has his name, address and signature and it will not be a requirement to print at the bottom of the material the words "authorised by" and "printed by". That certainly makes good sense because there is no way that a person who sends out a letter containing his name, address and signature is not taking full responsibility for whatever statements he makes. It would be superfluous to require the extra words to be printed at the bottom of the material. The provision will ensure that there is no ambiguity or unnecessary coverage of subsection (1)(a) and (b) of section 187.

The exception is when the letter or card contains "a representation or purported representation of a ballot paper for use in an election". I want to be clear as to whether proposed subsection (2)(c)(ii) refers to the letter or card itself as opposed to what is in the envelope which goes with the letter. In case it becomes a contentious matter in an election, it is important to be clear on this point. Clearly if I write to constituents using my letterhead and signing the letter personally, I do not need to print the words "authorised by" and "printed by" at the bottom of the letter. If I include in the envelope a how-to-vote-card, then the how-to-vote-card would have to display the authorisation and the printer's name. Do I then have to put the words "authorised by" and "printed by" on the letter which goes with the card? Where the how-to-vote instructions are printed on the letter itself, the words "authorised by" and "printed by" must go on. If the pamphlet is in the form of a letter which contains some how-to-vote material or a representation of a ballot paper, then an authorisation name and address and a printer's name and address is also required. In the situation where the envelope contains a letter from a candidate which is signed by him, does it still require the authorisations set out under subsection (1)(a) and (b) if one puts in the same envelope a how-to-vote-card with a representation of a ballot paper, even though the representation has the required authorisation and name and address of the printer?

Mr SHAVE: No. In giving me the advice I assume that my advisers are comfortable with the fact that as long as the authorisation is on the how-to-vote card then that is sufficient.

Mr KOBELKE: My final question is a legal-technical one. I would like the minister to put an answer on the record so that we can clarify the intent and potential scope of the wording of proposed subsection (3) which relates specifically to proposed subsection (2)(d). Proposed subsection (3) states -

Nothing in subsection (2)(a), (b) or (c) is to be regarded as limiting, by implication, the kind of regulations that can be made for the purposes of subsection (2)(d).

Proposed subsection (2)(d) contains the ability to prescribe classes of articles which are exempt from the required authorisations or limitations contained in proposed subsection (2)(a), (b) and (c). I am not sure as to the exact meaning. Does it mean that the regulations can override subsection (1)(a), (b) and (c)? There is a fine point of wording here because we are providing a "let out" where certain items are not captured by subsection (1)(a), (b) and (c). When does the let out become so big that it actually overrides subsection (1)(a), (b) and (c)? It is a fine legal point and I am not sure to what extent the minister can clarify it. We must attempt to try to do so as it may become a matter in a court case at a later stage as to what is the Government's intention regarding how big a let out is being provided under proposed subsection (3), inasmuch as there is not a requirement to observe the requirements of subsection (1)(a), (b) and (c).

Mr SHAVE: I am advise that subsection (1)(a) to (d) cannot be overridden by that proposed subsection. However, it gives flexibility to include other items of any kind which are not contained in subsection (1)(a) to (d), even if they are not the same sorts of things. It gives the capacity for flexibility to look at other issues but the proposed subsection has no capacity to override subsection (1)(a) to (d).

**Clause put and passed.**

**Clauses 79 to 81 put and passed.**

**Title put and passed.**

### *Third Reading*

**MR SHAVE** (Alfred Cove - Minister for Parliamentary and Electoral Affairs) [10.40 am]: I move -

That the Bill be now read a third time.

Considerable debate has ensued about electoral reform. It is important when the Electoral Commission or the Electoral Commissioner deem it necessary to update a Bill such as this that we attract widespread support and that extensive consultation is conducted with the various parties involved.

I acknowledge the work of the Electoral Commissioner in the form of the briefings he has given to the various parties. I also thank members of the Opposition for their assistance with the drafting of this Bill. I know Australian Democrat Hon Helen Hodgson has been particularly interested in seeing the passage of this legislation. Her party has experienced many difficulties with various disputes. This registration will be very important from that point of view. It is not healthy to have disputes within political parties about who will control them. That should be determined following the normal democratic procedures that exist in political parties. Having factions or groups within a political party going to court to sort out who will control their organisation does not help the supporters of that organisation. I thank all members for their input.

**MR KOBELKE** (Nollamara) [10.41 am]: I have focused my contribution to the debate on the efficacy and intent of these excellent amendments. They address machinery matters relating to the conduct of the Electoral Commission - particularly elections - and the way a range of matters will be dealt with. We will see improvements in the conduct of elections and, hence, improvements in our democratic system.

I will make a final comment because other members have said that an opportunity has been forgone to deal with other issues. I will not mention those issues, but I want to put on the record my concern and regret that the Minister for Parliamentary and Electoral Affairs has not been willing to address the more substantial issues. He has picked up the excellent work of the Electoral Commissioner to make the system work more effectively, but he has not taken on the key reforms that are required. They are not matters about which the commissioner would normally have any input. They are matters of political policy and whether we should have a fairer electoral system. The Parliament must deal with those issues, but the Government has refused to grapple with them. Some years ago, the Government was considering the importance of having a fairer electoral system whereby each citizen had a vote of equal value. At the time, the Government espoused the move to one vote, one value. However, it has done nothing about that.

Those issues require the minister and the Government to get their act together and to move this State into line with the standards expected in modern democracies. We have a pitiful reputation of languishing well behind the accepted standards in representative democracies in Australia and elsewhere. This Bill does nothing to address those issues. Some issues are the subject of political contention and the Opposition takes a different view from that of the Government. However, the Government has not entered that arena with this Bill, and that is a matter of great regret. While I commend the minister's taking up the excellent recommendations made by the Electoral Commissioner - the Opposition fully supports and welcomes them - it is of concern and regret that this Government is not willing to address the bigger issues of reforming our electoral system to make it more democratic and fairer.

**Question put and passed.**

**Bill read a third time and transmitted to the Council.**

**HOPE VALLEY-WATTLEUP REDEVELOPMENT BILL 2000***Second Reading*

Resumed from 22 June.

**MR KIERATH** (Riverton - Minister for Planning) [10.45 am]: I will touch briefly on some broad issues because they cover many of the issues raised by members.

First, it was stated that the area covered by the Bill was vague. That is not correct - schedule 1 makes the area very clear. Another claim is that the Bill specifically allows for the closure of town sites. There is no such provision in the Bill.

Mr Thomas: It has that practical effect.

Mr KIERATH: No; it delivers someone in the market to buy the properties. Members have said that the Bill contains provisions that allow the closure of town sites. It does not. It does contain provisions that allow properties to be sold if people are prepared to sell. The Government cannot see any reason to use the powers of resumption, and it does not believe the Bill has any such provision.

Mr Thomas: You tell the people in the town sites.

Mr KIERATH: I know that perception has been perpetuated. Unfortunately, that is the downside.

Mr Thomas interjected.

Mr KIERATH: I can see where the member is coming from, and it is sad that he is taking that attitude. I am trying to relate this factually and I will provide some supporting figures in a moment.

The other broad issue raised is that the current heavy industry land provision is adequate for the future. I have a letter and survey from the Chamber of Commerce and Industry that disproves that completely.

The fourth issue raised questioned the concentration of industry in one area. The CCI survey shows that the reasons for that are the potential for downstream and upstream integration; the proximity to existing company facilities; proximity to a deepwater port; access to road and rail; availability of light and general industrial support; and availability of and access to skilled labour. They are key factors in wanting one larger world-class industrial area rather than several smaller areas.

Another issue raised was the size of the site compared with the Canning Vale site. A member quoted a figure of about 450 hectares, but I have been advised that Canning Vale is about 628 hectares and that it has proved the benefits of industry agglomeration in this State. This 800-odd hectares of general industrial land at Hope Valley-Wattleup is a little larger than the Canning Vale site. By any measure, people would say that Canning Vale has been very successful. An industrial site the size of Canning Vale is much more successful than smaller industrial areas.

Ms MacTiernan: How big is Canning Vale?

Mr KIERATH: I have just provided that figure. Obviously the member has just come into the Chamber. It is 628 hectares.

Mr Thomas: There is residential land in Canning Vale.

Mr KIERATH: I am saying that Canning Vale industrial estate has 628 hectares.

Ms MacTiernan: That probably includes the prison.

Mr KIERATH: The member should not be so stupid. Canning Vale Prison is quite some distance from the Canning Vale industrial area; the member knows that.

The sixth point was the claim that we have tended not to synchronise transport and land use planning. The Fremantle Rockingham Industrial Area Regional Strategy report and the MRS disproves that, because the emphasis of both the FRIARS report and the MRS is on integrated planning; and I need to refer members only to paragraph 5.1 of the final report, which indicates the major transport requirements.

The seventh point was the emphasis on mosaic zoning. This leads to greater inefficiency of development and operations, and discriminates between landowners in terms of who will benefit from the rezoning. The proposal to create 400 hectares of industrial land does not even meet the requirements for the next 20 years, and, as I said, it will be only about two-thirds the size of Canning Vale.

The eighth issue was that town sites should not be closed down. This fails to recognise the long-term impact on town sites of planning blight, reductions in property values, and creeping changes in uses to commercial. In the long-term, it will leave residents in the same position as the residents who remain in Naval Base, who are unable to sell their homes for their full potential value. That is not a viable solution.

The ninth issue was the failure to recognise the economic benefit of market gardening in the area. The proposal does recognise that industry and the changes that have been made in it. Increased mechanisation is requiring larger market gardens, and this is not easily possible in the current area. We are already receiving complaints from people who want to be bought out by the Government because their lot is now becoming uneconomic because of its size. We only need to look at what has happened in Wanneroo, with the shift of market gardens north and, in some cases, south to areas around

Mandurah, where there is larger-scale market gardening. People need to live close to where they work, but they also need to have a pleasant and safe living environment, and the suggestion that we surround residential areas with industry would ensure that this would not happen.

The thirteenth point was the need for a redevelopment authority. I believe that ignores the need for heavy and general industrial development expertise and a long-term commitment by people at both the board and operational level with that expertise. The only source of this expertise in Western Australia is LandCorp, which is the prime agency for industrial development. As the government principle is to guide development rather than undertake all development, there is less need for a fully equipped redevelopment authority with a single task. We usually have a redevelopment authority when we are going the other way around and are having difficulties with land assembly and other things and do not have a specialist government agency with that responsibility. We do have a specialist government agency which has that major function, and that is LandCorp.

Mr Thomas: We had that in East Perth.

Mr KIERATH: We did that because we had to take that land from industrial to residential, and we figured that a redevelopment authority - people on the member's side of politics were involved in that - would do that job better. In this case, we are talking about the establishment of industrial areas. LandCorp's track record is that it has been involved in virtually all of the major industrial areas in this State. Why would we duplicate something that already exists? LandCorp operates under an Act of this Parliament and has its own responsibilities and objects.

With regard to the level of compensation, the Bill provides a well tried compensation procedure and a basis for compulsory acquisition that is used by most government agencies. There is nothing new in that. It has been tried and proved.

I mentioned to the member for Cockburn the other day some pricing arrangements. I am happy to provide to the member a chart from the Valuer General's Office which plots the market value changes by suburb for small lots. Hope Valley and Wattleup are at the upper end of the chart, and below that are Medina, Hillman, Orelia and Munster. The average prices for Wattleup and Hope Valley are higher than for Hillman, Orelia and Munster; so there are areas in which people could purchase equivalent properties. Attached to that chart is the prices for small lots. To give an example: In June 1999, the price of a small lot in Wattleup was \$86 000; in Hope Valley, \$120 000; in Medina, \$58 000; in Orelia, \$82 000 - so Orelia is getting close to the Wattleup price; in Munster \$180 000; and in Spearwood, \$119 000. Spearwood was only \$1 000 less than Hope Valley, and Wattleup was \$4 000 higher than Orelia.

Mr Thomas: What was the size of the blocks in Hope Valley?

Mr KIERATH: I think they are average values.

Mr Thomas: They are half-acre lots.

Mr Marlborough: All of Hope Valley is special rural subdivision sites.

Mr KIERATH: The percentage change in the price is for a typical home in the respective areas from June 1989 to June 1999, as provided by the Valuer General.

Mr Thomas: You are comparing apples with oranges, because one is a half-acre block and the other is a quarter-acre block.

Mr KIERATH: I am not.

I have indicated the prices of land in Wangara. I have a graph that shows that the values in Wangara were \$2 a square metre in 1982 and about \$14 a square metre in 1989. Within that period the land was rezoned and there was a huge increase in value. I also have an aerial photograph of the Wangara area that I am happy to leave here for members to peruse. The pink lines indicate where industrial development has occurred. There is quarrying and market gardening - a range of different uses -

Ms MacTiernan: It is a mosaic development, is it?

Mr KIERATH: No, it is not. It is development that is occurring as we would expect it to occur at Wattleup, which starts at one end and is working its way through, so it will be developed into industrial land, but people can continue with a range of uses during that transition period until the time that it suits them to bail out and retrieve their values. There has been a consistently upward trend in land values. There was a dip from 1990 to 1991. I am not sure why. Perhaps the prices that were paid then were exorbitantly high, because the figure for 1991 is comparable with the figure for 1989. The map shows that we can have a staged development whereby people can continue to do the sorts of things they want to do and can choose the time to get out. In some cases if people are in an area in which someone is assembling all the land around them, they are paid a much higher price for their property so that a substantial amount of area can be developed. Those sorts of things do happen.

I also have a letter from the Western Australian Chamber of Commerce and Industry dated 28 June which I am prepared to table for members if necessary or I can give it to the member along with the other papers. In 1999 the CCI conducted a survey of major players. It received 59 responses from a mail out which went to 124 people; that is a 48 per cent response which is pretty good. I will read a couple of paragraphs from the letter -

The results of the survey reaffirmed that Kwinana is still by far the most popular heavy industrial site in the State. Fifty three percent of respondents rated it the most important heavy industrial site in their future development plans, which was similar to the 49% figure obtained in the 1992 survey.

Kwinana, of all the current and potential heavy industry sites was consistently assigned the highest ratio of positives relative to negatives for each factor deemed to be important in heavy industry site selection. The major advantages of Kwinana were seen to be, "potential for downstream and upstream integration", "proximity to existing company facilities", "proximity to existing company facilities", "proximity to deep water port", "access to road and rail", "availability of light industrial support" and "availability and access to skilled labour".

Kwinana allows industry to share facilities and infrastructure, and receive the benefit from the synergies available from industry clusters. In Kwinana the products of one company are able to be consumed by another in the same region. Utilisation of by-products by other industries can also improve environmental performance.

Mr Thomas: How many industrial sites has LandCorp sold in the past five years?

Mr KIERATH: The member would have to ask the minister. To continue -

No alternative heavy industrial area capable of providing significant opportunities for integration, offering proximity to supporting services and metropolitan market, and with such a well developed infrastructure and deep water port, currently exists in Western Australia.

A major disadvantage of Kwinana identified in the CCI survey was, however, seen to be the "adequacy of the buffer area". This concern would be greatly alleviated if the proposed 800 hectares of general industry land were made available. This would consolidate the buffer and protect the heavy industry core of the Kwinana Industrial Area (KIA) from conflicting land uses.

CCI's 1999 survey confirms that Kwinana is still the most important heavy industry site in Western Australia. Its current status and importance to Western Australian industry development and job creation warrants the high degree of protection afforded by FRIARS.

Having put those broad issues on the record, I will now go through the individual issues raised by members. First, the member for Armadale said that she wanted a mosaic approach to planning to include rural, conservation and residential.

Ms MacTiernan: Industrial.

Mr KIERATH: I thought the member said residential.

Ms MacTiernan: No, industrial.

Mr KIERATH: The Fremantle Rockingham Industrial Area Regional Strategy report is the result of an extensive research exercise. It is questionable whether the Opposition's suggestion for a mosaic approach was based on sound planning practices. This has gone through all of the proper processes and has had the proper input all the way through. The member for Armadale also raised the issue that she does not believe there is a need for such a large area for heavy industry. I have covered that issue in part. The area is immediately adjacent to the Kwinana industrial area. There are also two new ports: Jervoise Bay and a private port.

Ms MacTiernan: What type of stuff is the private port going to move?

Mr KIERATH: In FRIARS we have tried to factor in all of those things so that the planning -

Ms MacTiernan: Tell us how the port will service the industrial area.

Mr KIERATH: There have been proposals so we have put those proposals in FRIARS. We have conducted a coordinated planning process rather than an ad hoc one. The member also said that she wanted the town sites to stay. The town sites will inevitably suffer urban blight. If one stops to think about the matter, it is clear that if industry encroaches around the town sites, it will not improve the lot of the people who live there and they will suffer as a result. I believe they have suffered already as a result of the location in which they live. If industry is allowed to encroach around the town sites, it will make the situation worse. The value of the land would then decrease without the protection of legislation or the offer of negotiated purchase of those properties. That is crucial to this proposal.

Mr Marlborough: That is what is happening now, I agree with you.

Mr KIERATH: We have reached a hiatus. If we approve this plan, we will knock it on the head and the uncertainty will disappear. This is the most difficult time. We have a proposal which has been seriously entertained and we are trying to give it legislative form. It could be referred to as the "pregnancy period". In my view, it is the period in which people suffer because of uncertainty. Once we resolve the matter, there will be some certainty. If we knock this plan on the head, the uncertainty will not be resolved; the issue will just be left to another day. The uncertainty has existed for a long time. There will also be increased risks to residents because of the encroaching industry and its associated by-products.

Ms MacTiernan: We will not allow any more heavy industry, or set aside any more land for heavy industry in the area.

Mr KIERATH: I can only say to the member that some issues are beyond the life of Governments. I put it to the member for Armadale that the issue of industrial development is beyond the life of this Government and any future Government. If one understands the fundamentals - which is what I was trying to say before - there is nowhere else to go to expand the Kwinana industrial area. Realistically, inside the next 30 years, another heavy industrial area will not be established which has the infrastructure benefits. All of the economies of scale which I just read out that were inherent in the CCI survey - I do not think the member for Armadale is even listening to me - are very attractive to industry. There is a reluctance to

establish completely new areas, for example that at Kemerton. Although the Government is planning for the future there, it has not been taken up to a large extent. There is a critical mass for industry; it wants to be located where all the existing industries are. The member for Peel would know about the various pipelines that go from industry to industry at Kwinana which connect into and feed off each other, whether they carry waste products or resources. Those are the types of things required for a world-class industrial area.

Ms MacTiernan: So will the entire State have only one industrial area?

Mr Marlborough interjected.

Mr KIERATH: Realistically we will not establish another heavy industrial area in Perth in the foreseeable future. We need to accommodate the future expansion of the one we already have.

Ms MacTiernan: What about Kingstream?

Mr KIERATH: That will involve a big decentralisation at Geraldton. What I read into that CCI letter is that many industries do not want to be established at Geraldton; they want to be located in the metropolitan area, in many cases because that is where the skilled labour they require resides. The member for Armadale said that transportation was already overloaded. The MRS already contains plans for the Fremantle-Rockingham controlled access highway. Road and rail extensions are either planned or are under investigation. These include Rowley Road, Anketell Road and the Roe Highway extensions. Transport requirements are a part of either FRIARS or the existing planning process.

Another issue the member raised was the lack of certainty for land owners. This Bill finally provides for certainty of use. Alternatively, if we were to go down the path of an MRS, it would take between two and eight years to get this in place. Once the intended use is known, land owners are able to realise their dollar potential in the new market and this will provide certainty for them more quickly than would anything else we could do. Once the master plan is in place, it allows for self-development.

Ms MacTiernan: The issue is not whether or not we have an MRS; we have never argued this should be part of the MRS. The residents and the rural land holders are saying that, because they will have to wait for up to 25 years in some cases for their land to come within the industrial rezoning, they will not be able to sell out for 25 years.

Mr KIERATH: Says who?

Ms MacTiernan: It will sell at a higher rate to get an industrial price which will enable them to re-establish.

Mr KIERATH: I showed the member a graph showing the Wangara situation.

Mr Thomas: It was a graph of rural landowners.

Mr KIERATH: I agree with the member that the graph shows the land values. We need to differentiate between the town sites and the rural land. In 25 years, the zoning will take place and add value. The people who want to come in and develop will buy from the existing people in terms of normal land speculation. One must separate the arguments between the rural and town site or residential blocks. Industrial land has a higher value than rural, but lower than residential.

Ms MacTiernan: Will they be able to sell the rural land as industrial even when the area will not come on stream for 25 years as an industrial area?

Mr KIERATH: They will. It is like what happened in the Wangara estate. People sold out once the zoning was made. This is quicker than would otherwise occur with an MRS amendment. This Bill provides the quickest option.

Ms MacTiernan: It will not all be rezoned at once; will it be staged?

Mr KIERATH: It will not be staged by one agency. The master plan will be developed. Once it is determined, it will be up to the landowner and developers -

Mr Thomas: And the market.

Mr KIERATH: Yes. It is all part of the market. They will buy in and develop. It is possible that an area could be developed as long as it fits within the master plan. One will have infrastructure costs, which help to determine where development takes place and whether it will be orderly or occur on a front.

Ms MacTiernan: What is the staging process then? I understand that the staging process would move through.

Mr KIERATH: If LandCorp, as was done with Canning Vale, acquired all the land, it would stage develop. Most developers with a substantial landholding stage development to get the best value for the property. Once it is rezoned by the process, it will substantially add value to the land. It happened to Wangara, even though it is not fully developed. About one-third of that estate is currently developed industrial, yet the prices started off in 1992 at about \$2 a square metre, and land sold this year for about \$36 a square metre.

Ms MacTiernan: Will all the area be rezoned industrial immediately?

Mr KIERATH: Sure.

Mr Marlborough: That part is intended to be an industrial-rezoned area as a result of the Bill.

Mr KIERATH: It will, and that will occur in conjunction with the master plan which must be produced.

Ms MacTiernan: Is the process which will bring about the rezoning in the Bill or the master plan?

Mr KIERATH: The rezoning at the MRS level occurs through this Bill, and the master plan affects the local town planning scheme.

Ms MacTiernan: How long will it take to get the town planning scheme amendment?

Mr KIERATH: We hope within two years.

Ms MacTiernan: Thereafter, can anyone sell land as industrial?

Mr KIERATH: When the master plan comes down in the local town zones as industrial areas, they can be sold as industrial land. Once it comes down, people with experience in development in the industry will expect that to occur. There is no shortage of people wanting to get in. It will be different from Canning Vale as private developers will develop part, as well as LandCorp. Government is supplying property to LandCorp, which no doubt will stage the development, as occurred at Canning Vale, according to the market. It is a segment at a time. This is to maximise returns.

Ms MacTiernan: Will those private landowners, as long as they are within the 800 hectares of general industrial area, be able to start to sell as industrial units?

Mr KIERATH: When this Bill effectively changes the MRS, it will add value to that land. The more detailed value will be added when the master plan is developed. The broad-brush approach of this measure will add value to the land.

Mr Thomas: It is very misleading.

Mr KIERATH: It is not misleading.

Mr Thomas: Its immediate impact will be marginal.

Mr KIERATH: The member is wrong, as the history of Wangara proves.

Ms MacTiernan: Is all the land at Wangara nominated stage one?

Mr KIERATH: The graph shows the land values of the sales during those years.

Ms MacTiernan: But we do not know the boundaries of the areas involved.

Mr KIERATH: We know the boundaries of Wangara. It is similar to Wattleup and Hope Valley today. One can say with a degree of confidence that we expect something similar to happen with this development. Once the broad zoning came in with Wangara, even though there were no detailed structure plans, there was an immediate increase in value. Also, it increased further when the detailed concept plan was made available.

The member for Armadale said that the redevelopment area of nearly 1 000 hectares was too large.

Ms MacTiernan: I said we did not support an additional industrial estate of some 900 hectares.

Mr KIERATH: If one had smaller areas, it would create transport and efficiency problems. The member alluded to some of these problems in her earlier argument.

Ms MacTiernan: Canning Vale is 600 hectares.

Mr KIERATH: It is 630.

Ms MacTiernan: That's right. There are 500 hectares here of new land together with the existing strip. How can that be unproductive?

Mr KIERATH: As indicated through various reports gathered together to produce the strategy, this proposal is an efficient area. On the one hand, the member argued that it involved transport and efficiency problems, but those problems would be worse if a smaller area were involved.

The member ran an argument for the formation of a redevelopment authority, but that approach has disadvantages. First, it is expensive and unnecessary to have an overriding development authority in this case. It is useful to have the WA Planning Commission involved in checking the master plan. As a responsible authority on development approvals, it removes any potential conflict of interest. As a minister involved with three redevelopment authorities, people have complained to me. These authorities are not democratic individuals as they act like dictatorships. Once they are given a concept plan or a goal, their sole being is to implement that concept plan. The process in the Bill keeps most of the normal consultative processes in the loop so that people can have a say.

The member was concerned about the level of compensation and said that regard must be given to the cost of moving.

Ms MacTiernan: And establishing a similar lifestyle.

Mr KIERATH: I went through those points before.

Ms MacTiernan: Living on one-fifth of an acre is very different from living on half an acre. You suggested there was

parity in moving to an adjoining suburb on one-fifth of an acre. These people point out that they want the semi-rural lifestyle.

Mr KIERATH: The member knows the area of Munster and Spearwood has that size blocks. I gave the member prices for Munster and Spearwood. That area has blocks of different sizes.

Mr Thomas: In that case, you will have no problem with our amendment.

Mr KIERATH: I do not think it is necessary.

Ms MacTiernan: If you really thought you were right, you would support the amendment.

Mr KIERATH: I am trying to explain that the land values are the same. The residents can buy in adjoining areas. They will receive more for their properties than that which properties in adjoining areas are selling for. We will not again add value to those properties. The most important thing is that the residents can buy an equivalent property. If the land is voluntarily sold, the value will be negotiated between LandCorp and the resident. Some concessions might be made along the way; however, that is the situation that stands if the seller is willing. When the land is compulsorily acquired, compensation above the land value is payable under section 241 of the Land Administration Act.

The ninth issue the member for Armadale raised was that the time residents must wait for the rezoning and acquisition process is too long. I believe this process substantially shortens the time of rezoning so that there is no need to wait for acquisition. The experience of the Wangara industrial area was that rezoning increased values and refreshed the private land market. The tenth point the member raised was that the increased risk to industry needs managing. That approach ignores the possible risk to residents and I refer the member to the risk profiles on pages 19 and 21 of the report.

Ms MacTiernan: It is a pity you were not so concerned when you approved the motorplex.

Mr KIERATH: Again, the member does not understand. In many cases, it is okay to visit areas for short periods. However, the level of risk is different when residents live near such areas. This is part of the problem. It might be acceptable to visit such a place for eight hours a day or three hours a week, but it is not acceptable to live near it seven days a week on a permanent basis. The risk levels are different.

Ms MacTiernan: The risk level arises from having 15 000 people in the area.

Mr KIERATH: That is the point I am trying to make. There must be lower risk levels in areas in which people reside permanently than in areas where people are there for only short periods.

Ms MacTiernan: It depends on the type of risk.

Mr KIERATH: The eleventh point was that the town sites should remain. If the town sites were to remain, they would gradually suffer from planning blight. They are already suffering from planning blight on a small scale.

Mr Thomas: They are not.

Mr KIERATH: The areas in the vicinity of the existing industrial boundaries are suffering from planning blight, which will get worse as industry moves closer to those areas. It will certainly not get better.

Ms MacTiernan: Planning blight comes through uncertainty.

Mr KIERATH: If the town sites were to remain, people would be left in the same position as in Naval Base, where 17 households remain. Those people hung on and did not go through a compulsory acquisition process or seek a guaranteed buyer, and there is now no market for those properties. That is sad for the people involved. I have covered the major issues raised by the member for Armadale, except for her comments about a review of the buffer zone.

The member for Cockburn referred to land values and said that industrial estates are changing. Although that is true, usage is tending towards more combined-commercial industrial estates, such as Canning Vale. Some of the latter stages of development in the industrial area are commercial arrangements.

Ms MacTiernan: That is right.

Mr KIERATH: The latest development in Canning Vale is occurring on the fringe of the estate.

Mr Thomas: People would not mind living across the road from that.

Mr KIERATH: They would not mind living across the road from the commercial developments, but they would not be keen to live across the road from the industrial businesses. The design of Canning Vale means that the commercial parts of the estate are on the outer fringes.

Ms MacTiernan: That is precisely our argument.

Mr Thomas: It is 40 years since they started planning Canning Vale.

Mr KIERATH: The commercial area is the interface between the industrial and residential areas. In some cases, commercial areas occur next door to residential areas.

Ms MacTiernan: That undermines your argument that the town sites cannot stay.

Mr KIERATH: Although the character of industrial estates is changing, their needs are not. The member for Armadale raised the issue of mosaic planning. That would make planning more difficult and would force compromise solutions. In some of the areas governed by redevelopment authorities, elements of combined retail, commercial and residential development exist on a smaller scale. However, in a large heavy industrial area, compromises would be forced that would disadvantage the people who own land in the conservation or rural-residential areas. We have already received complaints from people who have been excluded from the industrial area but who want to be involved.

Ms MacTiernan: Why have they been excluded from the industrial area?

Mr KIERATH: The Government went through a public planning process, although the member for Armadale said we did not take notice of it. The final Fremantle Rockingham Industrial Area Regional Strategy was amended in a range of areas to take the written and oral submissions into account.

Ms MacTiernan: What will happen with those people's land if it is not zoned industrial?

Mr KIERATH: Some parts of the area will remain rural, or they might form part of the conservation estate.

Ms MacTiernan: Will there still be rural areas?

Mr KIERATH: Some properties in the area have not been included in the industrial area, but the owners want it to be included. The main reason for that is the increase in land values.

Ms MacTiernan: Why have you not included them in the industrial area?

Mr KIERATH: It was not me who did not include them. FRIARS was an extensive process.

Ms MacTiernan: You are the minister.

Mr KIERATH: FRIARS went through the proper processes and went out for consultation. Submissions were made, and the people compiling the report made the recommendations. It has been through that process. Unless it is something that has been overlooked, I will not overturn the decision.

Ms MacTiernan: You must explain the recommendations.

Mr KIERATH: I have. Many cases like that are determined on balance. People say they want some area left for rural land and the people making the recommendations look at the quality of the land to see whether it is suitable.

Ms MacTiernan: How much have you left for rural land?

Mr KIERATH: Will the member stop asking questions when I am still answering her first question? She should at least have the courtesy and the decency to let me finish. I have tried to answer her interjections.

Ms MacTiernan: You are missing the point.

Mr KIERATH: I am not. The member has delayed my time. I think she has done it deliberately and now I must race through the rest of my comments.

Ms MacTIERNAN: I move -

That the minister's time be extended by 15 minutes.

Question put and passed.

Ms MacTiernan: Has some of the rural land in the area been reserved?

Mr KIERATH: Yes. I will provide the member with a copy of the plans. The people undertaking FRIARS studied a variety of land uses in the area. The original proposal had a larger industrial area, which was reduced as a result of submissions by people that some of the rural land had good, quality soil and so on. The boundaries were then changed.

Mr Thomas: People who own rural land will apply for rezoning.

Mr KIERATH: That will happen in the long term - 15 to 20 years.

Mr Marlborough: It might also be worth having some sort of intensive horticulture.

Mr KIERATH: This allows that to happen. It allows the decision making on that to be left in the hands of the landowner.

Mr Thomas: In accordance with the principles of the mosaic.

Mr KIERATH: No. It is important to acknowledge that the buffer is set on licence limits and not emissions. In order to reduce the buffer, the State would need to buy back licences. That would be a cost to the State and would also discourage industry. According to the Kwinana Industries Council, the area generates \$3b per annum in production and \$1.2b per annum in exports. The member for Cockburn compared the property values in Wattleup with Spearwood. Property valuation is complex and varies from area to area. It is difficult to make comparisons, but in a broad-brush approach, Spearwood is closer to Fremantle. Spearwood has some elevated areas, and in those areas the values are much higher. Spearwood is also surrounded by desirable residential areas, which cannot be said to be the case in Wattleup.

The member for Cockburn raised LandCorp's involvement in this. LandCorp has expertise in industrial development. The final report recognises the need for social planning. LandCorp acknowledges it needs to acquire expertise in this area. It will bring that on board.

Mr Marlborough: I do not think LandCorp has more than three planners.

Mr Thomas: They are all bean counters.

Mr KIERATH: I do not know, although one of its officers, Tony Morgan, is the acting chief executive officer of the East Perth Redevelopment Authority and he was a good acquisition. LandCorp acknowledges that is not its strength and it needs to acquire expertise in that area whether on contract, as consultants or whatever.

Mr Marlborough: If the minister does not accept our plan, at least it can run it in conjunction with the Department of Planning.

Mr KIERATH: As I explained, this process will keep the Planning Commission and allows the involvement of the local council. If there were a redevelopment authority, both of those bodies would be taken out of the process. That brings me to the point the member for Cockburn raised about the redevelopment authority. I was pointing out that LandCorp is an expert on industrial projects. The social and environmental implications, to some extent, will be dealt with by way of a master plan. The document will be analysed by the Planning Commission before it commences and will provide a check and balance. The public will have the opportunity to make submissions on the master plan. It is important that the master plan will go to the public for submissions. The public will have input.

The member for Cockburn said the master plan should be a disallowable instrument. No other town planning scheme or redevelopment scheme is subject to this requirement.

Mr Thomas interjected.

Mr KIERATH: That is the broad-brush scheme. There would no benefit in passing the Bill if the master plan were subject to this requirement as it would be simpler in some ways to commence a metropolitan region scheme amendment. If an MRS amendment were pursued, there would be little impetus for the implementation authority to purchase residential lots. There would not even be an opportunity for compensation for injurious affection for those landowners, because that is not available under the metropolitan region town planning scheme unless the land is reserved for a public purpose. Therefore, the MRS process would cause considerable delay. It would perpetuate the uncertainty and lead to a potential reduction in any type of compensation ultimately payable to landowners.

Mr Thomas: It would introduce accountability.

Mr KIERATH: The process offers accountability.

Ms MacTiernan: How?

Mr KIERATH: As I have explained, town planning and redevelopment authority schemes go through a public process calling for public submissions, although none of them comes to this House for disallowance.

Mr Thomas: It is equivalent to the MRS.

Mr KIERATH: In some ways we could pass a Bill to establish a redevelopment authority. However, why would we then subject those instruments to a disallowance when no other planning instrument at that level can be disallowed. This involves public consultation, but not disallowance.

The member for Maylands raised a number of points. She said that industry created a greater risk to water quality in Cockburn Sound than market gardens. This may be true with heavy industry; however, it is not contemplated that the redevelopment area will be all heavy industry. General industry will pose a lesser risk to water quality than market gardens in relation to nutrient and herbicide leaching that may occur. An example is the turf farms in the Fremantle Rockingham Industrial Area Regional Strategy area that use fungicides, herbicides and fertilisers in large amounts. The studies show that pollution going into Cockburn Sound as a result of those activities will be reduced by about 40 per cent.

The member for Maylands also raised the issue of a redevelopment authority, and I covered that. The structure we are putting in place allows the involvement of the expertise in the Planning Commission in all approvals. If there were a development authority, the Planning Commission would not be involved. In this case, that would not be good for the people of the area.

The member for Maylands also referred to liveable neighbourhoods. That is appropriate for a residential, retail and office development like East Perth and Subiaco. However, it is not appropriate for areas of light and general industry or heavy industry.

Have I answered all the issues raised by the member for Peel?

Mr Marlborough: I mentioned the town sites, and the fact that there is no need for heavy industry in Hope Valley. I also referred to the method by which the Government intends to purchase land. The present model for purchasing properties has two severe restrictions; firstly, the hardship definition, and secondly, the amount of money attached to this, which is \$5m a year over the next \$10 years. The hardship clause should be reviewed. Many people are coming to me - eight or nine are on my books at the moment - who want to go now and have been rejected under the hardship provisions. The

Government should borrow money against the estate up front, or whatever, so it has more money to buy people out earlier so they can go at their own speed.

Mr KIERATH: I will address both of those issues. They are two of the best points that have been raised in the debate so far. If this Bill is passed, we can buy out those hardship cases.

Mr Marlborough: Where would you get more money?

Mr KIERATH: I am referring to the most difficult cases, which are residential purchases. If the Bill is passed, LandCorp will have the money. We have had discussions with LandCorp and Treasury. From Treasury's point of view, \$5m over 10 years was set aside because of cash flow. Nothing will stop it, for argument's sake, borrowing \$10m that requires repayment of \$1m a year, and using \$1m of the \$5m to forward borrow. We expect there will be a hump at the front end with people in the residential areas wanting to sell out. The allocation of \$5m for 10 years will create cash flow. Knowing it will be fed over 10 years, we can borrow and probably use 30 per cent of it in the first year. However, we must allocate some of the moneys later to repay any borrowing. I have been assured it will be possible to get funding arrangements to cover that. The only alternative available usually is for the Planning Commission to use its acquisition funds to purchase properties.

Mr Marlborough: Is that money coming from the Planning Commission?

Mr KIERATH: Yes. The Government thought it would spend only \$5m, but it spent \$12m. That shows how much people have wanted to sell and do something else.

Mr Marlborough: I have eight or 10 people saying they cannot get through the hardship clause.

Mr KIERATH: The hardship is temporary. We are using other funds to buy the land and help people out of their position. Planning is hurting because it has a cash flow problem which has affected other acquisitions. I have had to sign a request to Treasury for more money to meet requirements to the end of this financial year.

Mr Marlborough: It works when you are assisting the Treasurer, doesn't it? It opens new doors.

Mr KIERATH: Perhaps I should not say this on the record, but I must be up front. Treasury did not want to acquire the town sites because the cheapest option was to leave them where they were. To acquire the town sites will cost top dollar, but ultimately the land will be worth less. My first budget was knocked back, but I am sure that the second time it was submitted it was approved because I was the Minister assisting the Treasurer. That is the first time I have acknowledged any advantage arising from this position.

Mr Thomas: Just assist a little more and we will be happy!

Mr KIERATH: If I accepted the amendment, Treasury would be delighted. However, that would be the worst thing for the people in those two areas. Although we have the money now, Treasury was reluctant to provide it because obviously it could have been spent in other areas, such as medical research for argument's sake.

Some people spoke to me and I said I would try to do the right thing by the people in those areas because I have a lot of sympathy for them. With these issues I must consider the long-term interests of people. It is in their best long-term interests to have a guaranteed buyer in the market. We will probably end up with about 120 of the properties, which indicates a substantial demand from people who qualified under hardship cases. We must admit that demand is greater than we expected. If we do not go ahead with this I am prepared to walk away. This is the right solution. If it is not acceptable to the Houses of Parliament we will seek other alternatives. That is not in any way a threat. Sometimes we must consider reality. It was difficult to get that money and I will not get any more. We either deal with what we have and get on with it, or move on to other projects. The area has been blighted for many years. Nearby development will only increase the blight, therefore the Government and the community must be prepared to pay for it by compensating people appropriately.

Ms MacTiernan: The blight is not caused by the area's being close to industry.

Mr KIERATH: It is caused by the air-quality buffer zone.

Ms MacTiernan: No-one knows what they can do with their property.

Mr KIERATH: I have had appeals from people wanting to subdivide their property and the planning advice to me was not to approve it because it was within the air quality buffer zone.

Ms MacTiernan: That is not blight.

Mr KIERATH: I think it is blight.

Ms MacTiernan: We cannot subdivide in Peppermint Grove, but that does not mean it is plagued by blight.

Mr KIERATH: There are various reasons that it is not possible to subdivide in Peppermint Grove. One reason is probably the density codes. In this case, subdivisions would have fitted within the coding but, according to planning advice, because it was within the air-quality buffer zone subdivision should not be allowed.

Ms MacTiernan: That is why we need the planning scheme.

Mr KIERATH: That is a planning blight on those people.

Ms MacTiernan: Not at all; it is because of the uncertainty.

Mr KIERATH: As minister, I faced the dilemma of knocking back somebody's subdivision which, had it been anywhere other than Wattleup, would have been approved. The only reason I did not approve it, based on the advice I received, was that it was within the air-quality buffer zone, which is a planning blight and, therefore, attracts no compensation.

Ms MacTiernan: You could easily say these lots could be half-acre lots.

Mr KIERATH: That block could not have been; it was 1 200 or 1 100 square metres, which is smaller than half an acre. The people wanted to build a duplex to accommodate a family member. I remember that because it was a turning point which made me stop and ask how these people could be restricted. It was clear evidence of a planning blight on a property owner who was seeking approval to subdivide and develop under the correct coding and who would normally be given approval. The only reason his application was not approved was that it was within the air-quality buffer zone. By an instrument of the Environmental Protection Act, that is a planning blight which does not attract any compensation. When we introduce legislation it includes a requirement for compensation. I answered the member for Peel. I thank members for their questions and I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (26)

Mr Ainsworth	Mr Cowan	Mr Masters	Mr Shave
Mr Barnett	Mr Day	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Mrs Edwardes	Mr Minson	Dr Turnbull
Mr Bloffwitch	Dr Hames	Mr Nicholls	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Omodei	Mr Wiese
Dr Constable	Mr Johnson	Mr Pental	Mr Tubby ( <i>Teller</i> )
Mr Court	Mr Kierath		

Noes (16)

Ms Anwyl	Dr Gallop	Mr Marlborough	Mr Ripper
Mr Brown	Mr Grill	Mr McGinty	Mr Thomas
Mr Carpenter	Mr Kobelke	Mr McGowan	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham ( <i>Teller</i> )

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Pairs

Mr Prince	Ms McHale
Mrs Holmes	Mrs Roberts

Question thus passed.

Bill read a second time.

*Consideration in Detail*

**Clause 1: Short title -**

Ms MacTIERNAN: I will make a couple of comments about the short title to respond to some of the issues raised by the minister and to clarify some of the comments that I made during the second reading debate. First, the minister has scorned the notion of a mosaic development by saying that it is not good planning. One of the reasons he seems to be giving is that there are winners and losers, because some people's land will be zoned industrial and other people's land will remain rural. At the same time, he has acknowledged that, even within his development, although it is not done in a creative mosaic way, he has broad-brush reallocations of land to an industrial zoning while other land remains rural. Having a mosaic development does not create that problem. I put it to the minister that that problem already exists under his plan. Often it is the case that not everyone can be given the right to make windfall profit from their land rezoning. A person does not have an as-of right to rezone his land and make a windfall profit. We must, and we routinely do, contain what people can do with their land to achieve orderly planning for the greater good and amenity of the community. To say that mosaic developments must be ruled out because there will be winners and losers is a nonsense.

The minister also said that it would be very wrong for us to leave these areas of Hope Valley and Wattleup zoned residential because we would be further degrading those amenities. The people in those communities do not believe they have a degraded amenity. They love those areas. The minister was saying that by allowing some industrial areas around those areas, we would create a further problem for the areas that are already in the shadow of heavy industry. With mosaic planning we believe there is a great possibility for creating some attractive conservation zones around those town sites and having rural skirts to those town sites so they are protected from the industrial area to the degree that is necessary.

I also noted another contradiction in what the minister was saying. He said that commercial use is a big land use for these sorts of areas; in particular, warehouses and showrooms are the sorts of commercial users that are taking up land in Canning Vale and which are anticipated to become some of the principal land users in the new area. There is nothing incompatible about those commercial uses and residential uses. Part of our argument has been that these will be big job creators. It

makes sense to have core people in that area who, without heavily relying on transport infrastructure, will be able to access those jobs and provide a small, but nevertheless captive, job employment source for industries of that nature. Many of the supposed responses we got from the minister support our arguments, rather than refute them.

I also make it clear that we have said that we will review the air quality buffer zone. We have a commitment to a buffer zone. We believe industry needs a buffer zone. However, we have said that, once the land which remains within the buffer zone is reviewed and we are sure it has been drawn on sound scientific principles, there will be restrictions on residential subdivisions within that buffer zone. That must be understood to be the direction in which we will go. Of course, land which falls outside the buffer zone will be treated very differently.

The ACTING SPEAKER (Mrs Hodson-Thomas): I remind members that we are referring to the title of the Bill. It is not an opportunity for them to make a further speech as if it were the second reading stage.

Mr THOMAS: Thank you, Madam Acting Speaker, for that advice. The member for Armadale was making some very valuable points on matters relating to the title of the Bill and I believe members should have the benefit of hearing more.

Ms MacTIERNAN: I have made my comments on the short title of the Bill.

Mr KIERATH: I will clarify something I have said previously to the member for Armadale. The original area that was defined did include some rural areas, but it has been cut back. I have some amendments that will be dealt with later which will define the area in schedule 1. Schedule 1 will not contain any rural areas. All the rural areas will be outside the boundaries of this Act.

**Clause put and passed.**

**Clause 2 put and passed.**

**Clause 3: Interpretation -**

Mr THOMAS: I move -

Page 2, lines 15 to 17 - To delete the lines and substitute the following -

**“Authority”** means the Hope Valley-Wattleup Redevelopment Authority;

This amendment will have the effect of creating the Wattleup redevelopment authority. A substantial number of the 15 pages of amendments that appear in my name on the Notice Paper today relate to this and are consequential upon that amendment. This appears in the interpretation clause because there is reference in the Bill to the authority being the Western Australian Land Authority, a body created under the Western Australian Land Authority Act, which is known in the vernacular as LandCorp.

This is an important amendment, and it is regarded so by the people who live in and are concerned with the area. We wish to have a redevelopment authority which will have sole responsibility and sole concern for making sure that whatever redevelopment under whatever scheme is undertaken in this area is done to the best possible standards. I indicated earlier during the second reading debate that this is the biggest redevelopment scheme in Australia. It will probably take place over 20 years. It must be done properly, and we must ensure that whatever redevelopment takes place, it is undertaken to the highest possible standards, having regard to the best developments that take place in the world. It must be understood that replication of Canning Vale in Cockburn and Kwinana is not wanted. We want a world-class industrial estate that relates well to the residential areas that abut it, that has regard to the very important conservation and environmental issues that arise in that area and that is also concerned with the areas that abut it.

There are now three redevelopment authorities in the metropolitan area: East Perth, Subiaco and Midland. In each case, the task that has been undertaken has been considered to be important enough to have a dedicated authority which has the sole purpose of making sure that the task with which it is entrusted is done well and to the highest possible standards. I had some involvement with East Perth in its early days, and it has been spectacularly successful. When the minister was summing up the second reading debate, in response to my comments he said that those authorities were not working on an industrial development; they were working on other zonings to residential, and therefore the comparison did not hold. That is simply invalid. The fact that the Hope Valley-Wattleup redevelopment will not be residential does not mean that there are not the same problems of assembling the land, of zoning, of road design and of making sure that the development relates well to the other areas.

If this amendment were to succeed, the amendment which follows on from it would provide for representation from the local authorities so that they can be involved in the project. It makes provision for giving a terms-of-reference direction about the sorts of patterns that the authority would seek to achieve, and it would make sure that there is representation on the authority of conservation interests. That is the very minimum that this Parliament can do for the people of Cockburn. This Bill seeks to take a huge swath of the metropolitan area, including a couple of suburbs in which people live, and turn it into an industrial area and, in practice, turf out those people at fire-sale prices. We will oppose a number of aspects of this. Nevertheless, we support some sort of redevelopment in the area. However, that redevelopment must be world's best practice and of a standard which is unequalled anywhere else. That requires a dedicated authority which has the sole purpose of ensuring that that is done to the best possible standards.

Mr MARLBOROUGH: In support of my colleague the member for Cockburn, I will pursue this at a later time. In the meantime, I want him to finish his line of argument.

Mr THOMAS: This is a substantial project; it will be a substantial job. That is not to say that LandCorp does not have expertise. It may well have expertise; I am sure it does. However, it is primarily a land developer. It is described in the vernacular as a bean counter - I do not want to use that in a pejorative sense. When land is developed, it is important that it be done economically and in the financial interests of the owners of the land - for the most part the State - that are undertaking that development. Nevertheless, the primary task of LandCorp is that of an industrial land developer. That is an important aspect of whatever redevelopment takes place in Hope Valley and Wattleup, but it is not the only aspect. There are local issues. The local authorities, the people who live in the area itself and in those areas that abut it will have a considerable interest in the way that is done.

The minister has said that he is seeking to cut costs; he is trying to do it on a shoestring. Therefore, he will get LandCorp to do the development because it already exists. There may be some economies of scale in having an existing government authority undertake the job. However, the size of operation that would be involved in setting up the sort of authority that I have in mind would not be great. There would be some officers from LandCorp whose time would be taken up on this job, and those people could work for the authority that I envisage being established if this amendment is carried. It also means that although there may be a small loss of economies of scale, there is the advantage of having people whose job is solely to plan a redevelopment of this nature, not as part of the priorities of an overall department.

Those of us who have been involved in government in one capacity or another will know that government priorities change from year to year. On occasions, for political reasons or for whatever reasons, a priority might change and people might be directed to work in other areas. Budgets might be tight in one year, so resources, staff and so on must be allocated to a particular project. We want a body which has the sole responsibility of making sure this job is done properly.

As we deal with later amendments, it will be apparent that there are a number of differences between the Opposition and the Government about what should happen in this area. The Opposition voted against the Bill. Nonetheless, we all agree that in the years to come there will be some redevelopment in this area. It will transform a substantial portion of the metropolitan area to an industrial estate, among other uses. There is a need to ensure that that is done to world's best practice. I have made the point on a number of occasions in this debate and in public meetings that we must make sure that we are not acting, imprisoned, if one likes, by the experience of former areas. In the case of Canning Vale, it is a substantial improvement on the industrial areas it displaced. Herdsman, a more recent industrial estate in the northern suburbs, is substantially different from Canning Vale. I have no doubt that the sorts of industries that will seek to locate themselves in the Wattleup-Hope Valley area will be different from those that have located in Canning Vale, the one which is most often cited. We will create an area which has a different ambience; it will be a different type of area.

We need a dedicated authority. It need be only a small one, with possibly half a dozen staff - I am not sure. It need not be a big operation. However, it should be solely dedicated to working out world's best practice in meeting these needs and making sure it happens in this area. I suggest that this Parliament will do the people of Cockburn a great disservice if it is not at least prepared to create a dedicated authority to ensure that redevelopment in that area is done to the best possible standards.

Mr KIERATH: I do not accept what the member said. The redevelopment authorities were established when no other suitable government agency was available to handle those situations. We now have a suitable government agency, LandCorp. Most people know that LandCorp originated from the Industrial Lands Development Authority, and those two bodies have had responsibility for developing industrial areas in this State. LandCorp developed the Canning Vale industrial estate, and I am advised it is involved in the development of the Wangara and Kemerton estates. It obviously has expertise in developing industrial areas, whether light, commercial or heavy industrial areas. There is no need for a new authority, and the Government will not support the amendment on that basis.

Mr MARLBOROUGH: We are dealing with this Bill today because of the uniqueness of this land mass created by the existing Kwinana heavy industrial strip. I have been a member in this place representing that area for 14 years, and I know the issues involved better than most. There is a history to this issue, involving various Governments, and I will try to paint the picture.

In 1979 in the original map for the town of Wattleup it extended east of the railway line. That urbanisation of Wattleup was stopped in 1979 because Governments were becoming aware of scientific evidence that the levels of airborne pollutants were not appropriate for urban areas. I was elected in 1986 when the Labor Party was in government, and as the local member I attended meetings with the then Premier and the chief executive officer of the City of Fremantle, Mike Fraser. I argued that the development of half-acre lots in Hope Valley should be increased. Even though it was recognised that the area came within an air quality buffer zone, some people wanted more lots to be developed. Regardless of the scientific evidence, they wanted to live in that area because they liked the lifestyle. The Kwinana Town Council went one step further. It agreed that if the Premier of the day allowed the Hope Valley town site to be extended, by providing more half-acre blocks for development, the Government could issue a certificate of caveat to every new purchaser which recognised that he had purchased land within an air quality buffer zone. That argument was rejected by the Labor Government in 1989, because of the overwhelming scientific evidence that approval should not be given for urban cells in areas known to be impacted upon by nearby heavy industrial development with high levels of airborne pollutants. That kind of development would not be planned today. That does not take away from the fact that for all sorts of reasons people were happy to live there; some were attracted to the lifestyle and others to the affordability of the area. Some people who purchased their first home in Wattleup or Hope Valley could not have afforded to purchase a home near the metropolitan area in any other location. The lifestyle also allowed them in many instances to live close to their workplace.

With that history in mind, I ask the minister to consider the amendment. We are dealing with the most unique piece of real estate in Western Australia. I have been preaching this for many years among my colleagues. Governments in our lifetime cannot duplicate this development in the metropolitan area. The boards of Broken Hill Proprietary Co Ltd, Alcoa of Australia Ltd, and WMC Resources Ltd want their plants to remain close to a deepwater port and in the metropolitan area. They are very good reasons, determined by the bankers, for expansion or location in those areas.

I could go on for hours about the uniqueness of the real estate. Because of that uniqueness, whether we like it or not, we must live with it for the next 50 years. Governments have recognised they need to put new models in place to manage that real estate. This amendment seeks to do that.

Mr THOMAS: My colleague the member for Peel has referred to the unique aspects of the area, and he is dead right. That is one of the reasons it is appropriate that there be a dedicated authority. One of the provisions in the amendment I will move relates to the constitution of the proposed Hope Valley-Wattleup redevelopment authority. The Government is setting up a mickey mouse outfit to have management responsibility over Cockburn Sound. I have called for the creation of a Cockburn Sound trust, similar to the Swan River Trust, to have responsibility for the management of the waters of Cockburn Sound. The Government has responded, not by accepting the proposition which I believe has merit, but by setting up a subcommittee under the Water and Rivers Commission. That is very good in itself, although it is not the Cockburn Sound trust modelled on the Swan River Trust. If the Swan River merits a trust, why does Cockburn Sound not also merit a trust? The Government said no, in its typical way of treating the people of Cockburn, and has said it can make do with a committee. I guess there will be a committee until there is a change of government, and it is better than nothing at all.

In working out the area of jurisdiction of that committee, the Government recognises that it is necessary to have jurisdiction over the areas to the east; that is, the land to the east where the ground water forms, because the drainage in that area is all subsurface and the water seeps into Cockburn Sound from various sources. It is necessary to have some representation on an authority responsible for setting up and managing industrial redevelopment in that area. The minister will say LandCorp can do it; and it can do it if it is inclined to. However, that is not quite good enough; a hope and a prayer that LandCorp might do it are not good enough. We want a body with direct representation from the people who have responsibility for the environmental management of Cockburn Sound to be on the body responsible for the development of the area where so much of the subsurface drainage originates.

In closing the second reading debate, the minister said some of the turf farmers and horticulture enterprises in that area were responsible for the nutrient-rich subsurface drainage that ends up in Cockburn Sound. In that respect he is absolutely correct. I am pleased he knows that, but I am not sure the people in LandCorp know that, or will be aware of it over the next 20 years. We must ensure proper regard is had for these considerations in the redevelopment of that area. The way to ensure that occurs is by the establishment of a dedicated authority which has among its constitution people whose origins are in representing those interests. Also those people should have that job alone, and not be part of a department which may have much bigger fish to fry at some time in the future and, hence, not give this the attention it deserves.

Mr MARLBOROUGH: I would like the minister to keep in mind the unique aspect of the Kwinana region and the fact that the Wattleup and Hope Valley town sites and this proposed industrial site sit within it. In the years that I have lived there, the normal processes of LandCorp and/or the Ministry for Planning have been seen to be inadequate to handle the general pressures of that estate. I will give some evidence of that. When the Opposition was in government, which flowed on into the minister's time in government, it had to create a special body to handle the proposed development of the IP14 area. As the minister would be aware, the IP14 area is east of the Old Mandurah Road, close to Patterson Road. Although it is zoned heavy industrial, it came under the microscope because of a proposal to establish a compact steel development there. Public and local authority concern was such that the potential impact of that industry on the nearby areas of Hillman and Leda meant that the Government could not get away with handling it through the normal processes of planning or through LandCorp management which had the control of IP14. We then, as the Government, established a local committee to advise and participate at ministerial level, which included community representatives with environmental concerns and the local government, particularly the City of Rockingham council.

However, other groups were concerned and I will refer to them. Currently in place in that region is the Kwinana coordinating committee. As the local member, I am invited to that committee's meetings about every two months. The committee was established by industry as industry realises that it is no good these days to simply rely on the regulations that drive it. If its public relations or its ability to have an image of a good neighbour with urbanisation is not working, it needs a conduit directly into the community so that the community can ask the necessary searching questions for it to be happy living side by side with industry; we all know how important that is. The acceptance of industry and urbanisation living next to each other is unique in the Kwinana region and it must be retained.

The Kwinana Air Buffer Zone Committee also advises the Government. On that committee are public servants and members of local councils from Rockingham, Kwinana and Cockburn. It meets on a regular basis and was established as a conduit from the management of the Kwinana industrial strip to the local community for input into the ongoing running of the Kwinana industrial estate.

Last week my colleague the member for Cockburn spoke about his plan for Cockburn Sound. The Government officially established what it has called the Cockburn Sound Managing Council and I received a letter in my electorate office last week advising me of that initiative. Again, there is local government representation on that body and, I presume, a broader representation of community and environmental people. The minister in his other portfolio, where he has been involved in the planning of the Kwinana speedway, which in itself was controversial, has established an ongoing advisory committee

that will advise him directly and will have input into the planning of that development and how to deal with it through the public processes.

I say to the minister that there are already in existence in those four areas plans which demonstrate that unless Governments can take the people with them in a 30-year plan in the State's most unique piece of real estate, they will run into difficulties. This amendment will allow the minister to do that.

Mr THOMAS: I discern another aspect behind this provision in the Bill and the Government's rejection of the amendment which I have moved. There are turf wars in government departments where people want to expand their territories and areas of responsibility. I understand that the people in the Ministry for Planning would like to have a planning authority, or a body like that, which would have responsibility. On the other hand, the people in the departments in the Lands portfolio - I am not reflecting on the minister - would like to have the authority as it would expand their turf and area of responsibility. Within this internecine war of bureaucracy - the turf war - the Lands portfolio won over the Planning portfolio. If that win prevails, it will be a most unfortunate and unhappy outcome. We want good, sensible, imaginative and world's best standards of planning; not simply land development which realises the best bucks for a square metre of land, to which LandCorp is dedicated and is no doubt good at on occasions when it is the most important consideration and the desired outcome. However, in this case, apart from a good return for the square metres, we want sensitive, imaginative and world's best-class planning in this area. The fact that the Lands portfolio has won over the Planning portfolio in the turf war is unfortunate and I implore the minister to support this amendment which is modest and which would make a big difference.

Mr KIERATH: I want to respond to the two members in this light: The process in this Bill has been taken from redevelopment authorities. A redevelopment authority develops a concept plan which in this Bill we have called a master plan, which must go through all the various processes. The difference is that this plan cannot be implemented until it has been approved by the Western Australian Planning Commission and published in the public arena. Currently, a redevelopment authority does not require Planning Commission approval whatsoever. Going down the path of this model, other than what is proposed by the member's amendment, means that the Planning Commission and the local authorities will be involved in the process.

Ms MacTiernan: Are you saying that the Planning Commission is disengaged from the East Perth Redevelopment Authority?

Mr KIERATH: Absolutely.

Ms MacTiernan: So they do not take planning advice? They just hop off and do it?

Mr KIERATH: That is absolutely right.

Mr Thomas: Why don't you look at the results? They have done an excellent job.

Mr KIERATH: I am trying to point out to the member that he cannot have it both ways. On one hand, with a redevelopment authority the Planning Commission and the councils are taken out of the loop.

Mr Thomas: No, they are represented on it.

Mr KIERATH: However, they have a minority vote. If the member looks at the history of redevelopment authorities, for example Midland Redevelopment Authority, he will see the local authorities could not handle the different vested interests and needed an authority with a majority vote as they could not resolve the issues themselves.

Ms MacTiernan: So you gave them a whole mob of members that look like you.

Mr KIERATH: I am trying to explain the difference between a redevelopment authority and what we are dealing with in this Bill. This Bill has a principle similar to a redevelopment authority which must develop a master plan which will have the input of the Planning Commission before it goes out to the public. Under clause 13 the plan is required to have the involvement of local government, which the member for Cockburn raised. When the master plan is prepared, LandCorp must consult with the Cockburn and Kwinana councils before submitting the plan to the Planning Commission. At the development approval stage, which comes under clause 27 of the Bill, local government may make recommendations to the Planning Commission on development applications. Therefore, local government is involved. However, on the principle of developing a master plan and then having that developed and implemented, in this case we have a government agency - LandCorp - which has expertise in developing industrial land. I agree with the member for Peel that the area is a unique piece of real estate. I think in his comments the member for Peel agreed with my comments on why people want to locate in Kwinana and not other areas. The member said that Kemerton or Oakajee would never compete with Kwinana and that is absolutely right; they are different altogether.

Ms MacTiernan: So the minister does not have any faith in Kemerton? That is a good press release for the people of Bunbury: "Minister says no hope for Kemerton."

Mr KIERATH: I did not say that at all. I said Kemerton will never take the place of Kwinana.

Ms MacTiernan: We are not asking that it take Kwinana's place.

Mr KIERATH: I am repeating what the member for Peel said and I agree with him rather than agreeing with the member for Armadale.

I am advised that the master plan will have to include a social transition strategy. Is the member for Armadale listening? No; she is not listening. She referred to social issues and I said the master plan will have to include a social transition strategy. The member for Peel referred to the speedway. All I can say is that it is under the control of the management committee and the committee manages the different uses. It is not required in this case.

Ms MacTIERNAN: Labor's vision for this area demands a specialist redevelopment authority. As we have said before, we would do something far more sophisticated than just blanket rezone the entire area to industrial use. We would put in place a far more subtle and sophisticated planning regime that we believe has been successful in other Western countries and is much better than providing a broadacre industrial estate, which is what is proposed here. The minister has admitted that what is considered to be industry is changing and much of the land that is zoned industrial will be used for businesses of a more commercial nature. I presume he is referring to warehouses and showrooms and that style of broadacre commercial land use.

We are concerned about the minister's comments on the way the land will be redeveloped. One gets the impression from those comments that after the master plan has been developed, a "let it rip" approach will be adopted, with people going off and putting together land packages for different parts of the area with very little consideration being given to coordination by the different groups of landowners. We do not know what level of detail will be contained in the master plan. However, after hearing the minister's vision for the area with people doing their own thing, the development may become a real hotchpotch and the advantages that could be gained from good planning - that is, the location of commercial warehouse-style developments vis-a-vis the more traditional general industrial developments - will not be maximised. It is therefore important that we establish a proper redevelopment authority. From the way the minister described the LandCorp model, once the master plan is completed, it will be pretty much a hands-off approach by the Government and a piecemeal development will be allowed to go ahead. That will not lead to a high-quality estate - even a high-quality industrial estate. Therefore, it is important that, even under the Government's model, a redevelopment authority be established. Under Labor's model, which retains and protects the town sites with a reasonable buffer of non-industrial areas, there will be an interplay between agricultural, horticultural and industrial uses which will require a great deal of sophistication and community input.

It would be totally inappropriate to give a project like this to LandCorp. Even under the Government's model of a broadacre industrial estate, and given the complexity of the various industrial uses and the need to be mindful of the amenity of an industrial area, it must be a pleasant place for people to work. Industry is aware that it is not good for staff or community morale to just have hectares of land on which there has been no attempt to create a pleasant or attractive environment, even if the primary use of the land is industrial. There is a need, even with land zoned general industrial, to provide for the amenity of the area through proper planning.

Amendment put and a division taken with the following result -

#### Ayes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop

Mr Grill  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough

Mr McGinty  
Mr McGowan  
Mr Riebeling  
Mr Ripper

Mrs Roberts  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

#### Noes (20)

Mr Barron-Sullivan  
Mr Bloffwitch  
Mr Bradshaw  
Dr Constable  
Mr Court

Mr Cowan  
Mr Day  
Mrs Edwardes  
Dr Hames  
Mr Johnson

Mr Kierath  
Mr McNee  
Mr Minson  
Mr Nicholls  
Mr Pandal

Mr Shave  
Mr Trenorden  
Dr Turnbull  
Mrs van de Klashorst  
Mr Tubby (*Teller*)

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#### Pairs

Mr Graham  
Ms McHale  
Mr Bridge

Mr Prince  
Mrs Holmes  
Mr Baker

**Amendment thus negatived.**

Mr KIERATH: I move -

Page 3, lines 23 to 25 - To delete the following -

, which is to contain a description of an area, to be identified in the document as the "Study Area Focus", sufficient to accurately identify it

This clarifies that the area of the redevelopment will be the area described in schedule 1 and not any wider area.

Mr THOMAS: The Opposition supports this amendment. As I understand it, the original provisions in the Bill allowed the area affected to be expanded without necessarily referring to Parliament. That lack of accountability was causing

concern in the area. I believe that that was unrealistic. However, residents raised concerns with me that this Bill might slip through and that the Government would then use the methods prescribed in it to expand the area that could be affected by the redevelopment and that they would have no redress. I am sure that was not the intention, but that capacity would have existed in the Bill. The Opposition is pleased to see some small degree of accountability preserved in the Bill.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 4: Redevelopment area defined -**

Mr KIERATH: I move -

Page 3, line 29 to page 4, line 17 - To delete the lines.

The same explanation applies.

Mr THOMAS: The Opposition supports the amendment for the same reasons. However, we would like to move to insert after "Schedule 1" the words "but shall not include the Wattleup or Hope Valley town sites." This is one of the most important opposition amendments. I hope that the House and the minister will give it earnest consideration.

The Opposition believes that it is not necessary for these town sites to be included. If they are included, they will be effectively closed down and the people moved out of their properties, which they will be forced to sell at fire-sale prices. In most cases they are the only assets or the most substantial assets those people own. These people should receive fair compensation if they are to be moved, but the Opposition's first preference is that they not be moved.

The Wattleup and Hope Valley town sites do not need to be closed down for health reasons. A popular impression has developed that the town sites are subject to pollution at a dangerous level; that is, that people should not be living there for health reasons. It is not health reasons but planning considerations that have precluded further subdivision. We want industrialised areas separated from areas in which people live for reasons of amenity as much as anything else.

In this case, we have two town sites that do not need to be closed. With some imaginative planning, those town sites could experience a new future as part of a mosaic development that would include rural activities, industry and horticulture. Such a development would also allow for adjacent residential areas.

The areas involved have been allowed to run down. In the past 12 months, the Government has been acquiring houses in that rundown area. People have been going to the Government in desperation asking to be bought out because no-one else will buy their properties. They have been bought out for fire-sale prices and assets in the community have been devalued. The Government has realised the accruing benefit by acquiring those properties at fire-sale prices and using them for rental accommodation. The quality of life and the ambience of the area have been considerably degraded as a result. I will continue to argue that that should not happen. This land use can coexist with industrial activity and the other land uses that should occur in such a development. These areas could have a new, bright future as part of that mosaic development - in fact, a brighter future than they have had in the past. The people affected should not be treated in such a cavalier manner.

Debate adjourned, pursuant to standing orders.

[Continued on page 8619.]

## **FORESTS, TELEVISION COMMERCIALS**

*Statement by Member for Maylands*

**DR EDWARDS** (Maylands) [12.50 pm]: I wish to draw to the attention of the House the fact that the Government is currently spending \$190 000 on what I would call forest propaganda. Answers to questions the Opposition has asked in the Legislative Council reveal that the two television commercials that are being run at the moment - one to promote national parks, and the other to promote maritime pine - will initially cost more than \$100 000. In addition, the Government has spent \$90 000 to produce 765 000 copies of its latest pamphlet entitled "WA Plantations". This compares very poorly with the amount of only \$250 000 that the Government has budgeted in 2000-01 for the creation of new national parks. Last year, the Government spent \$50 000 on promoting the Regional Forest Agreement, and more than \$80 000 on a pamphlet entitled "WA Forests Today", bringing the total cost of this propaganda blitz to more than \$320 000. The advertisements that are being run at the moment have been highlighted in the past in the Government's previous pamphlets and campaigns. We believe the Government is throwing around taxpayers' money in trying to convince the voters of its green credentials when its track record speaks for itself. It has managed to create only one new national park in eight years in government, and it continues to promote the logging of old-growth forests. We believe that until the Government calls for a proper end to the logging of old-growth forests, the community will remain very sceptical about these propaganda campaigns.

## **HOME INVASION, PETITION**

*Statement by Member for Mitchell*

**MR BARRON-SULLIVAN** (Mitchell - Parliamentary Secretary) [12.52 pm]: Recently I was given a petition coordinated by Laurens Koning and Julie Martin which was signed by no less than 557 south west residents. I would dearly like to present this petition to the Parliament, but the rules of this House prevent me from doing so. This is because the petition is directed to the Director of Public Prosecutions and not to the Parliament, and because the detailed contents are sub judice.

However, I undertook to draw the petition to the attention of this House as it concerns a matter of considerable public policy significance. As I said, I am not allowed under parliamentary standing orders to go into any detail about the issue covered in this petition as it concerns a specific court case currently in progress, nor do I wish to use my parliamentary position to influence the course of any legal matter currently before the courts, but suffice to say the case involves a home invasion and the actions of a certain home owner. This case may have serious ramifications across the State in view of the ongoing debate about the rights of home owners to protect themselves, their family or their property. Clearly, all of the petitioners are of the view that the law should place the highest priority on supporting victims of crime, and I share that point of view very strongly.

I state for the public record that once this case is completed, and if it is apparent that victims are in any way unduly penalised, or unduly confront the burden, anguish and expense of lengthy legal action, I will be the first to move for appropriate legislative change. In the meantime, like all the petitioners, I sincerely hope that justice will prevail.

### **WILLIAMS, MS KIM, TEACHING POSITION**

*Statement by Member for Willagee*

**MR CARPENTER** (Willagee) [12.53 pm]: I bring to the attention of the Parliament the case of Kim Williams, who graduated from Edith Cowan University in 1991 with a degree in teaching and then took a job as a vacation swimming teacher. After graduating in 1991, Kim applied to the Education Department of Western Australia for a job and was told that her application would be given consideration as a job arose, but nothing eventuated. Between 1992 and 1996, Kim rang the department every day in the first week of term and then once a week after that, and was told the department would contact her if, and when, a job came up. She was never asked for her identity number. Kim did relief teaching in the north west in 1992, and she has also done relief teaching on Christmas Island. On both occasions, she ventured to those places on her own initiative. Early last year, Kim was able to convince someone in the staffing section of EDWA to look up her file, because she had been unsuccessful in obtaining employment.

The result was that she was listed as a swimming teacher but not as a teacher. There was no record of Kim Williams as a qualified teacher in Western Australia. For nine years this woman has been suffering because of an oversight in the Education Department. Given the circumstances, her case deserves special attention. Ms Williams should be offered a permanent position as a teacher in Western Australia as soon as possible and she should also receive an apology from the department for the negligence which has arisen as a result of this situation.

### **RURAL COMMUNITY LEGAL SERVICE, FUNDING**

*Statement by Member for Avon*

**MR TRENORDEN** (Avon) [12.55 pm]: The point I wish to raise today is about the Rural Community Legal Service which operates out of Northam. It services 28 shires in the wheatbelt which have a combined population of approximately 52 000 people. Luckily, because of the action of the House today, it will not close its doors on Monday, which is what was facing this organisation. The organisation got its start in 1996 when it was recognised - and it has been again - that the wheatbelt was the most under serviced area in Australia for legal services, as it was in education a few years ago. The list of inequity in the wheatbelt continues. This organisation is the only one to offer a legal service outside of a firm in Northam, and it is a good legal firm. Obviously legal aid is very limited in the region. I thank the Minister for Justice, Hon Peter Foss and the Labor Party for allowing a particular Bill which will go through this House this afternoon which may enable this organisation to be funded for a further 12 months. It is very ordinary that the Federal Government has not seen fit to fund this outstanding voluntary group which provides an absolutely necessary service to the wheatbelt.

### **ROCKINGHAM RAIL LINK, GOVERNMENT DECISION**

*Statement by Member for Rockingham*

**MR McGOWAN** (Rockingham) [12.57 pm]: I put on the record my concern about the actions by the Government in relation to the southern rail link. An announcement was made in March last year that some action would be taken on the Rockingham rail link. Since that time little has been done with this exception: There is ongoing construction of a tunnel near Kenwick, and land in the Thornlie and Canning Vale area has been purchased. Contracts have been let for tunnels and bridges for the project in that area. By doing this, the Government is attempting to rule out the prospect of a rail link to the southern suburbs through Fremantle. In doing so, it is trying to bind a future Government to the Kenwick route, which has been a very unpopular decision by the Government in the southern suburbs of Rockingham and Mandurah. It is a dastardly act and it is an act of wreckers. To bind future Governments, irrespective of how people vote at the next election, is to say that the Government has made a decision and everyone will have to live with it despite the fact they may not like it.

### **CRIME, CITY OF PERTH**

*Statement by Member for Perth*

**MS WARNOCK** (Perth) [12.59 pm]: As the member for Perth in this Parliament, I have what psychologists used to call an approach avoidance dilemma about talking about crime in the City of Perth. On the one hand, it is my responsibility to speak out on the concerns of my electorate, but, on the other hand, I do not want to discourage and frighten people who might be planning to come into the city. City Safe's Safer WA policing meetings get regular reports about drug taking, antisocial behaviour and the occasional violent assault in the central business district and Northbridge. We all wish that these things did not happen. We have put in place strategies such as security cameras, mobile police patrols, increased

policing, better lighting and the Nyoongah patrols to prevent crime. Unusually, I agree with Lord Mayor Peter Nattrass that crime prevention is a joint responsibility of the police, local government and the business and residential community. I also agree with planners that bad civic design can make places like Forrest Place a haven for gangs and a space that others do not want to visit. This week I wrote to the lord mayor to suggest that the city do two things: Close down the dingy toilets under Forrest Place, or improve them; and increase the number of rangers who patrol the city. Those measures may go some way towards improving the safety of that area. I have two further suggestions: People should contact the City of Perth and comment on its draft security plan; and the Government should accept its responsibility for providing more resources to the police. There is nothing like a uniform to deter crime and antisocial behaviour. I want people to feel safe in the city.

*Sitting suspended from 1.00 to 2.00 pm.*

**[Questions without notice taken.]**

## **CRIMINAL PROPERTY CONFISCATION BILL 2000**

### *Introduction and First Reading*

Bill introduced, on motion by Mr Barron-Sullivan (Parliamentary Secretary), and read a first time.

### *Second Reading*

**MR BARRON-SULLIVAN** (Mitchell - Parliamentary Secretary) [2.40 pm]: I move -

That the Bill be now read a second time.

Combatting organised crime in Western Australia is currently shackled by inadequate and outdated legislation. The approaches reflected in the current statutory provisions have not been as successful as was contemplated when introduced. In particular, the various difficulties associated with the Crimes (Confiscation of Profits) Act 1988 have enabled certain individuals to retain dishonestly acquired personal wealth and have left authorities with restricted capacity to locate or confiscate ill-gotten gains.

The drug trade has flourished under the deficiencies within the current system. The heads of drug rings continue to operate while the authorities lack evidence to tie their retained wealth to criminal activities. Furthermore, as the burden of proof lies with the authorities, it has been difficult to prove a relationship between unexplained wealth and criminal conduct. Without an effective confiscation system the profit has remained in the drug trade.

This new era of organised crime requires a more effective and better targeted approach, underpinned by a strong statutory framework, to confiscation of proceeds of criminal activity and property used in criminal activity.

The State Government has been working for some time on the development of a new weapon in the fight against criminal activity, particularly to target major drug distributors and, more generally, to target those individuals with unexplained wealth. The Bill before the House today is the result of extensive research into a number of national and international frameworks for this kind of legislation. The Government firmly believes this unique Bill will be the strongest and most effective of its kind in the world.

The Criminal Property Confiscation Bill 2000 seeks to replace the Crimes (Confiscation of Profits) Act 1988 and part IV of the Misuse of Drugs Act 1981. The Bill provides a multi-pronged and, in many respects, innovative approach to identifying and recovering crime-related property. New initiatives include some recommendations made by the Australian Law Reform Commission in its 1999 report, "Confiscation that counts: A review of the *Proceeds of Crime Act 1987*". Other initiatives are truly innovative and are not reflected in other legislation within Australia.

The most significant of these proposed reforms is the confiscation of unexplained wealth as provided by part 3, division 1 of the Bill. These provisions target those people who apparently live beyond their legitimate means of support. Under the Bill a person has unexplained wealth when the value of his or her total wealth is more than the value of the wealth which has been lawfully acquired.

More importantly, it is not relevant whether or not the person has committed any offence. The clear intention of the Bill is to deprive people of wealth which has been unlawfully acquired. In this regard, the Bill requires a person to establish that the ultimate source of his or her wealth was lawful. For example, it is not sufficient for a person to establish that a particular item of property was given to that person. Rather, the person must establish that the person who gave the property had lawfully acquired the property. One of the strongest features of the Bill is that provision is made for the confiscation of all property of a declared drug trafficker, as provided in part 2. In this regard all the property owned, effectively controlled, or given away by a declared drug trafficker is confiscated. Under the Bill, if such a person flees the jurisdiction, or dies prior to the relevant charge being dealt with, he or she is taken to be declared a drug trafficker. For such declared persons, all property is confiscated, whether or not that property was lawfully acquired.

This approach is an extension of the current confiscation provision in the Crimes (Confiscation of Profits) Act 1988. Although the new proposed provisions are very strong, members should note that this part applies only when the relevant offence was committed after the commencement of the Bill. Members may be aware that the operation of the current confiscation legislation has been defeated in relation to crime-used property in a number of respects. This has included cases in which, for example, a person used property he or she did not own and when property he or she did own at the time was not available for confiscation.

The Bill seeks to overcome these difficulties by providing in part 3, division 3, that the person who uses property which is not available for confiscation is liable to pay to the Crown the value of that property. For example, if a person steals a car and uses it in an armed robbery, the person is liable to pay to the Crown the value of the car stolen.

This endeavours to overcome two problems. The first relates to the person who seeks to defeat the operation of the Act by not using his own car, and thereby rendering it liable to confiscation. Secondly, it seeks to overcome any incentive to commit a further offence; namely, the stealing of property for use in the commission of a crime.

The Bill provides, therefore, that a person is liable to pay the full value of the property he or she has used, even though that amount was not paid in obtaining the use of the property. For example, a person may rent a car for use in a crime, or may lease a house to manufacture drugs. The person who uses the car must, under the Bill, pay to the Crown the full value of the car, even though it may have been rented only for a short term. Likewise, the person who leases a house must pay the full value of the house, even though the lease may be only of short duration.

By these measures the Crown does not seek to confiscate more than would have been confiscated if the person used his own property in the commission of the offence. To this end, if two or more people use property owned by a person who was not involved in the offence, each of those people does not have to pay to the Crown the full value of the property; rather, each is jointly and severally liable to pay the value of the property.

Part 2 of the Bill provides for automatic confiscation of frozen property in the absence of any objection, and so makes the operation of the Bill more efficient and effective. For example, when all the property of a person is frozen on the basis that an application for an unexplained wealth or criminal benefits declaration has been, or will be, made, and, for example, the person does not object to confiscation, all that property will be automatically confiscated. In addition, an application can be made that the person pay to the Crown a specified amount being the amount of his unexplained wealth or criminal benefits.

In respect of the property the subject of such an application, it is significantly easier for a person to establish that his or her property or wealth was lawfully acquired, or not acquired directly or indirectly from the commission of an offence, than it is for the Crown to establish the contrary. The Bill therefore reverses the usual onus of proof, and provides that the standard of proof that the person has to establish is the standard in civil proceedings; namely, the balance of probabilities.

There is no limit on the number of applications which may be made against a particular person or item of property under the Bill. This is to ensure that the Bill has wide operation and cannot be defeated. For example, if an unexplained wealth declaration is made against a person in relation to wealth obtained during the period 1990 to 1995, the court may subsequently make an unexplained wealth declaration in relation to wealth obtained during a period before, after or during the period taken into account in the first declaration.

The purpose of these provisions is to do no more than to ensure that a person is deprived of all unlawfully acquired property. For example, the Crown may not have been aware of a particular item of property which was acquired by the person during the period 1990 to 1995, and that property was therefore not taken into account in the assessment of the first declaration. Without such provisions, the operation of the Bill would be restricted and the intention defeated. Importantly, if the value of that property increases over time - for example, share holdings acquired through the proceeds of crime - the higher value is forfeited.

The intention of the Bill is that the courts may not exercise any discretion in relation to confiscation; that is, once certain matters are established in relation to, for example, a declaration that a person has unexplained wealth, the court must make the declaration. In this regard I emphasise that the intention of the Act is to ensure that a person is deprived of property which is not lawfully acquired.

Part 3, division 4 of the Bill extends the usual civil avenues of recovering a debt due to the Crown. This is to avoid a person defeating the operation of the Act by divesting himself of his property, and so not having property to satisfy a debt.

The Bill therefore provides that the Director of Public Prosecutions may apply to the court for a declaration that property effectively controlled or given away by the person who is liable to pay to the Crown an amount of money is available to satisfy that person's liability to the Crown. As the Bill extends the usual civil powers to execute debts, it restricts the circumstances in which the Crown may execute against such property. For example, the Crown can execute against such property only when property owned by the person liable to pay the debt is not available, or is insufficient, to satisfy the debt due to the Crown. The onus is on the person liable to pay the amount to the Crown, to establish that the particular property is not subject to his or her effective control or has not been given away by him or her. Again, the onus has been reversed because it is easier for a person to establish these matters than for the Crown to establish the contrary.

Members would appreciate that it is essential that property is frozen at an early stage to ensure that it is available for confiscation. Unless this occurs, the property may be disposed of prior to any relevant application under the Act being heard or determined. This requires the ability to freeze property without prior notice to the owner. Accordingly, part 4 provides wide powers in relation to freezing property. To ensure that property can be seized at the earliest opportunity, the Bill provides that in specified circumstances, a police officer may seize property. The Bill provides that a justice of the peace may grant a freezing notice in relation to the types of property which may be seized by a police officer. This is property used in, or derived from, a confiscation offence, or property owned or effectively controlled or given away by a declared drug trafficker, or a person who may be declared a drug trafficker. An application to a justice of the peace may be made by the DPP or a police officer.

Property which may ultimately be needed to satisfy a person's liability to pay to the Crown an amount of money under the Bill may be frozen under a freezing order made by a court on the application of the DPP. Again, to ensure the achievement of the objectives of the Bill, and specifically in order to ensure that a person does not have notice of the application and thereby dispose of the property, an application for a freezing order may be made *ex parte*. A justice of the peace cannot release property frozen under a freezing notice for payment of any expenses, including living or business expenses of the owner of the property. By contrast, property frozen under a freezing order can be released by a court only for payment of living or business expenses. No frozen property can be released for payment of legal expenses.

The Bill requires that relevant persons are served with notice that property has been frozen. In order to assist the Crown in identifying the persons who ought to be served, the Bill requires a person who has been served with either a freezing notice or a freezing order to give a statutory declaration to police in relation to other people who have, or may have, a relevant interest in the frozen property. I am able to advise members that, in practice, difficulties have been experienced with the limited information gathering powers in the current legislation. As members would appreciate, it is essential that the police have wide powers to investigate and to collect relevant information. Part 5 of the Bill seeks to achieve this by expanding previous powers and including a number of new initiatives in the Bill.

One of the issues that needed to be addressed relates to limitations on financial institutions providing information to police. The concern on the part of financial institutions relates to their being liable to their customer if they provide information to the police. The Bill seeks to overcome this impediment by providing protection if a financial institution gives information to the DPP or police about a transaction with that institution.

Another impediment to the effective operation of confiscation legislation is the inability of police to determine whether a financial institution has relevant information, without first exercising formal information gathering powers such as obtaining a search warrant or a court order. This creates significant practical difficulties when police simply are trying to identify, for example, whether a bank has an account for a particular person. It is very wasteful of resources for search warrants to be obtained in relation to a large number of banks when it is not known whether they hold an account for the relevant person. As it is much more practical for the banks to simply tell the DPP or police whether an account is held, the Bill provides protection from civil liability to a financial institution in complying with the requirement to give information to the DPP or a police officer.

A new tool provided by the Bill is a suspension order. In addition to the power of the court to order a financial institution to give information to the DPP or a police officer about a particular transaction, the court may order the financial institution to refrain from effecting a transaction for 48 hours. Such a provision enables the DPP to take effective action in relation to a proposed transaction. For example, upon being notified that a person has requested a bank to transfer money to an offshore account, the DPP may seek a freezing order in relation to the moneys in the account. Without the ability to stay such action, by the time the Crown is informed of the transaction the moneys would be removed from the jurisdiction and the operation of the Act would be defeated.

The powers in the Bill in relation to examining a person and requiring production of documents are very wide to ensure that the Bill can operate effectively. The Bill extends the usual detention, search and seizure powers of a police officer when dealing with property and documents under the Bill. The Bill also specifically provides powers to the police which they would not otherwise have.

As has been previously set out, the Bill provides for automatic confiscation if a person does not file an objection in the court within the relevant time. If a person does object, part 6 of the Bill provides the basis upon which the objection to confiscation of property used, or derived from, a confiscation offence can be successful and the frozen property thereby released. Members could envisage that an item of property could be frozen on more than one basis. For example, property may be frozen on the basis that it was both used in, and derived from, the commission of a confiscation offence. Unless the property is released on all the grounds on which it was frozen, it will be confiscated. A new provision is included in relation to real estate used in, as opposed to being derived from, the commission of a confiscation offence. This is to benefit the dependant and spouse of a person who used his or her property of residence in the commission of a confiscation offence such as hydroponic drug cultivation, or the use of the property for sexual offences against children. If the property would otherwise be confiscated, the spouse or dependant of the owner of the property may successfully apply to have the property released. In order to do so, the spouse or dependant must establish a number of matters, including that they are innocent. In order to avoid undue hardship to them the court can either release the property or confiscate the property and make orders for their benefit; for example, to grant a life tenancy to the spouse. This provision recognises the unjust consequences of confiscating a house used in an offence when it is the residence of the spouse or dependant of the person who used it in the offence. However, if this happens, the court can order the property owner who used the property in the commission of the offence to pay to the Crown an amount being the value of the property.

As noted above, an equivalent provision in favour of spouses and dependants is not included in relation to property derived from a confiscation offence. The intention of the Act is to ensure that no person benefits from crime. For example, the spouse or dependant of the owner of the property should not have the benefit of living in a house which has been derived from the commission of a confiscation offence. The Bill provides protection to innocent co-owners of property. For example, if they are not able to obtain the release of frozen property because a co-owner is not an innocent party, the Crown may pay to them an amount equal to their share of the property from the net proceeds of the property. Part 7 of the Bill provides wide powers for the control and management of frozen property. Importantly, this part facilitates the sale of deteriorating property which is very important in a range of instances. Members would appreciate that it is very important that the Crown have the ability to sell such property rather than being dependent on the owner of the property initiating a

sale. For example, if an orchard is frozen and the crop is ready for harvest, there needs to be the ability to sell the crop prior to any objection to confiscation being heard and determined. Apart from being able to sell property which may be subject to substantial waste or loss of value, property may also be sold when the costs of managing or protecting it will exceed its value if it is retained until it is dealt with. The Bill provides that all such property may be sold pursuant to a court order. Alternatively, if the Public Trustee has the control and management of the property, the Public Trustee may sell the property in specified circumstances without a court order.

Part 8 provides that the Bill is civil legislation, except in relation to offences under the Bill. The jurisdictional limit of the relevant courts is the same as that for their civil jurisdiction. In criminal matters, the Court of Petty Sessions has jurisdiction to hear specified applications by consent of the parties.

Proceeds from the confiscated property will be paid into a confiscation proceeds account. Money may be paid out of this account at the direction of the Attorney General as reimbursements or otherwise for any of the following -

- for a purpose associated with the administration of this Act;
- for the development and administration of other programs or activities designed to prevent or reduce drug-related activity and the abuse of prohibited drugs;
- to provide support services and other assistance to victims of crime;
- to carry out operations authorised by the Commissioner of Police for the purpose of identifying or locating persons involved in the commission of a confiscation offence;
- to carry out operations authorised by the Commissioner of Police for the purpose of identifying or locating confiscable property;
- to cover any costs of storing, seizing or managing frozen property that are incurred by the Police Force, the Director of Public Prosecutions or a person appointed under this Act to manage the property; and
- for any other purposes in aid of law enforcement.

Since 1992, a unit has been operating within the office of the DPP to administer the Crimes (Confiscation of Profits) Act 1988. That unit will continue to operate, but with additional resources having regard to the increase in its responsibility and role. The Attorney General has assured the DPP that all necessary resources to enable the full enforcement of the Act will be provided to his office. Ultimately, after some period of operation of the Act, the continued operation will be funded through the property confiscated under it.

The experience in New South Wales is that after the initial commencement of operation, the property recovery under the legislation covered many times the cost of enforcing the Act, leaving significant moneys remaining for other designated purposes.

The Western Australian community expects the new era of criminal activity to be responded to by best practice on the part of the State and its agencies and would appreciate that. The Criminal Property Confiscation Bill 2000 is a considered response to the need to develop best practice in legislation for the fight against crime. Members, through their study of the Bill and this speech, will appreciate that the Bill has a number of innovative features. Some of them are tough. They are all necessary, and they are fair.

This Bill has been introduced and laid before the House in this session for the purposes of public consultation. It will not be progressed until the commencement of the next session of Parliament. Members of the community who would like to comment on the Bill are invited to direct their comments to the Attorney General's office. I strongly commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

### **LEGAL CONTRIBUTION TRUST AMENDMENT BILL 2000**

#### *Standing Orders Suspension*

On motion by Mr Barnett (Leader of the House), resolved with an absolute majority -

That so much of the standing orders be suspended as would enable the introduction and passage at this sitting of all stages of the Legal Contribution Trust Amendment Bill 2000.

#### *Introduction and First Reading*

Bill introduced, on motion by Mrs Edwardes (Minister for the Environment), and read a first time.

#### *Second Reading*

**MRS EDWARDES** (Kingsley - Minister for Labour Relations) [3.04 pm]: I move -

That the Bill be now read a second time.

The Legal Contribution Trust Amendment Bill 2000 seeks to amend the Legal Contribution Trust Act 1967 to widen the range of potential beneficiaries of surplus funding from the legal contribution trust to include community legal centres and

their peak organisations. While the amending Bill is quite straightforward, members may not have a full understanding of the operations of the Legal Contribution Trust Act. I will therefore provide some background to this matter before turning to comment on the Bill itself.

The Act, among other things, requires legal practitioners to deposit a certain percentage of their general trust account into an interest-bearing trust fund maintained by the legal contribution trust. A general trust account is one which is not maintained for the exclusive benefit of a specific person or persons. The interest generated by these funds is to be used by the trust for public purposes set out in the Act. The Act establishes a legal contribution trust and provides for money resulting to that trust to be applied, firstly, to payment of the expenses of administering the trust and, secondly, towards a solicitors guarantee fund. The solicitors guarantee fund was established to compensate clients who suffer loss by reason of defalcations of legal practitioners or their employees.

Under section 14 of the Act, the ceiling level of funds held in the solicitors guarantee fund is determined from time to time by agreement between the Law Society and the responsible minister. If at any time that ceiling is reached, the funds in the legal contribution trust interest-bearing trust fund are required, in general terms, to be applied to maintaining the SGF in credit to that agreed level. Once the SGF is in credit to that agreed level, 50 per cent of any remaining surplus balance is to be applied to the Legal Aid Commission. The Act then provides that the other 50 per cent of any surplus balance must be paid to -

- (a) the Legal Aid Commission to be applied to the legal aid fund, being in effect a potential "second bite";
- (b) the Law Society, to be applied in furtherance of law reform, legal research, legal education or any of those things; or
- (c) a body, whether corporate or not, for the purposes of which moneys have been appropriated by Parliament and which is charged with the functions of law reform - effectively to the Law Reform Commission.

Under the Act, the amount and the proportions which can be paid to the Legal Aid Commission, to the Law Society, or to the Law Reform Commission, is to be such amount as the responsible minister may approve or determine, after consultation with the Law Society. During 1999 the then ceiling of \$10m was reached prior to that ceiling being further lifted to \$12m. Consequently a surplus balance in the order of \$1m accrued. A payment of close to \$0.5m has been made to the Legal Aid Commission, leaving a further sum of close to \$0.5m yet to be distributed. This "yet to be distributed" surplus provides the opportunity to provide a measure of assistance to community legal centres.

As members are aware, community legal centres, a number of which face funding difficulties, play an important role in providing access to justice for many members of the community. Currently under the Legal Contribution Trust Act, it is not possible to direct any of the undistributed surplus balance to community legal centres, or their peak organisations, to assist in their continued operation for the benefit of the community. The amending Bill therefore seeks to do little more than bring community legal centres, and their peak organisations, within the operation of the Act, thus allowing a distribution to be effected in their favour.

The Bill amends section 14 to authorise the payment of moneys from the trust interest account "to prescribed community legal centres or their peak organisations, to be substantially applied to funding the legal services or community legal education provided by such bodies". Members will note that the Bill requires the payments to be in such amounts or in such proportions as the minister may, after consultation with the Law Society of WA, from time to time, approve or determine. The Bill, in this respect, does no more than carry forward an existing accountability requirement, and apply it to any payments to community legal centres or their peak organisations. Both the terms "community legal centre" and "peak organisation" are defined in the proposed section 16(6).

Members may care to note that the Bill takes the approach of prescribing community legal centres and peak organisations, so as to provide maximum flexibility. I understand that one peak organisation and 27 community legal centres have been identified for purposes of being prescribed under the legislation, once enacted. Community legal centres play an important role in the provision of services to many members of the community. Their continued operation is in the community interest. The Legal Contribution Trust Amendment Bill 2000 recognises this, and seeks to support them in a practical way. I commend the Bill to the House.

**MR MCGINTY** (Fremantle) [3.09 pm]: This legislation, as the minister indicated, will enable the surplus in the legal contribution trust fund to be applied to a purpose for which it has not previously been able to be applied legally. As the minister indicated, the current surplus in that fund can be applied to the Legal Aid Commission of Western Australia, the Law Reform Commission of WA and the Law Society of WA. In substance this amendment will have the effect of adding community legal centres to the scope of objects which can be the beneficiary of moneys distributed out of the fund.

In Western Australia today there are 26 or 28 community legal centres. The reason for my lack of certainty is substantially a question of what constitutes a community legal centre. Those community legal centres receive their base funding from the Commonwealth Government, which expends between \$3m to \$4m each year to fund most, but not all, of the community legal centres. I understand that the Northam community legal centre, which is facing severe financial difficulties, is uniquely in receipt of no federal funding whatsoever.

Mr Trenorden: You understand correctly.

Mr MCGINTY: Most of the other 28 community legal centres receive some form of federal funding. The current funding

of community legal centres is something of a dog's breakfast and has no consistency. I will refer in a moment to a state ramification of that dog's breakfast. This year a full review of the funding of community legal centres will be conducted by the Commonwealth. I hope that anomalies such as the newer community legal centres being funded by the Commonwealth but the older and particular purpose community legal centres not being funded at all or being funded on a different basis, will be remedied as a result of that review. However, that is a matter for the Commonwealth Government. In substance, the State makes little contribution, and in most cases no contribution, to the funding of community legal centres. They are regarded as Federal Government responsibilities. That is somewhat disappointing, particularly when one has regard for the fact that in a number of other States, the State Government matches the Commonwealth Government funding of community legal centres dollar for dollar.

These are not expensive organisations to run. They provide a superb service to the community. It is for that reason that the Australian Labor Party is happy to suspend the standing orders of the House in order to ensure that this legislation, which will offer relief to some community legal centres, passes through the Parliament - or at least the Legislative Assembly - today. The Attorney General has indicated to me that if the legislation passes through the Assembly, he is prepared to act on it in anticipation of its also passing through the other place. One might have thought, given the state of the Government's numbers, that it might have been a safer proposition to do it the other way round; nonetheless, that is the course upon which the Attorney General has embarked.

Mr Trenorden: But it is a good cause, member, isn't it?

Mr McGINTY: Did the member for Avon call me Madam President?

Mr Trenorden: No, I suggest you need a holiday if you thought that. I said it is a good cause, member.

Mr McGINTY: It certainly is a good cause. I note that there has been a movement recently on the member for Avon's side of the House to refer to strange people as Mr Speaker and I thought his calling me Madam President most probably took the cake!

This is a good cause and that is the reason that we have agreed to suspend the standing orders of the House in order to throw a lifeline to a number of these organisations which would have to shut their doors within days if this legislation were not passed, with no reasonable likelihood of this source of funds being accessed.

In the legal contribution trust fund in question there is a surplus of \$1m. Half of that is to be distributed to the Legal Aid Commission and this legislation will allow the other half to be distributed to the community legal centres, among other bodies. I am told that at least three community legal centres, or peak bodies in this area, face the very real prospect of having to close their doors. They are the Rural Community Legal Service based in Northam; the Federation of Community Legal Centres WA, which is the peak body operating out of Perth; and the Consumer Credit Legal Service (WA), although it has other avenues that it is pursuing to try to resolve its difficulties. Each of those bodies does a tremendous and inexpensive job in the community when one considers the cost of legal services generally. That is the reason that we have been prepared to take this unusual step today to ensure a completely bipartisan approach is taken to funding a service which offers legal assistance to people in the community who desperately need it but who, generally speaking, cannot afford it, or as an alternative to legal aid but generally where legal aid is failing them. This legislation will enable funding to be given to these centres to keep them operating.

My understanding is that the Northam-based service desperately needs \$36 000 to keep its doors open this coming financial year. Similarly, the Federation of Community Legal Centres was funded some years ago by the public purposes trust of the Law Society. The federation was defunded in the mid 1990s and in the past two years it was refunded. In 1998-99 the funding from the public purposes trust was \$77 620 and for the current financial year, which ends tomorrow, the funding was \$81 904. The problem for the Federation of Community Legal Centres is that the public purposes trust has offered it only \$30 000 for the financial year starting on Saturday. That is not enough to keep it operating with its 1.5 staff members. In its submission to the public purposes trust it sought a grant of \$102 558 - in round figures it needed \$100 000 - and got \$30 000. That means it will have to shut its doors. The Northam centre has a somewhat similar situation. The situation with the Consumer Credit Legal Service, as I said, is somewhat more complicated but it is nonetheless facing extreme difficulties.

When looking at this area - I hope this flows on from the commonwealth review of funding community legal centres - we need to take a good look at the basis of state funding. For instance, the Federation of Community Legal Centres told me that a lack of transparency and a lack of certainty surrounds the public purposes trust funding. The cause of the crisis is that it has gone from funding in the order of \$80 000 in the past two years to \$30 000 this year. That has caused this House to suspend standing orders today in order to pass this legislation. I would have thought it was time to examine the legal contribution trust fund as being the possible source of ongoing funding for these most worthwhile organisations in the community.

I return to the point made by the member for Avon. A total of 17 of the recognised 26 community legal centres receive federal funding; nine, therefore, do not. Again, I understand the centre in the member for Avon's electorate relies on the public purpose trust funding and will therefore find itself in a very similar situation to the Federation of Community Legal Centres.

Mr Trenorden: Yes, identical I would suggest.

Mr McGINTY: That is the background to this Bill. I call for the legal contribution trust fund to be considered as a source

of ongoing legal funding for these worthwhile and relatively inexpensive organisations that operate throughout the community. It is unfortunate that we need to come together so desperately in the dying hours of this session of the Parliament in order to complete the passage of legislation, thoroughly worthwhile as it is, but without notice and with the sense of urgency we are giving it.

Proper planning would have dictated that that could have been dealt with in the usual manner rather than being dropped on us. When the member for Avon raised it with me yesterday, I had been briefed earlier by someone who alerted me to the existence of the problem in Northam. I indicated to the member that I understood the problem and that the Opposition would do what it could to facilitate the passage of this legislation. In a sense, that is what we should be doing; we should not be debating the legislation with such urgency because these centres will have to close their doors if it is not passed.

I call on the State Government to review its lack of funding commitment to these centres, knowing there will be a federal review of funding. This is one-off funding for the coming financial year - \$500 000 will be distributed, but not necessarily exclusively to community legal centres. The Opposition supports the legislation and its expeditious passage so that the doors of these community legal centres can be kept open.

**MR TRENORDEN** (Avon) [3.22 pm]: It is with great relief that I speak to this Bill.

Mr McGinty: I don't want you to refer to me as "Madam Speaker".

Mr TRENORDEN: I did not do it in the first place. I am concerned about the member's condition. I think he needs a break. I will give him Saturday and Sunday off.

It is a great relief that this Bill has been introduced, even though it covers many more centres than the one in the central wheatbelt about which I am concerned - the Rural Community Legal Service. I appreciate the fact that the Opposition has been prepared to take the time to debate the issue. It shows that this place works from time to time, even though it does not work in the manner the member described. I would have much preferred a smoother process rather than a panic in the last couple of days.

The legal centre in my electorate was facing immediate closure. I cannot guarantee that that is not still the case; there is no guarantee in this process that the Rural Community Legal Service, which operates out of Northam, will be funded, although it services 52 000 people in the central wheatbelt. However, it does give the service the capacity to make an application for funding and affords it some security. The committee that runs the service will now not be breaking any financial laws. It needs to know that it has the capacity to pay its bills, and that is the issue.

Legal aid services are provided in Northam from time to time and we have a good legal firm. However, the central wheatbelt has very little by way of alternative legal services. Many of the issues the group handles are not covered by legal aid services. I have been attacked in the past for saying this, but I represent one of the poorer electorates in Western Australia. Australian Bureau of Statistics figures indicate that the central wheatbelt has one of the lowest income groups in Australia. It is also one of the most poorly served areas from a legal point of view. It is appalling that the Federal Government has not recognised that fact and funded those services in the area.

I agree that we need consistency in funding these services. The Federal Government should fund the service. The federal funding is \$220 000 a year and the Rural Community Legal Service has a budget of about \$100 000. It is very important to note that the service is provided through telecentres throughout the wheatbelt and modern technology is utilised. That is not happening anywhere else in Australia. The service has been very innovative in the way it provides assistance. Given its budget of \$100 000, it is hardly expensive.

I know we are going through a special process, so I will not say the things I would like to say about the service and the great work it does. It is critical for the central wheatbelt. I appreciate that the minister, the Leader of the House and the Opposition have been prepared to allow this Bill to pass today.

**MR McGOWAN** (Rockingham) [3.26 pm]: I support this Bill. I am pleased that the Opposition has decided to cooperate to assist the Government with the passage of this Bill because it is very important.

However, I will raise another related matter; that is, the Government's order of priorities. The legislation priority list provided to the Opposition is not worth the paper it is printed on. At the beginning of this week, I received a notice from the Leader of the House telling me I should be prepared to debate the Animal Welfare Bill, and I made myself available to do so. My speech will take about an hour to deliver. I have done a great deal of preparation and people are in the gallery expecting to hear it.

Mr Barnett: Give up!

Mr McGOWAN: No. I was advised a number of times that the Bill would be debated. Admittedly the Leader of the House gave me a little leeway, but he said it would definitely be debated the next day.

Mr Barnett: Are you also going to tell the House that you delayed the debate yesterday?

The DEPUTY SPEAKER: I remind the member that we are dealing with the Legal Contribution Trust Amendment Bill.

Mr McGOWAN: I will get back to it.

Yesterday the Premier abused me for going to the WA paralympic dinner because he knew he would be sitting beside me.

Then the Minister for Local Government, who is responsible for animal welfare, abused me for not debating the Animal Welfare Bill, and he did it again today.

It is important that I refer to a number of articles. In November 1995, *The West Australian* contained an article about the Government's intention to introduce the Animal Welfare Bill in the next session of Parliament. On 24 June 1997, the Minister for Local Government -

*Point of Order*

Mr BARNETT: I understand the member is very keen to debate the Animal Welfare Bill, but he is now wasting time. This is a very specific legal Bill and he is not debating it. If he were to sit down and if his colleagues were to progress other legislation rapidly, he may well get an opportunity to debate the Animal Welfare Bill before the House rises.

The DEPUTY SPEAKER: I remind the member that we are dealing with the Legal Contribution Trust Amendment Bill.

*Debate Resumed*

Mr McGOWAN: I am aware we are dealing with that Bill. However, it is relevant to raise the fact that the Opposition is allowing this Bill to be debated at a moment's notice, yet I am abused because I am not debating the Animal Welfare Bill and this Government has been claiming since 1995 that the Bill will be introduced. Members opposite promised in the lead-up to the 1996 election that it would be introduced. I was advised five minutes ago by the Leader of the House that the legislation will not be debated. It is pathetic that the leader has stood up two days running and abused me about this Bill.

Several members interjected.

Mr McGOWAN: I have been abused because I have not allowed this Bill to be debated. Members opposite have been making promises for six years. The leader told me it would be debated today, but that will not happen.

Mr Omodei: Sit! Sit! Sit!

Mr McGOWAN: This minister is being pathetic.

Mr Shave: Sit! Sit! Sit!

Mr McGOWAN: I will not sit down.

The legislative list of priorities contained nine Bills at the start of the session, but it did not include the Animal Welfare Bill. I am abused for not being ready.

The DEPUTY SPEAKER: We are dealing with the Legal Contribution Trust Amendment Bill; we are not dealing with standing orders or the legislation priority list. Unless the member addresses the Bill, I will ask him to resume his seat.

Mr McGOWAN: I reiterate the point: The leader does not care about the Animal Welfare Bill. Many people have come to the Parliament today to hear the debate and they have been disappointed by this Government.

**MS ANWYL** (Kalgoorlie) [3.30 pm]: It came to my attention only minutes ago that this legislation was to be debated, and I am pleased to have the opportunity to address some concerns that arise with regard to community legal centres. I know that the member for Rockingham is keen to get on with the Animal Welfare Bill, and to describe a 62 000-signature petition as a stunt, as was done in question time today, is quite phenomenal. One minister in this Government who is keen on stunts is the Attorney General. I want to make some comments about equity of access to legal services. The member for Avon talked about access to legal services for people who live in regional areas, and I know, Mr Deputy Speaker, that as the member for Geraldton you are also concerned about access to legal services. The Geraldton community legal centre was the first regional community legal centre to be set up. A community legal centre is also to be set up in Kalgoorlie-Boulder, but the difficulty that we are confronting is that the amount of money that is available to set up that centre means that we cannot propose very attractive salaries to draw people to Kalgoorlie-Boulder, and that is a major concern with which I, as a member of the management committee of that community legal centre, have been trying to deal. We are having gross difficulties in attracting a qualified legal practitioner to take up a position at that centre.

It is encouraging that this Bill provides that the legal contribution trust may be applied to community legal centres. Kalgoorlie-Boulder obtained a legal aid office in 1995. At that time, I was the president of the local law society - the Eastern Goldfields Regional Law Society - and it was a great decision by the then Attorney General, who is now the minister representing the Attorney General in this place, to set up that legal aid office in Kalgoorlie-Boulder, and I am sure Geraldton would like one too. The issue of equity is one that I have pursued in this place, because there is a big disparity in the amounts of money that are provided to each of the regional legal aid services. It was only today that I received an answer from the minister representing the Attorney General to a question that I had put on notice about the total amount of funding that has been provided to each of the regional legal aid offices. I am sure the member for Fremantle will be fascinated to know that Fremantle is classed as a regional legal aid office.

Mr Wiese: That is fairly par for the course for the people who live up here in the city.

Ms ANWYL: It never ceases to fascinate me that a place like Fremantle can be seen as a regional centre. Thankfully it is not referred to as a remote regional community - and I will wait for an answer that says that it is - but it is included with places like Christmas and Cocos Islands. The answer discloses that very disparate amounts of funding are available for each of the regional legal aid offices. What really concerns me is that I asked a very straightforward question about the amount

of funding that had been allocated to each of the regional legal aid offices for each of the financial years from 30 June 1993 to date, and the response that I received from the Attorney General was -

The requested information in respect of past financial years is not readily available and would require an inordinate level of effort to extract.

I find it unbelievable that it appears to be beyond the capacity of the Attorney General or his staff to provide an answer to that question. This is not the first time that I have received that sort of answer from the Attorney General. As an elected representative in this place, it is not possible for me to make a decision about levels of equity because I cannot get the information from the Government. I am happy to use my meagre resources as an opposition backbencher to track down that data, and I do not suppose it will take me too long, but I find it absolutely unbelievable that the Attorney General cannot provide that information.

The DEPUTY SPEAKER: I remind the member that we are dealing with a Bill, not questions.

Ms ANWYL: We are dealing with a Bill that is all about providing some equity to people who live in regional areas of Western Australia, via funding from the legal contribution trust fund to community legal centres. One of the main recipients of that funding will be Northam, which is within the electorate of the member for Avon. What is important here is that members of Parliament are denied the opportunity to properly represent their constituents because we have a minister who is unprepared - I make it clear that that is the Attorney General, not the minister representing the Attorney General - to provide proper detail in answer to questions on notice. I ask the minister to please convey to the Attorney General that I find it absolutely unbelievable that this information is not available.

I am pleased to support this legislation, and I hope we will have continuing equity of access to legal services for people who live in country areas. It is worth noting with regard to the proposed Goldfields community legal centre that it is very difficult to attract legal practitioners to work in Kalgoorlie-Boulder, whether they be private or non-private, and that while we have a very good Legal Aid Commission and Aboriginal Legal Service, as well as very experienced private practitioners, we are experiencing some difficulty in employing a solicitor for that centre.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [3.35 pm]: I thank members opposite for their cooperation in this matter. Obviously a problem was recognised, and a solution to that problem was identified, and that led to the necessity to amend this legislation as quickly as possible. We appreciate, and I am sure the community legal centres will appreciate, the support of this House for their cause. Like the member for Kalgoorlie, I was involved with community legal centres for a long time; they do a wonderful job in providing legal advice to many people who just want to know what they can do about their problem and where they can go, and they are often the first port of call for many people who have identified a problem in their life. I thank members opposite for their cooperation.

Question put and passed.

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

## **HOPE VALLEY-WATTLEUP REDEVELOPMENT BILL 2000**

### *Consideration in Detail*

Resumed from an earlier stage of the sitting.

#### **Clause 4: Redevelopment area defined -**

Debate on the clause was adjourned after the following amendment had been moved -

Page 3, line 29 to page 4, line 17 - To delete the lines.

Mr THOMAS: Since the break there has been some discussion behind the Chair about the way in which these amendments are to be dealt with. The Minister has moved an amendment on page 3, line 29, to delete certain lines, which the Opposition has an inclination to support, but we also wish to support our amendment to page 3, line 30, and that amendment would lapse if the first amendment which the minister has moved were carried. Hence we would like, with the indulgence of the House, to move our amendment to the clause before that, where it would quite easily sit; it would be the same amendment, but to line 28. That could be achieved if the minister were to withdraw his amendment and we then moved our amendment, and the minister could then reinstate his amendment, and in that way all the parties would be able to have their way. The speeches have been given, but the amendments just need to be put in that way.

#### **Amendment, by leave, withdrawn.**

Mr THOMAS: I thank the minister for his indulgence. I move -

Page 3, line 28 - To insert after "Schedule 1" the following -

but shall not include the Wattleup or Hope Valley town sites

The speeches on this matter have essentially been given. The Opposition does not believe it is necessary for the town sites to be included in the redevelopment area. They could have a future as part of a mosaic development that would include a substantial area of industrial estate, such as that in Herdsman. People do not mind living in or near the other areas in which mosaic developments have been established, particularly as buffer zones are in place. The Government owns a

substantial amount of property in the Hope Valley and Wattleup town sites, particularly in Wattleup, with which I have the greatest familiarity. That property could be renovated and sold, and the area would experience a transformation, as recently occurred in Coolbellup. There is no reason the area could not become a model industrial area, with cycleways connecting Hope Valley and Wattleup to the industrial estate and facilities and, therefore, sources of employment. There is no need for the town sites to be included in the redevelopment area.

Ms MacTIERNAN: I offer my support for this amendment. It has been said that if the original plan had gone back to the drawing board, Hope Valley would never have been established in that area. Perhaps it is not a fortuitous site for a community. However, the Hope Valley and Wattleup communities have told the Labor Party loudly and clearly that they have a strong attachment to the area. These people have built their lives there, they have had families there and put down roots. After assessing the emission levels and potential health problems, we do not believe there is an overwhelming reason for these people to be denied the ability to continue in the communities in which they have made strong connections and friendships. What the Government is proposing is exceptional; that is, to close down the homes of 700 Western Australians. It is a major step, and the Government needs overwhelmingly strong grounds on which to do that. The Opposition does not believe that the health or amenity reasons justify this closure. The minister has argued that the area has been blighted. That has occurred because of uncertainty over what will happen in the area. However, we believe that if a firm statement was made that the townships will remain open and that mosaic development will occur in the remainder of the area, the townships would have a way forward. The minister himself has said that much of the industrial area will effectively be devoted to commercial use, which would not be incompatible with nearby residential areas. The minister identified the commercial operations in the Canning Vale industrial estate. The Opposition believes that an enormous amount can be done to provide the town sites of Hope Valley and Wattleup with improved community infrastructure by surrounding them with a mixture of zonings and commercial, rural and conservation buffers. In that way, the townships would become attractive and secure for those small communities. The communities would also have the benefit of close proximity to employment opportunities, meaning that houses in that area would become sought after. The minister's Dickensian vision of houses stuck between chemical smoke stacks is completely inappropriate. If these areas were allowed to stay, they could be made attractive. The Government must listen closely to the people who will be affected. We should not chuck people out of their communities in the way that is proposed without an overwhelmingly good case. The Opposition does not believe an overwhelmingly good case has been presented, for the reasons it has outlined over and over again. We want these small communities to thrive. The certainty offered by our proposal and their proximity to employment would mean that property within those areas would become highly sought after. We do not believe our proposal would render the area to *Coronation Street*-style development, with the industrial area encroaching on the townships. The minister himself has recognised the changing nature of industrial development. In any event, we should ensure that rural and conservation land surrounds those town sites. The Opposition is firm in its commitment to the people of Hope Valley and Wattleup that their townships shall stay open for as long as they want.

Mr MARLBOROUGH: This proposal will result in the largest redeployment of urban dwellings in the metropolitan area in the State's short history. Two relocations have previously occurred in the southern metropolitan area. In the early 1980s, the town site of Kwinana Beach was closed for the CSBP expansion and in the early 1960s, the Naval Base town site was closed for the establishment of Alcoa. The Naval Base town site was relocated to what is now Hope Valley. The only rationale I can see for the closure of the Hope Valley town site is that LandCorp and the minister decided that the 90 hectares on which it sits ought to be a heavy industrial estate. If the minister has his way, this Bill will allow for the creation of an 860-hectare industrial estate directly on and east of the existing Wattleup town site. Ninety hectares is neither here nor there in a 30-year plan and Hope Valley should be left untouched. For some reason, the minister believes that heavy industry - with chimney stacks - wants to relocate further east. That is not my experience. As I have said in this House before, and I will repeat for the purposes of this exercise, when the Fremantle Rockingham Industrial Area Regional Strategy report was starting to get some legs three years ago, as the local member, I had meetings with Alcoa and I asked Alcoa if it had any intention of expanding its operations east of its present site and it indicated it had no intention of doing so. It indicated also that it had made the decision to stay in Kwinana for the next 100 years. The only reason that Hope Valley comes under threat is because of the view that it should have heavy industry. I am bitterly opposed to the heavy industrial estate, for very good and obvious planning reasons. Once we start moving the heavy industrial estate eastwards, the air quality buffer zone could be potentially moved with it. The minister will argue that the air quality buffer zone has improved - it has. The minister will also argue that it will continue to improve.

The Minister for Energy recently indicated that the days of the Kwinana power station being part coal-fired are numbered. Therefore, one could say that, sometime in the distant future the air quality will improve also. The bottom line with the industries is this: The air quality buffer zone is based on not only a scientific assessment but also how comfortable industry and Governments feel about people being close to industry. Therefore, there has to be the same comfortable feeling of how people feel as well as scientific assessments when deciding what fuels may be used in the future on the Kwinana industrial strip. It may be decided in our lifetime that it is gas. The minister and I know that if, tomorrow, a petrochemical plant were built in either Perth or the Pilbara, burning gas in power stations would become marginal because it becomes a far more valuable commodity when it is put through a petrochemical plant. The proposed air quality clean-up is a short-term event in the long term of the Kwinana heavy industrial estate, and we should be considering the long term. On top of that, the two important infrastructures that exist in Hope Valley and Wattleup are the schools. My concern is that those schools will deteriorate more quickly than the towns can be sold to government. Parents will make decisions about whether their children will see the full five years through the primary system and they will move sooner rather than later. There is no need for the Hope Valley or Wattleup town sites to close, for all the reasons I gave earlier.

Mr KIERATH: I repeat that we are not closing down the town sites. In providing this plan we are providing a guaranteed

buyer for the property in the town sites. I cannot see any reason for resumptions at this stage and, therefore, if people choose to continue living there, they can do so. The community can stay there if it wishes.

Ms MacTiernan: The communities are being destroyed.

Mr KIERATH: The member for Armadale may be right. However, when the master plan is developed, there may be a lot of commercial development, and commercial development and residential areas may be able to mix quite readily. There is no mechanism in this Bill to close the town sites down. There is a mechanism in this Bill, though, to guarantee a buyer for anybody who wishes to sell. If we exclude that we are saying to those people who I think are the ones most affected by all of this that there will not be a guaranteed buyer for them in the marketplace. They will be excluded from the footprint of the Act. I think that would be a long-term tragedy for the people of Wattleup and Hope Valley. I would argue strongly to retain the provisions in the Bill and I therefore oppose the amendment.

There is a problem with the amendment. From a drafting point of view the town sites are not an appropriate description and if it is passed, an amendment to the map in schedule 1 would be required. Therefore, the Government will oppose the amendment.

Amendment put and a division taken with the following result -

Ayes (16)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards

Dr Gallop  
Mr Grill  
Mr Kobelke  
Ms MacTiernan

Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Noes (24)

Mr Ainsworth  
Mr Barnett  
Mr Barron-Sullivan  
Mr Bradshaw  
Dr Constable  
Mr Court

Mr Day  
Mrs Edwardes  
Dr Hames  
Mrs Hodson-Thomas  
Mr House  
Mr Johnson

Mr Kierath  
Mr Masters  
Mr McNee  
Mr Minson  
Mr Nicholls  
Mr Omodei

Mr Pandal  
Mr Shave  
Mr Trenorden  
Mrs van de Klashorst  
Mr Wiese  
Mr Tubby (*Teller*)

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Pairs

Mr Graham  
Mrs Roberts  
Mr Bridge

Mr Prince  
Mrs Holmes  
Mr Cowan

**Amendment thus negatived.**

Mr KIERATH: I move -

Page 3, line 29 to page 4, line 17 - To delete the lines.

Mr THOMAS: We support this amendment.

**Amendment put and passed.**

Mr KIERATH: I move -

Page 4, line 19 - To delete "or subsection (4)".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 5 put and negatived.**

**Clauses 6 to 11 put and passed.**

**Clause 12: Contents of master plan -**

Mr THOMAS: I move in an amended form the amendment that is on the Notice Paper in the name of my colleague the member for Peel -

Page 9, line 21 - To insert after "Act" -

except that land may not be reserved, zoned or classified for heavy industry

The amendment originally included after the words "heavy industry" the words "as defined in the Metropolitan Region Scheme". However, the scheme contains no definition of heavy industry, which I was rather surprised to learn after I had drafted the amendment and put it on the Notice Paper. My colleague the member for Peel will address the merit of the proposal.

Mr MARLBOROUGH: For the reasons that I have previously enunciated in this matter, I believe that this proposal will be a hindrance to the overall development of this estate; that is, the inclusion of a heavy industrial estate in an 860-hectare general industrial estate which, if the minister has his way, will see the removal of the two town sites of Wattleup and Hope Valley. We should jeopardise that plan of the minister by including a definition of heavy industry in the Bill. Under the minister's plan, 90 hectares of this total estate will be heavy industry. There is no planning rationale behind the creation of this heavy industrial estate. It is not attached to what traditionally has been recognised as the Kwinana industrial estate. As I have said earlier, that estate is unique. As the minister knows from his own experience when he served a term on the Kwinana Town Council, part of its uniqueness is that Governments have been able to enjoy a relationship with local authorities, particularly the Kwinana authority, and with local residents. Their view has been different in that in general they have been supportive of industries going into the Kwinana industrial estate. With the greatest respect, I suggest to the minister that if he had taken this plan to the Rockingham City Council or the Cockburn City Council, when it was in existence, he would not have received the same positive response as he has received from the Kwinana Town Council and its residents regarding many of the heavy industrial developments he has wanted to place in the industrial estate. I believe that this 90-hectare heavy industrial estate has the potential to damage that relationship. I am aware that already the Kwinana council is concerned that more of its land will be unavailable for urban growth because of this. I know the minister will argue that if ever a heavy industrial estate was placed there, it would have to fit within the existing buffer zone. That may or may not be so. In a 30-year plan, we do not know just when it will be developed and what will be required at the time. There is no certainty about it. An air of uncertainty is created because of those 90 hectares. It is not worth jeopardising the good working relationship between the State Government, the Kwinana council and its community because of that.

A 90-hectare site does not add much to the State's heavy industrial needs in that region. As the crow flies, it is physically detached from the existing heavy industrial estate by a distance of about three or four kilometres. Therefore, there will be this heavy industrial island in the middle of a rural setting, close to a freeway where councils and planners would like to build urban cells to make the freeway work. That has the potential to jeopardise the relationship.

I do not think the minister should underestimate the relationship that exists between that community and government when it comes to heavy industry and where it will be located in the Kwinana strip. It has been crucial to all Governments that that community stay onside, secure in the knowledge that Governments are doing all they can to make sure the environment is safe and that it will not be jeopardised by the expansion of heavy industry from its existing site. This breaks that link. It creates concern, unease and a level of angst that is not necessary. It is poor planning. It should be stopped immediately, and the minister should accept this amendment to the Bill.

Mr KIERATH: I was almost tempted to accept the amendment, because I have been advised that the words are meaningless. However, as a matter of caution, I cannot do so. This Bill merely facilitates the ability to make a master plan. It takes the zoning off that area. It does not make changes to the zoning of the area. However, the master plan preparation process includes a public submission period. Obviously, if the member for Peel feels strongly about that, I expect that he and other people will put in a submission to that effect. As a result of that process, it is possible that the heavy industrial area will not go ahead. It has been proposed, so it is possible. However, if the right submissions are put up, the possible scenario is that it will not go ahead. All submissions will be taken into account when the master plan is prepared.

The member asked about planning rationale. I am advised that this area has direct rail access to the west. It has controlled access and higher reservation to the east, Anketell Road to the south, and is immediately adjacent to the Naval Base industrial zoning and water and oil pipelines. Therefore, it is a good location from a planning point of view. I take the member's point that it is another node of the area away from the main industrial area. The member knows that many pipes go underneath the road. Pipelines from the Alcoa refinery near the proposed motorplex facility pass under the road. This area will require different types of heavy industrial areas, and is probably more a stand-alone proposition. Like members opposite, although we have different views on areas, I strongly support the Kwinana industrial area, which is the most important industrial area for the State and the future of Perth.

Mr THOMAS: I have two brief comments. First, I support my colleague the member for Peel, as smoke stacks should not be any closer to residential areas. Turning Hope Valley into a heavy industry area, as the FRIARS report envisages, would create such development. Secondly, as the draftsman of the amendment, I strongly reject the minister's comment that the amendment is meaningless. I looked for a definition of "heavy industry" in another statute to provide precision; however, no definition of heavy industry can be found in any statute. We know what we mean. As a part-time law student, the minister would know that where no statutory definition of a term exists, the common, ordinary meaning of the words applies. We know what is heavy industry. Perhaps we could write an essay to provide a statutory definition. We have used plain English in the amendments; namely, that there should be no heavy industry in Hope Valley. People want that, and do not want smoke stacks.

#### **Amendment put and negatived.**

Mr THOMAS: I move -

Page 9, after line 21 - To insert the following -

- (2) The master plan shall make provision for general industry, rural living, horticulture and conservation areas, and appropriate buffer zones, in a mosaic that best reflects the wishes of residents and land owners, provides for a higher and better use for land and rehabilitates land unused or damaged from earlier uses.

The amendment I moved earlier would have placed a constraint on the master plan so that it could not include heavy industry. This amendment will provide a direction in uses to the authority in preparing the master plan. We outlined in the second reading debate and consideration in detail that we envisage the area containing a lot of industry, intensive horticulture and conservation, as accepted in the FRIARS report, and the need for buffer zones around each area. We accept the need to rehabilitate some land which is unused and degraded. Land owners in the rural areas want higher and better uses for that land. Ministers for Planning for decades have been beset by owners of rural land in that area wanting a better and higher use for that land, whether it be residential, industrial or whatever. I propose that directions be given in the preparation of the master plan.

The Bill is silent on what can be in the master plan. The authority in preparing the plan could recommend that the area be zoned parks and recreation. The land's zoning in the master plan is not mentioned in the Bill. One could talk about the general directions contained in the second reading speech and the FRIARS report which gives rise to this Bill; that is, it is envisaged by the proponents of the Bill that the land should be zoned for general industry, with parts zoned for heavy industry. The minister said that the words are meaningless. We know the difference between general and heavy industry. We know that the proponents of this Bill envisage that the vast majority of that land will be used for general industry. The residents accept that scope exists for substantial amounts of heavy industry in the area to satisfy the needs of the southern Perth metropolitan region for decades to come. That development should be in a mosaic with areas of horticulture which can compete in its relationship with the land on an economic basis. How people will use the land for horticulture and general industry will be determined by the most profitable use of the land. Evidence overseas indicates that it is possible to have the activities cheek by jowl in an attractive area with good ambience. The ALP wishes to reflect such development and the wishes of the residents to find a better use for the land. Much land needs rehabilitation and is underutilised. If the amendment is carried, a direction will be given to people preparing the master plan concerning the use of land.

Mr KIERATH: I am not prepared to accept that the words be inserted. The FRIARS final report provides the direction required, not an amendment like this. This Bill is similar to all redevelopment Acts in that it is silent on zoning. The provision facilitates the development of the concept plan, which provides for various land uses in the area. The same situation applies with other redevelopments.

Mr MARLBOROUGH: Once the overall process is in place, if the provision passes in its present form, the community will have sufficient input while the master plan is being developed in the next two years during which time parts of this plan may be adjusted and altered. The minister referred to Hope Valley. The original concept plan - which can change dramatically - caused me concern. Many of the proposed environmental buffers, particularly around Thomson Lake and other wetlands throughout the development, seem to have a minimal conservation zone attached to them. We can do much better than that in an industrial estate which will last for the next 30 or 40 years, by keeping best practice in mind. The Alcoa mud lakes which have served their purposes - in other words, they are full or sit as barren mud lakes - need to come under far closer scrutiny in the concept plan for future industrial development. They are ideal pieces of land for general industrial development. If we consider the Alcoa of Australia Ltd mud lakes in a 30-year time frame, they will take a great deal of pressure off a lot of environmental concerns about wetlands in the area. As my colleague the member for Cockburn stated, major rehabilitation is needed, particularly in the old quarry sites east and north of the Wattleup town site. They have been ravaged by different mining companies, and scant attention has been paid to their rehabilitation.

I have often said that if one flew over that part of Wattleup at 100 feet it would look like a moonscape. It is pockets of mined limestone and little attempt has been made to rehabilitate it. I am happy the concept plan will provide opportunity for community input, and that can lead to further change. We need to increase the environmental buffers to improve not only the environment, but also lifestyle opportunities for people who may be living close to that buffer zone. The Minister for Planning would know of the increasing demand and need for us to do whatever we can to protect our coastal wetlands. We need to concentrate on that in this estate. In 30 years a lot of Alcoa's mud lakes will be available for development. They will no longer be used as a residue container for Alcoa's byproducts. As the minister demonstrated with the Kwinana motor complex, and the Labor Government demonstrated when it considered a de-inking plant for the same piece of land in 1989, this land is ideal for general industrial development. If in the next two years the minister can look more closely at that land, it will provide the opportunities to create larger environmental catchment and rehabilitation areas that will make it a world standard estate. I am sure we are all seeking to achieve that.

Mr KIERATH: The member for Peel asks whether it is possible to change things dramatically within the area. It is possible, because clause 14 states that the proposed master plan is required to be publicly notified, in much the same way as town planning schemes of local government are under the Town Planning and Development Act and redevelopment schemes under the redevelopment Acts. The process is well established, well tried and proven. If sound planning reasons exist for changes, they are normally included and incorporated. Some proposals to change town planning schemes are rejected in toto or in part, and everything in between. Public submissions will be forwarded to the Planning Commission. Under clause 15(2) the master plan can be amended to give effect to those submissions. It is possible. However, I would not expect a lot of change to occur because the Fremantle Rockingham Industrial Area Regional Strategy has been well researched and a lot of thought has gone into it, so I do not expect to find too many planning reasons for not abiding by it. Nevertheless, if there are good reasons to change the plan, they will be taken into account.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 13 to 17 put and passed.**

**New clause 18 -**

Mr THOMAS: I move -

Page 13, after line 20 - to insert the following new clause to stand as clause 18 -

**18. Parliamentary Scrutiny**

- (1) A copy of the master plan and any amendments to it shall be laid before each House of Parliament within 6 sitting days of the House next following the date of publication of the notice of approval of the master plan or amendment in the *Government Gazette*.
- (2) Either House may by resolution, notice of which has been given at any time within 12 sitting days of that House after the copy of the master plan or amendment was laid before it, disallow the master plan or amendment.
- (3) If neither House passes a resolution disallowing the master plan or an amendment, the master plan or amendment comes into effect from and after the last day on which the scheme might have been disallowed, or such later day as is specified in the plan or amendment.

This clause will require the master plan to become a disallowable instrument that is to be tabled before both Houses of Parliament, and either House will have the capacity to disallow. The Bill will remove the area from the metropolitan region scheme and replace the planning functions of the MRS with the master plan. At present what one can do and what the local authority can zone is constrained by the provisions of the MRS. Once this Bill becomes an Act that will no longer be the case, and the area will be removed from the MRS and will be subject to the master plan. The MRS is subject to disallowance of the Parliament. That is part of the scrutiny that exists in our planning laws. Either House of Parliament can disallow the MRS as part of the democratic process. This Bill will replace that by handing the power over to the bureaucracy - LandCorp. LandCorp will have the capacity to determine what can be done in that area. That is not good enough. As far as the Opposition is concerned, the existing parliamentary scrutiny over that land through the Metropolitan Region Town Planning Scheme Act should continue to apply, and this Bill should be amended accordingly.

Mr KIERATH: The Government does not want this to be a disallowable instrument. This cannot be directly acquainted with the MRS, which gives a broad brush approach. This can be linked with the final report of the Fremantle Rockingham Industrial Area Regional Strategy, which outlines what is broadly planned for the area. The fact this Bill must go through both Houses has a similar effect to the MRS.

Mr Thomas: The MRS does have to get through both Houses.

Mr KIERATH: The detailed design of town planning schemes does not go to the Parliament. The master plan will provide the detail - ordinarily that would be enough - along with some zonings that will not be disallowable. I am not prepared to accept this amendment.

**New clause put and negatived.****Clauses 18 to 33 put and passed.****Clause 34: Compensation -**

Mr THOMAS: I move -

Page 25, after line 28 - To insert the following -

- (4) Notwithstanding any provision in this or any other Act owners of properties in the Wattleup or Hope Valley townsites which are acquired for purposes of this Act will be offered compensation according to the following formula -
  - (a) a base price calculated to be sufficient to buy a similar property, having regard to: lot size and age, style and size of any house or other improvements in the locality of Spearwood;
  - (b) where the calculation envisaged in paragraph (a) cannot be practically made the Valuer General will determine an amount which in his opinion is sufficient to purchase an equivalent property having regard to lot size and the age, style and size of any house or other improvements in a metropolitan locality with equivalent amenity;
  - (c) an additional amount of 10% of the amount calculated in paragraph (a) or (b) to compensate property owners for inconvenience.

This amendment will add a number of subclauses to this clause to clarify the amount of money people will receive for their properties in the town sites of Wattleup and Hope Valley. I have previously said that the townships of Wattleup and Hope Valley should not be resumed; that is, people should not be turfed out of their homes so the area can be turned over to industry. In response, the minister fatuously said that nobody would be turfed out. In a sense that is true, except as properties are bought and zoned "industrial" the quality of life in the community will be destroyed. As that is effectively

resumption, people are entitled to be compensated adequately so that they can buy a home of equivalent size and type elsewhere. They should not have their quality of life diminished by this process.

The Government should mark my words that if people's properties are bought under these provisions, their quality of life will diminish. They are already suffering. Under town planning and local laws those people have bought properties at market value. The market value of those properties has been diminished by the planning process which has been affecting properties in those areas over the past 10 years, particularly the past three or four years, because the future of the area has been under a cloud.

It has become almost impossible to sell property in Wattleup to anyone other than the Government, which is buying it at "current market" values. People, therefore, are receiving a price for their homes that is insufficient to buy an equivalent home in a nearby suburb. At the end of this process the present owners of a three-bedroom, single-bathroom home should be entitled to buy a similar style of home in a neighbouring suburb. If that is not possible, the present residents of Wattleup will suffer a diminution in their quality of life.

I heard the minister say earlier today, when he responded to remarks during the second reading debate, that my understanding of property values, which I sought from the City of Cockburn, was wrong. He said that the residents of the Hope Valley and Wattleup town sites could move to some areas in Leda. With all due respect to the people of Leda, the residents at Wattleup do not want to move to Leda; they want to live in an area similar to where they now live. That is a fair and reasonable proposition. This whole scheme for which this Bill was drafted is for the good of the State. It will confer no particular benefit on the people of the Wattleup or Hope Valley town sites. It may be said that it will confer a benefit on the people who own rural land because its zoning will be improved which, generally speaking, will increase the value of their property. However, the value of the properties in the town sites of Wattleup and Hope Valley will not increase.

I said that, in practice, those people are dealing with resumption. They have no choice about the fact that the area will be closed down around them. Usually when a property is resumed the owners are entitled to a solatium of, say, 10 per cent to compensate them for the inconvenience of moving.

The people of Wattleup and Hope Valley town sites are being inconvenienced as much as anyone who has his property resumed for road works or whatever. My amendment makes provision for that.

Mr KIERATH: This provision lacks certainty. Clause 34 of the Bill relates to compensation for injurious affection, not acquisition, therefore the amendment makes little sense. More importantly than that, it creates a dangerous precedent in relation to compensation for both compulsory and negotiated acquisition which would require a major policy change; therefore I cannot accept the amendment.

Mr THOMAS: The minister said this amendment has been moved at an inappropriate stage of the Bill. I apologise if my skills as a parliamentary draftsman are not as good those of his advisers. That does not matter because, irrespective of the heading of the clause, it begins with the words "Notwithstanding any provision of this or any other Act . . .". Proposed subsection (4)(a) provides that among other things people are entitled to a base price calculated to buy sufficient or similar property having regard to lot size, age, style and size of any house or other improvements in the locality of Spearwood. It means that if the three-bedroom, one-bathroom home of a Wattleup resident is being "resumed" for this process he should get enough money to buy a similar house at Spearwood.

I have knocked on the doors of people at Wattleup and put that idea to them. A substantial number of people say they do not want to move. However, if areas are to be closed down around them they should get enough money to buy a similar house in an adjoining suburb; they agree it is a good proposition.

If the minister thinks that is not fair and reasonable and would create an unfortunate precedent, he should meet with me and the residents and see what they think. This amendment is not unreasonable, nor is the notion that they should get a solatium; that is, a 10 per cent payment added to the price of their house to buy a similar property. That entitlement is available to someone whose home has been resumed for road works and therefore should be available in this situation.

Mr KIERATH: The Act under which LandCorp operates provides that a solatium is applicable if a property is resumed. As I said earlier, we cannot see any reason to resume. If that were the case the people involved would be paid a solatium. I have placed the rest of my comments on the record.

Mr MARLBOROUGH: Fair compensation is the crux of this matter. The minister cannot keep arguing just to suit his or the Government's position. The facts are: The minister says, and the Opposition agrees, that both Wattleup and Hope Valley have historically suffered from a planning blight. That planning blight has been implemented by Governments. I am not putting the blame on this Government because the Labor Party did the same. Governments have always considered that the Kwinana industrial strip is important to the State because of the export dollars it earns, and the job opportunities it provides etc. It has been widely acknowledged that such an industrial strip could not be created elsewhere in the metropolitan area in the foreseeable future.

As I said earlier, my retired colleague Ian Taylor was the Minister for Economic Development in 1989 when he announced another Kwinana would be built at Breton Bay. On the Monday morning *The West Australian* bore the headlines. However, the public outcry was so great that by the Friday we had to announce our withdrawal of that plan in *The West Australian*.

Governments have been responsible for the blight. What has occurred with the latest FRIARS report is that the minister's department has put in place a hardship clause which says, "We will set aside \$5m a year to buy you out over the next 10 years." That means very few properties can be bought out initially; it is not a lot of money.

Mr Kierath: As I said during the debate, the hardship clause is operating only under existing legislation. When this comes in, there will not be a hardship clause.

Mr MARLBOROUGH: I understand that; I am not saying that it will continue. I make the point that the hardship clause is presently in place. As a result of that hardship clause, the government authority has written to householders who now want to sell to tell them that they do not fit into that category and that they should try to sell their houses privately. They have been told to ask the local real estate agents to sell their houses in Wattleup. I can show the minister at least a dozen letters from local real estate agents telling those home owners that they will not touch their properties. Those properties have no value while this planning arrangement is hanging over the area.

Mr Kierath: I am happy to meet with you and the member for Cockburn to discuss land values. If there are any inadequacies in the existing scheme, I would be prepared to look at possible amendments in the other place. I am happy to follow that through with you privately.

Mr MARLBOROUGH: That is a fair suggestion, as long as it is not just words for the purpose of *Hansard*. The minister knows the area as well as anybody; he has been there as a local councillor. It is different from the rest of the metropolitan area. Governments have created the blight; we admit that. It is not as though we have a virgin site next to a suburb and some industry has wanted to move in and we have moved that suburb out. We have known for the past 30 or 40 years that these people have been within a planning zone that is restricted in its ability to grow, in terms of the real value of the bricks and mortar and the efforts that people have put into their properties because of the industrial estate next to it. It is because the Kwinana heavy industrial estate - a unique industrial estate in the metropolitan area - has around it an air quality buffer zone which has had a history of rejecting urban growth in Wattleup since 1979 and in Hope Valley since 1989. That is its history and we are responsible for it. It is fair and reasonable. If it cannot be recognised that people have been affected by government decisions to the degree that their properties are not worth the amount that should be paid to relocate them, that is very much the fault of government policy. On this occasion we should take the necessary steps to ensure that their quality of life is not affected when they relocate. The least we can do is give them the appropriate money to relocate to an equivalent abode elsewhere.

Amendment put and a division taken with the following result -

#### Ayes (16)

Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop

Mr Grill  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough

Mr McGinty  
Mr McGowan  
Ms McHale  
Mr Riebeling

Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

#### Noes (22)

Mr Ainsworth  
Mr Barnett  
Mr Barron-Sullivan  
Mr Bradshaw  
Dr Constable  
Mr Court

Mr Day  
Mrs Edwardes  
Dr Hames  
Mrs Hodson-Thomas  
Mr House  
Mr Johnson

Mr Kierath  
Mr Minson  
Mr Nicholls  
Mr Omodei  
Mr Pental

Mr Shave  
Mr Trenorden  
Mrs van de Klashorst  
Mr Wiese  
Mr Tubby (*Teller*)

#### Pairs

Mrs Roberts  
Ms Anwyl  
Mr Bridge  
Mr Graham

Mr Prince  
Mrs Holmes  
Mr Cowan  
Mr Baker

**Amendment thus negated.**

**Clause put and passed.**

**Clauses 35 to 39 put and passed.**

**Schedule 1 put and passed.**

**Title put and passed.**

### ANIMAL WELFARE BILL 1999

#### *Second Reading*

Resumed from 24 November 1999.

**MR MCGOWAN** (Rockingham) [4.49 pm]: I commence my remarks by bringing to the attention of the House that it is now 4.50 pm on the last day of sitting for five weeks. The Government has set aside 10 minutes for debate on this

substantial Bill. I find that disgraceful. The reason I find that disgraceful is that I was promised by the Leader of the House that this Bill would be debated this week. Every day I was given assurances by him so I prepared my hour-long speech - as I am entitled to as the opposition spokesman - yet I get only 10 minutes to speak about this issue.

Several members interjected.

*Withdrawal of Remark*

Mr KOBELKE: The accusation by the member for Murray-Wellington was totally unparliamentary and I ask you, Mr Acting Speaker, to request that he withdraw it.

The ACTING SPEAKER (Mr Masters): My understanding is that Standing Orders require that no imputation be made against the good name of any member of this place. It can be interpreted that the member for Murray-Wellington was implying that the member for Rockingham was a liar. I therefore request that the member withdraw those words.

Mr BRADSHAW: I was, and I will withdraw.

*Debate Resumed*

Mr McGOWAN: Not only was I promised, but also the Royal Society for the Prevention of Cruelty to Animals was assured that this matter would be discussed. The Government has been promising to bring forward this debate since 1995. Each year since then press releases have been put out by the minister responsible for this issue, indicating that it would be debated in that year of the sitting of Parliament. The Government introduced the Bill on the last day of the last sitting of last year and now we will get only 10 minutes to debate it before the recess.

Several members interjected.

Mr McGOWAN: I will tell members the reason why. I have 10 minutes in which to address this Bill and I request that you, Sir, act as a Speaker and address the members opposite.

The ACTING SPEAKER (Mr Masters): If the member for Rockingham continues I will give him protection, but he keeps waiting for people to interject.

Mr McGOWAN: I know the reason that the Government has given this Bill 10 minutes in which to be debated, and it is twofold: First, the Government does not have a commitment to animal welfare, but the Labor Opposition does have a serious commitment to doing something about this issue. Secondly, yesterday I brought a petition signed by 62 500 people into this House which put a firecracker under the minister responsible for this issue. It has forced him into action for two days running, and he abused me during question time because I had the temerity to table a petition - the petition with the most signatures in living memory in this Parliament - signed by 62 500 Western Australians who want something done about this issue. The Government effectively gagged me from having a proper debate on this issue before the parliamentary break. I was muzzled in relation to this issue. In question time today the Minister for Local Government described the petition as a stunt. In effect, he insulted the 62 500 Western Australians who signed the petition. Instead of listening he does nothing.

In the five minutes I have available to me I will indicate that I care deeply about this issue. Many people deride this issue and say it is unimportant, but if something decent is done about it, it will reflect a fair and just community. It indicates a humanitarian streak among Western Australians that I was grateful to see demonstrated by the 62 500 people who signed the petition. I was happy to see the level of support. I put out a press release advising people that I had a petition available and it was run on commercial radio. I had 800 calls to my office from Western Australians asking for copies of it. I sent out 800 letters to Western Australians who asked for copies of the petition and I made sure they all received it. I received a range of letters.

Mr Omodei: What did the petition say?

Mr McGOWAN: I have been given 10 minutes and now members opposite are trying to take up my time. I really have put a firecracker under the Minister for Forest Products. We have not seen him being so active since he tried to cut down the Shannon River forest. I thank the 800 people -

Mr Omodei: What did the petition say?

The ACTING SPEAKER: The Minister for Forest Products has made the same interjection about six times. The member clearly does not wish to answer, so I ask the minister to desist from asking it.

Mr McGOWAN: I am gratified by, and also grateful to, all those people who signed that petition, as well as the 800 people who distributed it throughout their workplaces, communities and families, and who walked up and down their streets getting people to sign it. I will tell the House about one or two of those people. I will not name them at this stage, but if I ever get to continue my remarks I will. One person from Grasspatch went around the community getting virtually everybody to sign the petition. One woman from Albany got about 4 000 signatures. I had people from Kununurra in the north to Wiluna in the south making sure that people signed this petition to show that they cared about animals. They cared that this community should take some decent steps to defend the defenceless. Those people deserve thanks from this Parliament. They have shown a great deal of concern and some of the letters I received were fantastic. I do not have time to quote from them now, but they were fantastic demonstrations of humanity, love and respect for animals. I have met a lot of people through this process of whom I think a great deal, because they care about something other than themselves. It was a very

good process for me and I got a lot out of it. It was one of the most gratifying things I have done as a member of Parliament to have such a level of commitment from the community. I thank all of those people, because people who sign petitions and gather signatures rarely get thanks from the Parliament. They show to the Parliament what the community is thinking.

Representatives and members of the RSPCA are here tonight. My wife and I are members of the RSPCA; it is an excellent organisation. It came into existence about 180 years ago. It is nearly double the age of the Australian Labor Party, nearly four times the age of the Liberal Party and it is 180 times the age of the One Nation party. It is one of those great charitable organisations which expands the world. In my view it is on the same level as organisations such as the World Wildlife Fund for Nature because it does something decent for other living things and tries to preserve some sanity in our world. I congratulate those volunteers for what they do in their own time. They beat their heads against a brick wall trying to do something worthwhile. They fundraise, they hold the million paws walk which I take my dog to every year. My Jack Russell loves the million paws walk. They do all those things, and it is a credit to them and their organisation.

If this Bill comes back into the Parliament after the recess, I will move amendments in eight major areas. They are all quite involved, and it would probably take me 40 minutes to go through them in depth. I do not have the time to do that now, but I will do it in a future debate. Those amendments will improve this Bill. In my view the Bill is a moderate improvement on the existing situation, but it is not sufficient to guarantee proper protection of animals or to put in place mechanisms whereby those people committed to the task of protecting animals are given some support.

I have done a great deal of work on this issue. The current legislation is 80 years out of date, so the Opposition will support this new Bill although I will move to amend it. The Labor Party will support the Bill on behalf of the 62 500 persons who signed the petition, the 345 000 households in this State that have dogs, the 299 000 households that have cats, the 100 000 households that have other pets, and the thousands of people who love all living creatures and respect our native fauna.

[Leave granted for speech to be continued.]

Debate thus adjourned.

#### ADJOURNMENT OF THE HOUSE

**MR OMODEI** (Warren-Blackwood - Minister for Local Government) [5.03 pm]: I move -

That the House at its rising adjourn until a time and date to be fixed by the Speaker.

Obviously some activities are going on behind the Chair, and other issues are being discussed. It is important that the member for Rockingham has made at least part of his response to the Animal Welfare Bill. He will now have time to do more research on the Bill. I would be more than happy to meet him to discuss the matters in the legislation about which he is concerned. Like him, I am concerned about animal welfare, and in recent times there has been significant public concern about attacks on animals. This legislation is not before time. It has had a thorough and comprehensive airing in the general community, and it is time it was debated in this House for the good of all animals and those organisations concerned with animal welfare in Western Australia.

**MR KOBELKE** (Nollamara) [5.05 pm]: In this special adjournment motion, I respond first to the comments by the Minister for Local Government. It is regrettable that the Government promised some five years ago to introduce legislation that covered the welfare of animals, but this matter has dragged on and on. The member for Rockingham has a passion about the care of animals, and it is understandable that he is most upset that we have reached the end of this parliamentary session and the Bill has not progressed. It is remiss of the Government not to have given higher priority to this important issue.

Currently, there are approximately 30 Bills on the Notice Paper in the Legislative Assembly, and approximately 20 Bills on the Notice Paper of the Legislative Council that are not likely to be dealt with before it rises. Approximately 50 Bills are yet to be dealt with, apart from the range of promises made by the Government prior to the last election in 1996. Since making those promises, the Government has made a range of policy decisions and we have yet to see in the Parliament the legislation dealing with those decisions. The Government has a considerable backlog of legislation to deal with in the spring session.

Mr Omodei: It says a lot about the delaying tactics of the members opposite.

Mr KOBELKE: As the member for Rockingham said, the Minister for Local Government has had a rocket put up him and it is causing him some discomfort. He is crying out in anguish, with all sorts of stupid and irrelevant statements. The minister might like to reflect on the fact that within the past couple of weeks, this House has risen early because it has dealt with the business set by the Government for that day. The Opposition has not delayed anything; but the Government has had trouble dealing with matters. For instance, it could not get a Bill together to deal with prostitution. I am not taking issue with the Leader of the House; his management has improved to the point at which members on this side of the House respect his management of the House.

This Government, with its backlog of legislation and its inability to introduce legislation, is not fulfilling the role people expect of a Government in Western Australia. I hope that in the spring session we shall be able to tidy up the legislation before this House and the other place, and then get on with the election to put in place a Government that will govern for the people of Western Australia, rather than adopt the slapdash approach of this Government, which cannot deal with the important issues that need to be addressed.

**MR BARNETT** (Cottesloe - Leader of the House) [5.08 pm]: I will not respond to those comments except to note for the record that this session the House has sat for 61 days, and has dealt with 60 Bills. A total of 900 questions without notice have been asked, and 2 460 question on notice have been answered. It has been a fairly typical session of the past two years. There are still significant pieces of legislation on the Notice Paper which the Government will deal with in the spring session. The Government will not introduce much in the way of new, significant legislation. There is a manageable number of Bills on the Notice Paper, and they will be dealt with in a steady, sensible way prior to the next election.

**MR OMODEI** (Warren-Blackwood - Minister for Local Government) [5.09 pm]: In response to some of the comments made, I indicate to members opposite that the Animal Welfare Bill has been around this place since 1993. A discussion paper was released and 500 submissions were made in response to that discussion paper. Permission to draft was sought from Cabinet, a Bill was drafted and presented to this Parliament as a Green Bill, and it was sent into the community for further consideration and submissions. That was a couple of years ago. Further submissions were considered at the drafting stage. At all stages of the Bill, the members of the animal welfare advisory committee were aware and supportive of what the Government was doing. We had contact with the Royal Society for the Prevention of Cruelty to Animals on a number of occasions about the legislation.

Yes, it is long-awaited legislation and, as the member said, the Act is now 80 years old. The Act was in need of revamping to modernise the legislation. We have done that in consultation with the community in a very thorough way. The Bill has now been in the Parliament for eight months with an opportunity for members opposite to place amendments on the Notice Paper. It will now be debated in the spring session, and we will have new animal welfare legislation in Western Australia. The Government will continue to go along that track and I am more than open to discuss those matters with members of the Opposition or the public.

Question put and passed.

*House adjourned at 5.10 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### CONSULTANTS, TABLING OF REPORTS

2051. Mr BROWN to the Premier:

- (1) Further to question on notice No. 890 of 1999, did the Premier know at the time of answering the question that the last six monthly report on consultants engaged by Government was for the six months ending 31 December 1998?
- (2) Why is there inordinate delay in tabling the six monthly reports?
- (3) Does the Government intend to table the reports for the six months ending 30 June 1999 and 31 December 1999 before the end of April?
- (4) Will both reports be tabled before the end of April 2000?
- (5) If not, why not?
- (6) When will the six month report ending on -
  - (a) 30 June 1999; and
  - (b) 31 December 1999,
 be tabled in Parliament?
- (7) Is the inordinate delay in collating and tabling these reports part of Government policy or practice or simply incompetence?

Mr COURT replied:

- (1)-(6) I refer the Member to the Report on Consultants Engaged by Government for the period ending 30 June 1999 which was tabled in the Legislative Assembly on 13 June 2000.
- (7) The time taken to prepare these and the Reports on Travel Undertaken by Ministers, members of Parliament and Government officials is, in part, dependent upon returns being received from agencies through their Ministers. The processing of these returns and the subsequent generation of Reports is a time consuming process as, once received, the information has to be verified as complete, entered into the database, and checked for accuracy.

#### WOODCHIPS, WESFARMERS LTD

2095. Dr EDWARDS to the Minister for Forest Products:

I refer to the announcement by Wesfarmers Ltd that it has increased the amount of plantation bluegum and reduced the amount of karri/marri woodchips it sells to Japanese pulpmills.

- (1) In each of the years 2000 to 2005, what amount of -
  - (a) karri/marri woodchips; and
  - (b) bluegum woodchips,
 does Wesfarmers propose to sell?
- (2) In each of the years 2000 to 2005, what amount of -
  - (a) karri chiplogs; and
  - (b) marri chiplogs,
 does the Department of Conservation and Land Management propose to sell to Wesfarmers?
- (3) For each of these amounts, how much is it estimated will come from logging operations in -
  - (a) old-growth karri/marri forest;
  - (b) regrowth karri/marri;
  - (c) old-growth jarrah/marri forest;
  - (d) jarrah/marri forest that has been selectively logged for jarrah; and
  - (e) other (specify)?

Mr OMODEI replied:

- (1) (a)-(b) The member should contact the company for these details.
- (2) (a)-(b) Contract conditions for the sale of chiplogs between CALM and Sotico do not specify whether karri or marri is to be supplied. This will depend on the forest types that are being harvested at the time. Combined amounts are:

2000	2001	2002	000s Tonnes	2003	2004	2005
460	440	250	250	not known	not known	not known

- (3) (a)-(e) The amount of chiplogs that will be sourced from each forest type and structural category will fluctuate over time, largely due to the location of future logging coupes and the relative demand for other log grades. The exact proportions are therefore difficult to determine. It is expected, however, that the majority of the chiplog supply in 2000 and 2001 will be sourced from sawlog-driven integrated harvesting operations in mature karri forest. During 2002 and 2003 it is likely that the majority of the chiplog supply will be sourced from operations in jarrah/marri forests and from thinnings in regrowth karri/marri.

#### HEALTH, CLINICAL STREAMING

2107. Dr CONSTABLE to the Minister for Health:

- (1) What definition of clinical streaming has been adopted by the Department of Health and/or the Metropolitan Health Services Board?
- (2) Has clinical streaming been adopted as policy for the delivery of health care in metropolitan hospitals?
- (3) If yes to (2) above, what documentation is publicly available which explains the proposed introduction of clinical streaming?
- (4) If yes to (2) above, when will clinical streaming be introduced into Western Australian hospitals?
- (5) Which hospitals will be involved in clinical streaming?
- (6) How will clinical streaming be organised in these Western Australian hospitals?
- (7) What savings, if any, are anticipated by the introduction of clinical streaming?
- (8) What are the staffing implications of clinical streaming?
- (9) What are the advantages of clinical streaming over current structures?
- (10) What groupings of clinical areas are planned?

Mr DAY replied:

- (1) *Clinical streaming* is a generic term that has been used to cover a range of models for the organisation and management of clinical services. The model, which has been developed for services in the Perth metropolitan area, is called *Integrated Clinical Services* (ICS). An ICS has been defined as a grouping of similar, related or complementary services or activities that takes responsibility for the operational planning, management and delivery of a designated suite of health services across the metropolitan area. ICSs will also be responsible for the provision of specialist visiting services and advice to rural communities.
- (2) Yes. The introduction of ICSs was recommended in *Health 2020*, the strategic plan for health services in metropolitan Perth. This document has been endorsed by Cabinet. The ICS model is not simply about hospitals, but about the integration of services across hospital and community health service boundaries. Furthermore, the model brings together acute, continuing care and promotion and prevention services.
- (3) *Health 2020*, which was released publicly on 3 March 2000, outlines the policy framework for ICSs.
- (4) The Metropolitan Health Service intends to introduce the system of Integrated Clinical Services over the next 2 to 3 years in consultation with clinicians. The first three, which have already been agreed, will commence operation during the first year. These are:  
Mental Health  
Dental Health  
Aged Care and Rehabilitation  
Directors have already been appointed for two services: Dr Aaron Groves for Mental Health and Dr Peter Goldswain for Aged Care and Rehabilitation.
- (5) All metropolitan hospitals and community health services will be involved in the ICSs.
- (6) The Metropolitan Health Service is currently developing an implementation plan for the introduction of ICSs.
- (7) The ICS model is primarily about trying to get a fairer distribution of uniformly high quality services across the metropolitan area to match the changing demographics of the population. It is anticipated that there will be a reduction in the unnecessary duplication of some services, although the potential savings have not been costed.
- (8) The ICS model will provide clinicians with the opportunity to take a leadership role in operational planning, development and management of health services and will create an environment which promotes the seamless movement of health professionals across hospital and health service boundaries. The major changes for staff will

be in their roles and responsibilities and it is not envisaged that the introduction of ICSs will lead to any reduction in staff numbers.

- (9) To date, hospitals and health services and the boundaries between them, rather than the needs of the population, have dominated decisions about health. This has led to unnecessary duplication of services. While over 60% of the population now resides in the outer suburbs of Perth, 80% of hospital services are still being provided in the inner metropolitan hospitals. The introduction of the ICS model will lead to:

a sharper focus on patient care, with fair access for all and greater co-ordination of care;  
 access for patients to the most appropriate care, regardless of their point of entry into the health system;  
 the development of uniformly high quality services across the whole metropolitan area based on the best available evidence;  
 a professional workforce that is more flexible and dynamic and able to respond to changing health needs of the community and changing practice and technology;  
 the seamless movement of health professionals across hospital and health service boundaries in response to service need;  
 strengthening of the linkages between specialist services, general practice, the private sector and community organisations;  
 innovation and the development and dissemination of new models of care;  
 a strategic approach to investment in services and equipment, based upon the needs of the system rather than the needs of any one hospital or health service.

- (10) The three ICSs outlined in (4) above have been agreed with clinicians and are being implemented. Other groupings, which were proposed by a working group of senior clinicians in Perth, are outlined in figure 18 on page 33 of *Health 2020*. However, further development work is being carried out on the composition of the ICSs in consultation with clinicians.

#### HOSPITALS, STAFF CUTS

2122. Dr CONSTABLE to the Minister for Health:

At each of the following hospitals -

- (a) Royal Perth Hospital;
- (b) Royal Perth Hospital, Shenton Park Annex;
- (c) Sir Charles Gairdner Hospital;
- (d) Fremantle Hospital;
- (e) Princess Margaret Hospital; and
- (f) King Edward Memorial Hospital,

- (i) during the past four weeks which clinical departments have been asked to cut FTEs and by how many; and
- (ii) what are the anticipated savings for each hospital?

Mr DAY replied:

	RPH	SPA	SCGH	FH&HS	PMH&KEMH (combined)	
(i)	None	None	None	None	Psychological Medicine	3.0
					Allied Health	3.6
					Surgical Services	7.5
					Paediatric Medicine	8.5
					Obstetrics	4.3
					Gynaecology	5.0
(ii)	NA	NA	NA	NA	\$359,000.	

The figure is calculated by:

$[31.9 \text{ FTE} \times \$45,000 \text{ (average annual salary)}] / 4 \text{ quarters}$   
 = saving of \$359,000 for the final quarter of the financial year.

Note:

The Directorates listed above were asked to reduce their FTE to last year's average FTE.

The Clinical departments within these Directorates have nursing, medical and administrative staff. The requested reductions in FTE refer to administrative staff.

These reductions in FTE were never realised because the savings were achieved in other non-service delivery areas e.g. Executive Services, Finance and administrative support.

#### FORESTS AND FORESTRY, SUPPORT TO TOWNS, WORKERS AND INDUSTRIES

2208. Ms ANWYL to the Minister for Forest Products:

- (1) What amount of finance or other support whether financial or in kind has been supplied to date by the Minister's Department to the towns, workers and industries affected by change in Government policy regarding timber harvesting?

- (2) Will the minister provide further detail for the financial years ending 30 June 2000 and 30 June 2001?
- (3) What Government subsidies are available for timber mills and other industries affected by the policy change?

Mr OMODEI replied:

This information has been provided by the Minister for the Environment, in answer to Question on Notice 2207.

#### EDUCATION, SCHOOLS DIVISION MANAGER

2214. Mrs ROBERTS to the Minister for Education:

- (1) Where are employees notes and documents on Workers Compensation claims kept?
- (2) Did Mr Garry Fischer, Manager of Schools Division, recommend action under a 7c against an employee, because of among other things, she was not a member of the SSTU and having some workers compensation claims?
- (3) Did Mr Fischer also state in a written document not to use an 86a against the employee "because she'll thwart it"?
- (4) Who is responsible for Mr Fischer's performance management?

Mr BARNETT replied:

- (1) Education Department employee notes and documents on workers' compensation claims are held confidentially within the Employee Relations Directorate of the Central Office of the Department. The Department's insurer, RiskCover, also hold documents on Education Department workers' compensation claims.
- (2) No.
- (3) The reasons given by the Manager (Schools Division) for recommending that the matter was more appropriately dealt with under a Section 7C enquiry were that:  
  
the allegations were sufficiently serious to warrant such an enquiry; and  
there was a high probability that the provisions of Regulation 86A could not be put in place based on past actions taken by the employee when faced with performance management.
- (4) The Assistant Executive Director (Schools Division) is the line manager for the Manager (Schools).

#### WORKERS COMPENSATION, WAGE AUDITS

2236. Mr KOBELKE to the Minister for Labour Relations:

For each year since 1989-90, under the Workers Compensation Rehabilitation Act 1981, what has been -

- (a) the number of wage audits conducted each year by Compliance Officers of WorkCover WA;
- (b) the number of requests from insurers for WorkCover Compliance Officers to inspect employers wage records;
- (c) the number of employers who were found, as a result of wage audits, to have understated their wage payments and paid less than the full premium required; and
- (d) the number of employers who were found, as a result of wage audits, to have misstated the category of employment covering their workers and paid less than the required insurance premium?

Mrs EDWARDES replied:

- (a) Approved Insurers have the power under their contract of insurance to conduct wages audits to ascertain the accuracy of employer declarations and do this regularly. As a matter of policy, WorkCover WA conducts wage audits where insurers have difficulty accessing the books of an insured employer in accordance with an established protocol, or where appropriate, as part of the investigation of matters referred to them. Wages inspections may originate from a number of sources (ie, investigation of claims on the uninsured fund or requests for information) and no specific record is kept on their number.
- (b) The number of requests are as follows:

89/90	Not applicable
90/91	Not applicable
91/92	4*
92/93	12
93/94	10
94/95	3
95/96	7
96/97	6
97/98	9
98/99	1
99/2000	4 Year to date.

\* Records on the number of request from insurers for Compliance Officers to inspect wage records are only available from April 1992.

It should be noted, a request from an insurer may not necessarily result in a wages inspection by a Compliance Officer. As a result of a Compliance Officer's intervention, an employer may agree to provide their wages records to the insurer.

- (c)-(d) WorkCover do not keep statistics on the outcomes of wages audits as a separate data record. A complete review of all individual files actioned by the Compliance Section over the past 10 years would be required to obtain this information. A review of the files relating to the 14 requests from insurers since 1997/98 revealed the following outcomes:

Inspections still ongoing	2
Wages records provided to insurer by employer	6
No action as insurer failed to comply with protocol	4
Audit completed and results forwarded to insurer	2

Of the two occasions WorkCover WA forwarded results to an insurer, the following outcomes were identified:

1. No adjustment was made on the premium, as the figures obtained by WorkCover were commensurate with the estimated wages. WorkCover were requested to undertake the audit as no wages declaration was supplied by the employer.
2. The insurer has not yet determined whether there was an under statement of wages. Figures provided by WorkCover, following a wages audit, were referred by the insurer to their auditor and to date, no response has been received. WorkCover were requested to undertake this audit as no wages declarations were supplied by the employer over a period of 3 years.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, TRIBUNALS AND BOARDS WITH ADJUDICATIVE FUNCTIONS

2252. Mr RIPPER to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

- (1) Will the Premier identify each of the tribunals and boards with adjudicative functions under the Premier's portfolios?
- (2) For each tribunal and board –
  - (a) who are the current members;
  - (b) how much remuneration is each member paid;
  - (c) how many matters did it adjudicate on in 1999;
  - (d) how many matters has it adjudicated on in 2000;
  - (e) how long is the waiting list for matters to be adjudicated;
  - (f) does it have any non-adjudicative functions; and
  - (g) if yes to (f), please list these non-adjudicative functions?
- (3) For each tribunal and board, what was the total budget expenditure for the financial years–
  - (a) 1996/97;
  - (b) 1997/98;
  - (c) 1998/99; and
  - (d) estimate for 1999/00?
- (4) For each tribunal and board, what are the forward estimates for each of the next three financial years?
- (5) Do any of these tribunals and boards have the power to hear cases in regional and remote areas?
- (6) If the answer to (5) is yes –
  - (a) which boards and tribunals have this power; and
  - (b) for each of these boards and tribunals, which towns and areas are they able to visit?
- (7) If the answer to (5) is no, why not?

Mr COURT replied:

- (1)-(7) A full list detailing the membership of Government Boards and Committees was provided in response to question on notice 1927 on 13th June 2000. If the member has a question regarding the adjudicative functions of a particular committee it may be possible to provide a response in the detail that has been requested.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, TRIBUNALS AND BOARDS WITH ADJUDICATIVE FUNCTIONS

2256. Mr RIPPER to the Minister for Primary Industry; Fisheries:

- (1) Will the Minister identify each of the tribunals and boards with adjudicative functions under the Minister's portfolios?
- (2) For each tribunal and board –

- (a) who are the current members;
  - (b) how much remuneration is each member paid;
  - (c) how many matters did it adjudicate on in 1999;
  - (d) how many matters has it adjudicated on in 2000;
  - (e) how long is the waiting list for matters to be adjudicated;
  - (f) does it have any non-adjudicative functions; and
  - (g) if yes to (f), please list these non-adjudicative functions?
- (3) For each tribunal and board, what was the total budget expenditure for the financial years—
- (a) 1996/97;
  - (b) 1997/98;
  - (c) 1998/99; and
  - (d) estimate for 1999/00?
- (4) For each tribunal and board, what are the forward estimates for each of the next three financial years?
- (5) Do any of these tribunals and boards have the power to hear cases in regional and remote areas?
- (6) If the answer to (5) is yes —
- (a) which boards and tribunals have this power; and
  - (b) for each of these boards and tribunals, which towns and areas are they able to visit?
- (7) If the answer to (5) is no, why not?

Mr HOUSE replied:

- (1)-(7) A full list detailing the membership of Government Boards and Committees was provided in response to question on notice 1927 on 13th June 2000. If the member has a question regarding the adjudicative functions of a particular committee it may be possible to provide a response in the detail that has been requested.

#### HEALTH DEPARTMENT, CAPITAL EXPENDITURE ALLOCATION

2306. Ms McHALE to the Minister for Health:

- (1) What was the capital expenditure allocation to the Health Department of Western Australia for the years -
- (a) 1999-2000; and
  - (b) 1998-1999?
- (2) For 1998-1999 where was the money spent, and for 1999-2000 where has the money been spent up to 30 April 2000?
- (3) In relation to capital equipment for metropolitan hospitals, how many pieces of equipment have been acquired from 1 July 1999 to 30 April 2000 and at which hospitals?
- (4) How much has been spent on the equipment referred to in (3) by -
- (a) the Health Department of Western Australia;
  - (b) the Metropolitan Health Services Board or other sources; and/or
  - (c) other sources?

Mr DAY replied:

- (1) (a) \$75,125,000  
(b) \$95,900,000
- (2) 1998/99 Expenditure:  
Country \$50,565,590  
Metropolitan \$45,334,410
- 1999/00 Expenditure to 30 April 2000:  
Country \$24,480,533  
Metropolitan \$24,622,767

\$10.0M of cash flow has been taken out from 1999/00 as a contribution for the West Australian Centre for Oral Health and is now included in the capital budget 2000/01. The adjusted budget allocation for 1999/00 is effectively \$65,125,000. The capital allocation and expenditure figures for 1998/99 include \$20.0M for minor works and consumables. This amount has now been transferred to the Metropolitan Health Service as a recurrent budget item. Metropolitan capital expenditure of \$24,622,767 to 30 April 2000 includes Armadale Redevelopment (\$5.042M), Metropolitan Health Service Developments (\$5.8M), and the metropolitan component of Statewide allocations including Minor Works, Mental Health, Organ Imaging Equipment, Year 2000 Compliance etc. Accordingly, the following details of capital equipment acquisitions for metropolitan hospitals (sections 3 & 4) only represent a portion of total metropolitan capital expenditure. This information has been derived from the asset register of each hospital. In accordance with the FAAA, only equipment with a purchase value of \$1,000 or more and a useful life of two years or more is recorded as an asset.

## Armadale Health Service

(3) 62  
 (4) (a) \$164 334  
 (b) \$322 511  
 (c) \$40 259

## Bentley Health Service

(3) 61  
 (4) (a) Nil  
 (b) \$239 478  
 (c) \$18 669

## Fremantle Hospital and Health Service

(3) 240  
 (4) (a) \$33 100  
 (b) \$1 824 942  
 (c) \$70 832

## Graylands Selby-Lemnos and Special Care Health Services

(3) Nil.  
 (4) (a)-(c) Nil.

## Kalamunda Health Service

(3) 20  
 (4) (a) Nil.  
 (b) \$65 000  
 (c) Nil.

## KEMH/PMH

(3) KEMH 39 PMH 164  
 (4) Unable to differentiate between Health Department of Western Australia or Metropolitan Health Service funds  
 KEMH \$638 189 PMH \$1 319 234

## North Metropolitan Health Service

(3) 58  
 (4) (a) Nil.  
 (b) \$208 293  
 (c) Nil.

## Perth Dental Hospital and Community Dental Services

(3) 11  
 (4) (a) Not applicable.  
 (b) \$44 084  
 (c) Not applicable.

## Rockingham Kwinana Health Service

(3) 70  
 (4) (a) Nil.  
 (b) \$293 161  
 (c) Nil.

## Royal Perth Hospital

(3) 448  
 (4) (a) Nil.  
 (b) \$3 449 640  
 (c) Nil.

## Sir Charles Gairdner Hospital

(3) 514  
 (4) (a) Not applicable.  
 (b) \$2 513 299.52  
 (c) Not applicable.

## Swan Health Service

(3) 33  
 (4) (a) Nil.  
 (b) \$86 679.53  
 (c) Nil.

## HOSPITALS, EQUIPMENT REPLACEMENT COSTS

2309. Ms McHALE to the Minister for Health:

For each of the metropolitan hospitals, what is the estimated value of replacing equipment which is deemed to be in need of an upgrade?

Mr DAY replied:

The estimated value of the medical equipment which requires upgrading in 2000/01 is as follows:

Joondalup Hospital: \$0.4m. (The contract with Health Care of Australia (HCoA) requires HCoA to install and maintain equipment necessary to perform the required services under the contract and to expend a minimum of \$0.4m in any single year).

Peel Hospital: As the facility has not been open long, limited expenditure on medical equipment is anticipated in 2000/01. (The contract with Health Solutions requires it to establish a sinking fund and pay a minimum of 2% of the monthly contract payment for the replacement, maintenance and repair of equipment).

Armadale Hospital: As part of the commissioning of this new facility it is anticipated that \$0.4m. will be spent on medical equipment in 2000/01 with significant additional funds in the following year.

**Remaining Metropolitan Hospitals**

\$1.6m. for Bentley, Kalamunda, Osborne Park, Rockingham-Kwinana and Swan Districts Hospitals; and  
\$13.2m. for Fremantle, Royal Perth, Royal Perth Shenton Park Campus, Sir Charles Gairdner, Princess Margaret and King Edward Memorial Hospitals.

Individual hospital allocations are still under consideration for 2000/01 at this time. However the figures above represent the capital cost of equipment replacement. An amount of \$9.8m was included in the recurrent budget for 2000/01 for equipment replacement and it is anticipated that a significant proportion of this will be available in the Metropolitan area. Leasing provides substantial benefits and, when combined with funds available for minor works and organ imaging in the non teaching hospitals, should enable equipment valued at in excess of \$15m to be provided to Metropolitan hospitals.

**MINISTRY OF JUSTICE, RESTRUCTURING OF DIVISIONS**

2329. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

- (1) Is the Ministry of Justice undertaking a restructure in any of its Divisions, particularly in the -
  - (a) Offender Management; and/or
  - (b) Prison Services,
 Divisions?
- (2) Will all staff facing the prospect of having their positions made redundant be offered other positions of an equivalent rank and remuneration?
- (3) Will any staff be made redundant without being offered one or more positions of equal rank and remuneration?
- (4) If not, why not?
- (5) What is the estimated number of staff likely to be affected by the restructure?
- (6) How many employees are expected to be placed on the redeployment list as a result of the restructure?
- (7) As at 31 March 2000, did the Ministry have any employees listed or otherwise known as redeployees?
- (8) If so, how many?
- (9) How many of these redeployees -
  - (a) come from within the Ministry of Justice due to other restructures and/or changes; and
  - (b) come from outside the Ministry of Justice from other departments and agencies that have placed such employees in the Ministry of Justice?
- (10) How many people have become redeployees since 1 January 1996?
- (11) How many employees/former employees employed by the Ministry of Justice since 1 January 1996 have received redundancy pay?
- (12) What is the total amount of redundancy pay that has been paid out since 1 January 1996?
- (13) How many staff classified Level 6 or above have been paid out a redundancy since January 1, 1996?
- (14) Was each of the positions occupied by these staff declared redundant?
- (15) What is the name of each position and its duties that have been declared redundant since 1 January 1996?
- (16) Was it not possible to find alternative work for any of those staff Level 6 and above who have been made redundant?
- (17) Have any of those staff made redundant been subsequently employed by other State Government agencies or departments?
- (18) Were the positions held by people made redundant been also made redundant?
- (19) Were any of the positions held by people at the time they were made redundant subsequently retained, either for some period or until now?
- (20) Were any of the positions held by people at the time they were made redundant subsequently filled by someone else?

- (21) Is it true that there has been an occasion where the person holding a senior position (Level 6 and above) has been made redundant and paid redundancy pay, and subsequently that position been filled by another person?
- (22) On how many occasions has this occurred?
- (23) After a person holding a position was made redundant and provided with a redundancy payment, why was the position held by that person retained rather than abolished?

Mr BARRON-SULLIVAN replied:

- (1) Yes.
- (2) It is Ministry policy to transfer displaced staff into positions of equivalent rank and remuneration. The capacity to effect such transfers is dependent on the availability of suitable positions.
- (3) It is possible, if suitable positions of equal rank and remuneration are not available.
- (4) It is Ministry of Justice policy to place surplus employees into positions of equal rank and remuneration. However, on occasions some employees, based on their skill level and/or area of expertise cannot be offered alternative positions.
- (5) As restructuring plans have not been formalised, it is not possible to provide an accurate estimate of the number of employees which may be affected.
- (6) Unknown at this stage. However, the Ministry of Justice will place affected employees, where possible, within the Ministry of Justice.
- (7) Yes.
- (8) 5.
- (9) (a) 5.  
(b) Nil.
- (10) 50.
- (11) 101.
- (12) The amount paid on severance pay is \$4,485,586.16. This figure includes accrued and pro-rata annual and long service leave paid out. Generally, the redundancy component is about half of the total pay-out figure.
- (13) 26.
- (14) No.
- (15) See Tables 1 & 2 below.
- (16) No.
- (17) The Ministry is not able to provide this information.
- (18) No.
- (19)-(20) Yes.
- (21) Yes. There have been instances where employees were paid redundancy without their positions being abolished. This occurred where these employees met the criteria of “otherwise surplus to the requirements of his or her department or organisation” in accordance with Regulation 11 of the Public Sector Management (Redeployment & Redundancy) Regulations 1994.
- (22) Three occasions have been identified.
- (23) To meet organisational operating requirements and also to facilitate substituted voluntary severance for surplus registered employees. This is in accordance with Clauses 6 & 17 of the Public Sector Management (Redeployment & Redundancy) Regulations 1994.

TABLE 1

POSITIONS ABOLISHED LEVEL 6 AND ABOVE

1.	Manager, Asset Management	Level 6
2.	Prison Superintendent	Level 7
3.	Senior Conciliation Officer	Level 6
4.	Manager, Primary Industries	Level 6
5.	Assistant Superintendent	Level 6
6.	Manager MIAS	Level 7
7.	Assistant Superintendent	Level 6
8.	Superintendent-Administration	Level 7
9.	Director, Human Resources	Level 8
10.	Superintendent	Level 8

11.	Superintendent	Level 7
12.	Investigator	Level 7
13.	Investigator	Level 6
14.	Director Policy & Programmes	Level 9
15.	Manager, Juvenile Justice	Level 6
16.	Superintendent	Level 7
17.	Co-ordinator Staff Support	Level 6
18.	Project Officer	Level 6
19.	Senior Research Officer	Level 7/8
20.	Executive Officer LRC	Class 3
21.	Manager Training & Development	Level 7
22.	Investigation Officer	Level 7

TABLE 2

## DUTIES FOR EACH ABOLISHED POSITION

1. Manages the activities of the branch. Responsible for the organisation's owned and leased property portfolio. Responsible for all capital and minor works and maintenance programs.
2. Administers controls and co-ordinates the operations of the Branch. Plans, co-ordinates and reviews branch strategies, pursuant to Department policies and objectives. Optimises the use of facilities, finances and human resources.
3. Investigates and conciliates under the Equal Opportunity Act and other relevant Acts. Interviews the parties involved and arranges conferences pursuant to the Equal Opportunity Act and other relevant legislation.
4. Manages all activities relating to the service delivery of all primary industries throughout the Prison system.
5. Assists and advises the Superintendent on matters relating to the management of the Branch. Implements branch strategies pursuant to divisional policies and objectives.
6. Provides regular advice to the Accountable Officer and Audit Committee on opportunities to improve corporate performance. Facilitates continuous improvement strategies and financial quality assurance. Manages the Internal Audit function according to the standards for the Professional Practice of Modern Internal Auditing.
7. Assists and advises the Superintendent on matters relating to the management of the Branch. Implements branch strategies pursuant to divisional policies and objectives.
8. Provides advice and assistance to the Director of Prison Operations in relation to operational matters.
9. Develop and implement strategies to optimise the acquisition, development and maintenance of the Ministry's Human Resources. Manage the Human Resources Directorate.
10. Administers controls and co-ordinates the operations of the Branch. Plans, co-ordinates and reviews branch strategies, pursuant to Department policies and objectives. Optimises the use of facilities, finances and human resources.
11. Administers controls and co-ordinates the operations of the Branch. Plans, co-ordinates and reviews branch strategies, pursuant to Department policies and objectives. Optimises the use of facilities, finances and human resources.
12. Responsible for the more complex investigation of breaches and complaints against registered companies under the Companies (WA) Code.
13. Responsible for investigating breaches and complaints against registered companies under the Companies (WA) Code. No record available
14. Directs and controls the Policy, Programs and Projects Directorate. Provides specialist support services across the Division. Participates as a member of the Corporate Executive in the strategic management of the Division.
15. Manages the branch to ensure a high standard of Divisional performance in the area of Statutory Child Welfare responsibilities.
16. Administers controls and co-ordinates the operations of the Branch. Plans, co-ordinates and reviews branch strategies, pursuant to Department policies and objectives. Optimises the use of facilities, finances and human resources.
17. Responsible for employee welfare related issues through the provision of support, guidance and training. Undertakes all professional counselling services relating to the well being of Ministry staff.
18. Responsible for undertaking a range of projects for the Prison Services Division relating to prison issues.

19. Undertakes research for particular projects, prepares background papers, draft working papers and reports for submission to the Law Reform Commission.
20. Responsible for the management of the Law Reform Commission's Offices. Acts as an adviser to the Commission.
21. Manages the activities of the branch. Responsible for the service delivery of all training needs across the Ministry.
22. Responsible for the activities of the Investigation Branch.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, INTERNAL AUDIT PROGRAMS

2403. Mr RIEBELING to the Minister for Health:

For all government departments and agencies under the Minister's control, will the Minister provide the following information-

- (a) does the department or agency maintain an internal audit program, and if not, why not;
- (b) is this internal program undertaken by an outside contractor;
- (c) if yes-
  - (i) who is the outside contractor;
  - (ii) on what date were they contracted;
  - (iii) when does the contract expire;
  - (iv) were tenders called for the contract, and if not why not;
  - (v) what is the total value of the contract;
  - (vi) if the contractor charges an hourly rate, what is that rate; and
  - (vii) what was the value of the contract in 1998-99?

Mr DAY replied:

Healthway

(a)-(b) Yes.

- (c)
  - (i) Stanton Partners.
  - (ii) 1 July 1999.
  - (iii) 30 June 2002.
  - (iv) Yes.
  - (v)
 

1999/2000	2000/2001	2001/2002	Total
\$12,580	\$11,900	\$12,240	\$36,720
  - (vi) Not applicable.
  - (vii) \$10,400.

Office of Health Review

- (a) No. The Office of Health Review's financial accounts are handled by the Health Department of WA and applies the policies and principles that are in place at the Health Department.
- (b) No.
- (c) Not applicable.

Health Department of Western Australia

(a)-(b) Yes.

(c) Please see below.

	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
Avon Health Service	Stanton Partners	1.7.99	30.6.02	Yes	\$48 180	\$73.00	\$17 184
Bunbury Health Service	Arthur Andersen	1.7.96	30.6.99	Yes	\$55 500	\$79.00	\$18 802
Central Great Southern Health Service	Options	17.4.2000	30.6.200	Yes	\$8 500	N/A	\$14 938*
Central Wheatbelt Health Service	Stanton Partners	30.11.02	Yes	Yes	\$73.00	\$21 839	
East Pilbara Health Service	Stanton Partners	1.4.2000	31.3.03	Yes	\$67 830	\$80.75	\$25 440
Gascoyne Health Service	Stanton Partners	1.4.2000	31.3.03	Yes	\$23,340	\$74.10	\$25 200
Eastern Wheatbelt Health Service	Stanton Partners	1.12.99	30.11.02	Yes	\$63 000	\$73.00	\$32 221
Geraldton Health Service	Stanton Partners	1.11.99	31.10.02	Yes	\$36 480	\$76.00	\$13 070
Health Department of Western Australia	Stanton Partners	7.8.98	27.10.98	Yes	\$14 845	N/A	\$14 845
	Deloitte Touche	5.10.98	8.12.98	Yes	\$11 700	N/A	\$11 700
	Tohmatsu						
	Arthur Andersen	13.11.98	26.3.99	Yes	\$5 000	N/A	\$5 000
	Arthur Andersen	13.11.98	26.3.99	Yes	\$5 000	N/A	\$5 000
	Arthur Andersen	13.11.98	24.3.99	Yes	\$5 000	N/A	\$5 000
	PriceWaterhouse-Coopers	16.11.98	2.3.99	Yes	\$20 150	N/A	\$20 150
	Andros Consulting	24.11.98	8.2.99	Yes	\$12 800	N/A	\$12 800
	Ernst & Young	1.12.98	30.3.99	Yes	\$3 250	N/A	\$3 250
	Ernst & Young	1.12.98	30.3.99	Yes	\$3 250	N/A	\$3 250
	Ernst & Young	1.12.98	30.3.99	Yes	\$3 250	N/A	\$3 250
	Ernst & Young	1.12.98	30.3.99	Yes	\$3 250	N/A	\$3 250
	Stamfords	4.1.99	23.3.99	Yes	\$3 450	N/A	\$3 450
	Stamfords	4.1.99	23.3.99	Yes	\$3 450	N/A	\$3 450
	Stamfords	4.1.99	23.3.99	Yes	\$3 450	N/A	\$3 450
	Stamfords	4.1.99	31.3.99	Yes	\$3 450	N/A	\$3 450

	Ernst & Young	23.4.99	16.9.99	Yes	\$7 250	N/A	\$7 250
	Ernst & Young	26.4.99	29.6.99	Yes	\$7 250	N/A	\$7 250
	Stamfords	30.4.99	5.7.99	Yes	\$11 000	N/A	\$11 000
	Stamfords	7.5.99	11.10.99	Yes	\$7 200	N/A	\$7 200
	Ernst & Young	7.5.99	29.6.99	Yes	\$8 875	N/A	\$8 875
Kimberley Health Service	Stanton Partners	1.4.2000	31.3.03	Yes	\$119 130	\$83.60	\$45 600
Lower Great Southern Health Service	Arthur Andersen	1.7.96	30.6.99	Yes	\$50 581	\$75.00	\$30 631
Murchison Health Service	Stanton Partners	1.12.99	30.6.02	Yes	\$29 640	\$76.00	\$10 000
Mid West Health Service	Stanton Partners	1.11.99	30.10.02	Yes	\$45 600	\$76.00	\$18 137
Northern Goldfields Health Service	Arthur Andersen	30.6.96	30.6.99	Yes	\$134 000	N/A	\$45 081
PathCentre	Garry Hubbard	15.2.96	No fixed term	No**	N/A	\$45.00	\$4 050
Upper Great Southern Health Service	Stamfords	12.5.2000	30.6.02	Yes	\$39 174	\$65.29	\$22 000
Vasse Leeuwin Health Service	Arthur Andersen	1.7.98	30.6.99	Yes	\$14 220	N/A	\$14 220
Warren Blackwood Health Service	Arthur Andersen	1.7.96	30.6.99	Yes	\$36 000	\$71.00	\$12 000
Wellington Health Service	Arthur Andersen	1.7.96	30.6.99	Yes	\$36 996	N/A	\$12 332
Western Health Service	Stanton Partners	1.12.99	30.6.02	Yes	\$26 280	\$73.00	\$13 097
West Pilbara Health Service	Stanton Partners	1.4.2000	31.3.03	Yes	\$65 407	\$80.75	\$26 016
Metropolitan Health Service	Pannell Kerr & Foster	4.11.96	30.6.2000	Yes	\$644 625	N/A	\$167 625
	Ernst & Young	18.1.96	31.12.99	Yes	\$424 600	\$65.00	\$87 200
	Ernst & Young	3.7.96	31.12.99	Yes	\$343 574	\$62.00	\$88 102
	Arthur Andersen	1.7.96	30.6.99	N/A	N/A	N/A	\$6 794*

\* Contractor was Arthur Andersen in 1998-99.

\*\* Less than required value for tendering

#### GOVERNMENT DEPARTMENTS AND AGENCIES, LEGAL ADVICE FROM SKEA, NELSON AND HAGER

2416. Ms McHALE to the Minister for Health:

- (1) Has any Department or agency under the Minister's portfolios contracted the legal firm Skea, Nelson and Hager to provide advice?
- (2) If so, what was the project and what was the price paid to the legal firm?
- (3) Was the project subject to the public tender process?
- (4) If not, why not?

Mr DAY replied:

- (1)-(4) Whenever the legal firm, Skea, Nelson and Hager has provided legal advice to Government the details are provided in the appropriate Consultants Report. These quarterly reports are regularly tabled in Parliament.

#### TEACHERS, DESIGN AND TECHNOLOGY

2440. Mr CARPENTER to the Minister for Education:

- (1) What percentage of Design and Technology teachers are aged in their late 40's or above?
- (2) How many Design and Technology teaching students graduated in 1999?
- (3) Is there an expected shortfall of Design and Technology teachers predicted in the next 12 years?
- (4) If yes, how will this problem be dealt with?

Mr BARNETT replied:

- (1) 45 per cent of Design and Technology will be turning 45 years of age or over in the year 2000.
- (2) A total of 23 Design and Technology students graduated in 1999. This figure was made up of 12 local students and 11 full fee-paying overseas students from Botswana. (The course is also conducted offshore in Mauritius where 27 students graduated in 1999). Twelve graduates with Design and Technology as their major area of study applied to work for the Education Department in 2000.
- (3) A limited supply of Design and Technology teachers has been experienced in recent years and is expected to continue. While the demand in the metropolitan area has been satisfied, it has been difficult to locate teachers for some country areas. While the majority of country positions have been filled, a small number of country schools have had to request an alternative subject area teacher.
- (4) The limited supply of Design and Technology teachers will be addressed in the following ways:

##### Graduate Diploma of Education Scholarships

Twenty Graduate Diploma Teacher Education Scholarships have been offered in 2000 in learning areas of need. Four of these scholarships were offered in the area of Design and Technology. The scholarships cover the costs of the Higher Education Contribution Scheme (HECS). Graduates must be available for appointment to statewide teaching positions at the conclusion of their studies, for at least a 12-month period.

Provision of these scholarships in 2001 and beyond in identified areas of need is currently being investigated.

##### Retraining Programs

The Education Department of Western Australia is currently discussing with tertiary providers, the development of a course for teachers to retrain into the Technology and Enterprise learning area, including Design and Technology. This course is expected to be available in 2001.

#### Technology and Enterprise Internship Program

The Internship Program, trialed in 2nd Semester 1999, is a strategy designed to attract highly competent Technology and Enterprise graduates into the Education Department and ensure a successful transition into the teaching profession.

This initiative has proved highly successful and will be offered again in 2000.

#### Pre-Service Teacher Course

The Education Department of Western Australia in liaison with tertiary institutions is developing a new pre-service teacher course specialising in Technology reflecting national curriculum reform in the Design and Technology and Science learning areas. It is proposed that this course will accommodate specialists from other fields (computing, engineering, and architecture) who are interested in pursuing a teaching career.

#### Orientation Program for Overseas Trained Teachers

The Education Department of Western Australia in partnership with the Overseas Qualifications Unit of the Department of Training and Murdoch University is trialing an Orientation Program for Overseas Trained Teachers in 2000. This course provides an introduction to the Western Australian school system. Five participants have qualifications in Design and Technology.

#### Technology and Enterprise Overseas Labour Agreement Teachers for 2000

The Education Department of Western Australia pro-actively recruits and sponsors Design and Technology teachers for difficult to staff locations.

### MEN, COUNSELLING SERVICES

2446. Ms ANWYL to the Minister for Family and Children's Services:

- (1) What services are offered to adult men by way of counselling or any other service?
- (2) Do you intend to provide specific services for men and if so of what nature and when?
- (3) What planning is going into providing services for men in regional and remote areas?

Mrs van de KLASHORST replied:

- (1) Adult men can access counselling services (including financial counselling), parenting services (including home visiting), family support services, family abuse and intervention services. In addition to these services that are available to all family members, the department provides the Men's Domestic Violence Help Line and funds Wesley Mission, the Salvation Army, St Patrick's Care Centre, St Bartholomew's House and ACRAH to provide supported accommodation services for single men and Lifeline to provide the Lone Father's Family Support service.
- (2) Most services of Family and Children's Services are not gender specific. Men's Domestic Violence Counselling Services as part of the Freedom from Fear campaign have been operating for more than 18 months in the north and south metropolitan areas.
- (3) Hon Murray Nixon MLC chaired the Committee Reviewing Family and Parent Support Services for Men. The recent review found that whilst there is a range of services available, many men are reluctant to seek help – even when they are experiencing major difficulty in their personal and family life. In response to this a number of strategies have been planned to encourage men to access support services more often, or earlier, than they do. This will include regional and remote areas. The proposed initiatives include one off grants to assist services funded by Family and Children's Services to improve services to men who seek assistance with family and parenting issues. The role of men in families is a priority for the Government and in the next three years the Family and Children's Services will identify and further develop ways of working with men as parents – including men in rural and remote areas. Developments will build on and strengthen existing services rather than lead to the opening of new specific male only services.

### GOVERNMENT DEPARTMENTS AND AGENCIES, INTERNAL LIBRARY SERVICE

2460. Mr RIEBELING to the Minister for Health:

In relation to those agencies within the Minister's responsibility which have an internal library service -

- (a) what is the name of the agency;
- (b) how many staff are employed at the library of the agency;
- (c) what is the budget allocation for the library -
  - (i) in the current financial year; and
  - (ii) in the 2000/2001 State Budget?
- (d) will each of the agency libraries remain fully operational during the coming financial year; and
- (e) if no to (d) above, in which agency will there be a change, what is the nature of the change, and why is the change occurring?

Mr DAY replied:

Healthway :

- (a) Healthway does not have an internal library service.  
(b)-(e) Not applicable.

Office of Health Review :

- (a) The Office of Health Review does not have an internal library service.  
(b)-(e) Not applicable.

Health Department of Western Australia :

(a)	(b)	(c)(i)	(c)(ii)	(d)	(e)
HDWA	7	\$481 000	To be determined	Yes	Not applicable
MHS	25	\$2 064 799	To be determined	Yes	Not applicable
Avon Health Service*	Nil	Nil	Nil	Yes	Not applicable
PathCentre	1	\$65 000	\$70 000	Yes	Not applicable
Lower Great Southern Health Service	1	\$24 000	To be determined	Yes	Not applicable
Kimberley Health Service**	Nil*	\$52 100	To be determined	Yes	Not applicable

Note: \* Managed by Staff Development Coordinator.  
\*\* The internal library service is a resource for staff rather than a library service.

#### ATTORNEY GENERAL, COST OF OVERSEAS TRAVEL

2490. Mr BROWN to the Premier:

- (1) Is the report of interstate and overseas travel undertaken by Ministers, members of Parliament and officers on official business for the 3 months ended 30 September 1997 correct?
- (2) Did the Attorney General and Ms K Smith travel to Canada, the USA and the UK between 27 July and 16 August 1997?
- (3) In terms of the total costs of the trip, how much was due to accommodation expenses?
- (4) Were overnight accommodation expenses claimed for each night between 27 July and 16 August 1997?
- (5) If not, for what nights were overnight expenses claimed and/or paid?

Mr COURT replied:

The reports are compiled from travel detailed in returns submitted by agencies and Ministers as stated on the cover of the Report for the 3 months ending 30 September 1997. The Attorney General has advised that:

- (1) It was composed from available documents at the time and is believed to be correct. If there is any item that you believe is not correct, please raise it specifically.
- (2) Yes
- (3) \$9 248.59
- (4)-(5) Neither claimed the per diem expenses to which they were entitled to for any part of the travel, only actual expenditure is included.

#### PEMBERTON HOSPITAL, EXPENDITURE

2519. Ms McHALE to the Minister for Health:

I refer to the Pemberton Hospital and ask-

- (a) who is on the Hospital Board;
- (b) how many beds does the Hospital have;
- (c) what is the average occupancy of the Hospital;
- (d) on what needs analysis has the Government determined to spend \$4.3 million on the Pemberton multi purpose service;
- (e) how many patients have been admitted to Pemberton during the period 1 January 2000 to 31 May 2000; and
- (f) how many days in total were these patients in-patients?

Mr DAY replied:

- (a) It should be noted that the Pemberton Hospital no longer has a Board. The Board was replaced on 1 July 1999 with a Health Service Council which represents the health care interests of the Pemberton and Northcliffe communities. The Health Service Council reports to the District Board of Management which was inaugurated 1 July 1999. There are currently eight persons on the Pemberton / Northcliffe Health Service Council. Those members are -

Anne Sepkus (Chairperson)  
 Mick Bendotti (Deputy)  
 Sandy Jones  
 Tom Fahey  
 Allan Bashford  
 Paul Owens  
 Ron Wilson  
 Sharon Roche

- (b) 14 beds.
- (c) Average occupancy for the current financial year is 3.4 patients per day.
- (d) January 1994: *The Warren Blackwood Health Planning Study* undertaken by Consultants Silver Thomas Hanley indicated that the Pemberton Hospital Board should consider the implementation of an Multi Purpose Service (MPS). It also recommended that "Given the condition of the present hospital a replacement facility should be provided ....." (page 82). The Hospital was built in 1928.  
 June 1995: A community needs assessment was undertaken for Pemberton and Northcliffe "*Study of local Health Service Provision and Need in the Community of Pemberton / Northcliffe*" prepared by Dr Victoria McKay.  
 December 1995: Warren Blackwood Health Service prepared, on behalf of the Board, a Business Case for the development of a combined Pemberton / Northcliffe Multipurpose Service Facility. This was submitted to the Minister for Health at the time, the Hon Graham Kierath.  
 March 1997: A community Planning Workshop was run by Consultants Cox Howlett & Bailey in conjunction with Consultants Health Care Consulting Services. There was discussion of the Health Needs Analysis prepared by Dr Victoria McKay and the proposed replacement facility.  
 February 1999: Consultants Silver Thomas Hanley prepared, after further community consultation, the MPS Service Delivery Plan specifying services to be delivered under the new MPS.
- (e) 92 patients.
- (f) A total of 311 bed days.

#### COLLIER PRIMARY SCHOOL, PREPRIMARY FACILITIES

2524. Mr PENDAL to the Minister for Education:

- (1) Is it correct that the 1999 local area planning committee recommended that additional pre-primary facilities should be provided for Collier Primary School?
- (2) If so, what is the status of that recommendation?
- (3) Does the Minister recognise that with only one pre-primary facility currently available for Collier, and with children having been turned away from that facility this year, that further facilities for four and five year olds are needed for the school?
- (4) Will the Minister undertake to have the Department urgently investigate, and take action, on this situation?

Mr BARNETT replied:

- (1) The 1999 draft Local Area Education Plan which included Collier Park Primary School has no recommendations for additional pre-primary facilities for the school.
- (2) Not applicable.
- (3) Kindergarten and pre-primary places are not guaranteed at a child's local school. However, it is anticipated that there will be sufficient places for four and five years olds in schools in the local area until at least 2002.
- (4) Forward planning for additional kindergarten/pre-primary places across the Cannington Education District is currently being undertaken.

#### R & I BANK BUILDING SITE, STATUE

2525. Mr PENDAL to the Premier:

I refer to the Government's removal of the old R & I Bank building in Barrack Street as part of the then Opposition's commitments in 1992 and ask –

- (a) what has been the fate of the statue placed in the forecourt of the bank and unveiled by Prince Charles;
- (b) is it intended to relocate the statue on the site after the area has been restored; and
- (c) will the Government consider the planting of a native tree on the spot, which was always intended to mark the place where Perth was founded, and the spot on which Mrs Dance felled her tree?

Mr COURT replied:

- (a) The statue has been fully restored and is in storage.
- (b) Yes.
- (c) The Government will give full consideration to the planting of a native tree on the spot where Mrs Dance felled "her tree".

SELBY LODGE, SHENTON PARK, CLOSURE

2530. Dr CONSTABLE to the Minister for Health:

- (1) What plans does the Government have for the closure of Selby Lodge in Shenton Park?
- (2) Where will the psychiatric in-patient services offered to the elderly at the 48 bed facility be relocated?

Mr DAY replied:

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

LEMNOS HOSPITAL, SELBY CENTRE SITE, PROCEEDS FROM SALE

2531. Dr CONSTABLE to the Minister for Health:

- (1) How did the Health Department utilise the \$16 million it gained from the sale of Lemnos Hospital/Selby Centre site to the Education Department?
- (2) What is the breakdown of the expenditure?

Mr DAY replied:

- (1) The sale price was \$13.9m and the proceeds will be re-appropriated to the Health Department of Western Australia as part of the 2000/01 Capital Works Program.
- (2) The funds will be appropriated to the Health Department of Western Australia as part of the total 2000/01 Capital Works Program as outlined in the Budget papers.

SWANBOURNE HOSPITAL SITE, PROCEEDS FROM SALE

2532. Dr CONSTABLE to the Minister for Health:

- (1) How did the Health Department utilise the revenue it gained from the sale of the Swanbourne Hospital site?
- (2) What is the breakdown of that expenditure?

Mr DAY replied:

- (1) The Health Department has not received any revenue from the sale of the Swanbourne Hospital site.
- (2) Not applicable.

HEALTH BUDGET

2542. Ms McHALE to the Minister for Health:

- (1) With reference to question on notice No. 2050 of 2000, has the \$185,000 now been contracted?
- (2) If so, which organisations received the funding?
- (3) Is the \$185,000 for two northern suburbs tenders?
- (4) If so, what is the reason they are likely to receive almost twice the rate of the current projects (\$56,300)?

Mr DAY replied:

- (1) No. Two providers have been recommended and have been informed that they are the recommended respondents but further negotiations will commence shortly regarding outstanding issues. If these negotiations are successful Health will move to enter into a contract with the successful organisations.
- (2) Women's Health Care House – Northbridge are the recommended provider for the Northern Metropolitan Health Service region value \$91,830. Midlands Women's Health Care Place is the recommended provider for the Eastern Metropolitan Health Service Region to a value of \$92,500.
- (3) The \$185,000 is not for 2 Northern Suburbs tenders. One service will be purchased in the Northern Region and one in the Eastern Region.
- (4) The purchase price in each region is as follows:

South Metropolitan Region - \$112,600  
 North Metropolitan Region - \$ 91,830  
 East Metropolitan Region - \$148,800

The East Metropolitan region has a higher level of funding as greater service activity is expected in this region. The activity and waiting lists in each region will continue to be monitored over the next year.

#### MINISTERS OF THE CROWN, OFFICE RELOCATIONS

2543. Mr RIEBELING to the Premier:

- (1) Have any Minister's moved offices since 1 January 1999?
- (2) If yes, in each instance will the Premier provide -
  - (a) the new address;
  - (b) the reason for moving; and
  - (c) the cost of moving?

Mr COURT replied:

- (1) Yes. The Minister for the Environment; Labour Relations
- (2)
  - (a) 29th Floor, Allendale Square, 77 St George's Terrace, Perth.
  - (b) Expiry of lease.
  - (c) Relocation costs borne by the building owner as part of lease negotiations.

#### MINISTERS OF THE CROWN, OFFICE REFURBISHMENT

2544. Mr RIEBELING to the Premier:

- (1) Have any Ministerial offices been refurbished since 1 January 1999?
- (2) If yes, in each instance will the Premier provide -
  - (a) the name of the Minister's office involved;
  - (b) the address of the office;
  - (c) who the contract was awarded to;
  - (d) which other companies tendered for the contract;
  - (e) the initial tender cost of the contract;
  - (f) the actual final cost of the contract; and
  - (g) the date the contract was awarded and completed?

Mr COURT replied:

- (1) Yes.
- (2)
  - (a) Minister for Health
  - (b) 13TH Floor Dumas House, 2 Havelock Street, West Perth
  - (c) Dawn Express Partitioning Pty Ltd
  - (d) Oaklane Projects  
Optim Projects Pty Ltd  
QVS Contracting Pty Ltd
  - (e) \$124,766.00
  - (f) \$130,450.00
  - (g) Awarded 18 March 1999, Completed 6 May 1999

#### HEALTH DEPARTMENT, APPROVAL OF AEROBIC TREATMENT UNITS

2662. Dr CONSTABLE to the Minister for Health:

- (1) Does the Health Department of WA public health division approve aspects of aerobic treatment units prior to the registration of new designs?
- (2) How many applications were made in the years from and including 1998 to 2000?
- (3) Who were the applicants?

Mr DAY replied:

- (1) Yes. The Design of all Aerobic Treatment Units is assessed against the Health Department of Western Australia's *Specification for Aerobic Treatment Units (ATUs) Serving Single Households, August 1992* and then subjected to a trial following which approval is granted provided the trial conditions are met.
- (2) 5.
- (3) Applicants were as follows:
  - Ecomax Waste Management Systems, acting as sole Western Australian agent for Super Treat Sewage Treatment Systems
  - Melwin Holdings Pty Ltd on behalf of Biocycle Holdings Pty Ltd
  - Western Wastewater Treatments Pty Ltd

- Biomax Pty Ltd
- Taylex Queensland Pty Ltd

METROPOLITAN HEALTH SERVICE, REVIEW OF CORPORATE REFORM PROGRAM

2676. Mr PENDAL to the Minister for Health

I refer to the report being compiled by Arthur Anderson and Company to review the Corporate Reform Program of the Metropolitan Health Service and the problems associated with implementing this Program and ask –

- (a) has the Minister received the report;
- (b) if yes, will the Minister table the report; and
- (c) if not, why not?

Mr DAY replied:

- (a)-(b) No.
- (c) Due to the nature and complexity of the proposed changes and the necessity for a phased approach, it would be of limited value to give consideration to tabling consultant's reports until all data and analysis has been completed by the Metropolitan Health Service and comprehensive advice has been received.

EMERGENCY DETOXIFICATION CENTRES, ESTABLISHMENT

2705. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the Minister aware that there are no emergency detoxification centres in Western Australia?
- (2) Is the Minister also aware that it is difficult to get drug addicts to the point where they agree to enter a detoxification program and once they reach that point it is important for them to commence the program without delay?
- (3) Does the Government have any plans to establish one or more emergency detoxification centre/s?
- (4) If so, when?
- (5) If not, why not?
- (6) Is the Minister also aware that parents of addicts who have made every attempt to have their son/daughter booked into a detoxification centre have found no places available and been faced with the only option of booking their son or daughter into a private clinic at the upfront cost of \$3,500?
- (7) What specific programs will the Government implement to ensure addicts who reach the point of wanting to detoxify are given quick or immediate access into detoxification centres?

Mr PRINCE replied:

This matter does not fall within the Attorney General's portfolios, please see the response provided to questions on notice 2706 and 2707.

EMERGENCY DETOXIFICATION CENTRES, ESTABLISHMENT

2706. Mr BROWN to the Minister Health:

- (1) Is the Minister aware that there are no emergency detoxification centres in Western Australia?
- (2) Is the Minister also aware that it is difficult to get drug addicts to the point where they agree to enter a detoxification program and once they reach that point it is important for them to commence the program without delay?
- (3) Does the Government have any plans to establish one or more emergency detoxification centre/s?
- (4) If so, when?
- (5) If not, why not?
- (6) Is the Minister also aware that parents of addicts who have made every attempt to have their son/daughter booked into a detoxification centre have found no places available and been faced with the only option of booking their son or daughter into a private clinic at the upfront cost of \$3,500?
- (7) What specific programs will the Government implement to ensure addicts who reach the point of wanting to detoxify are given quick or immediate access into detoxification centres?

Mr DAY replied:

- (1) No. Emergency detoxification is provided in Next Step Specialist Drug and Alcohol Service's Central Treatment Facility and in hospitals around the State.

- (2) Opiate and other drug addictions are chronic, recurring illnesses. Many drug addicts make decisions to stop or modify their drug use each day of the year. This decision is a personal one and I am aware of the importance in accessing suitable detoxification treatment promptly after a decision is made, should this be required.
- (3) There are no plans to establish further emergency detoxification facilities.
- (4) Not applicable.
- (5) There is no need for additional 'detoxification centres'. Detoxification can be performed on either an inpatient or outpatient basis, and as such is conducted by Hospitals and General Practitioners around the State in addition to Next Step: Specialist Drug and Alcohol Services. Patients requiring immediate medical supervision for acute withdrawal will be admitted immediately into any hospital in this State including Next Step's Central Treatment Facility.
- (6) Youth requiring emergency detoxification for acute medical withdrawal will also be admitted to any hospital in this state, immediately. Many patients however do not require inpatient treatment, and have various options open to them for outpatient based drug withdrawal treatment. Next Step: Specialist Drug and Alcohol Services provide outpatient detoxification as an aspect of naltrexone and methadone maintenance programs, as do many General Practitioners around the state including Dr George O'Neil. Dr O'Neil has an additional fee by donation on top of normal Medicare payments, such that patients may pay up to \$3500 to undertake this procedure through his surgery. However a free public service is also offered through Next Step for patients and their families otherwise unable to afford such private treatment.
- (7) A comprehensive range of drug services are currently in operation around WA. These include the Drug Service Teams providing counselling services to regional areas, a range of non-Government agencies several of which provide residential services, and comprehensive health services provided through the Health Department of WA. With regards this latter, the HDWA Drug Strategy 1999-2003: InterAction has initiated a range of health services through general and specialist health service providers. General Practitioners and regional hospitals have been trained and assisted in the development of drug services, and Next Step has been reconfigured as a specialist health service to lead and develop such services into the new millenia. The range of services provided under the Together Against Drugs Strategy, in concert with the HDWA Drug Strategy, is unsurpassed.

#### CRIME, FEDERAL GOVERNMENT'S INVOLVEMENT IN CRIME FIGHTING

2709. Mr BROWN to the Minister representing the Attorney General:

- (1) Did the Attorney General attend a City of Swan Breakfast Session on Wednesday, 17 May 2000?
- (2) At the Breakfast Session did the Attorney General make the observation that most of the underlying reasons for crime are related to social issues and as such the Federal Government should be brought into the crime fighting efforts?
- (3) To what extent has the State Government attempted to involve the Federal Government in this way?

Mr PRINCE replied:

- (1)-(2) Yes.
- (3) This matter has been raised in correspondence with the following Commonwealth Ministers:  
the Commonwealth Attorney General, the Hon Darryl Williams;  
the Minister for Justice and Customs, the Hon Senator Amanda Vanstone;  
the Minister for Aboriginal and Torres Strait Islanders Affairs, the Hon Senator John Herron;  
the Minister for Family and Community Services, the Hon Senator Jocelyn Newman;  
the Minister for Employment, Workplace Relations and Small Business, Leader of the House of Representatives, the Hon Peter Reith; and  
the Minister for Health and Aged Care, the Hon Dr Michael Wooldridge.

As a result the State Government has engaged the interest and support of the Federal Government in its Aboriginal Cyclic Offending Program, aimed at risk factors such as:

Poor parenting style  
Child behaviour problems  
Poor school attachment and failure  
Anti-social modelling and delinquent behaviour  
Social exclusion;

And protective factors such as:

Secure attachment with one or more caregivers  
The establishment of normal language development and early literacy achievement  
The acquisition of appropriate pro-social skills – before and during primary school  
Opportunities for identification and social bonding within the school setting.

#### BELLEVUE AND KOONGAMIA PRIMARY SCHOOLS, DECISION ON SUBMISSION

2719. Mrs ROBERTS to the Minister for Education:

- (1) I refer to the Local Area Education Planning (LAEP) Committee which includes Bellevue and Koongamia Primary Schools and ask, given that they forwarded a submission in June 1999 and given that they were advised that a decision on the submission would be made within two months, why have they not been advised of any decision?

- (2) When will the Minister advise of a decision?
- (3) What has caused the delay?
- (4) Will a "4 Year Old Program" be provided at Bellevue Primary School in the 2001 school year?
- (5) If not, why not?
- (6) Is an additional classroom required at Bellevue Primary School?
- (7) Can the Minister assure parents of children at Bellevue Primary School that their children will not be disadvantaged by delays on his part or the part of his department?

Mr BARNETT replied:

- (1) The Local Area Education Draft Plan and Consultation Report have been considered by the Education Department, but, with all options requiring significant capital expenditure and the Department's capital works program fully committed until 2002, no major capital works at Bellevue and Koongamia could be considered before the 2001/2002 financial year. The Department will consider the information provided by the Committee in preparing the budget priorities for the 2001/2002 financial year. This was conveyed to the Local Area Education Planning Committee in 1999 by the Education Department, and I also advised the Parents and Citizens' Association, through a letter to the President, of this outcome of the LAEP process in November 1999.
- (2)-(3) Not applicable.
- (4)-(5) Until the kindergarten and pre-primary numbers have been finalised, the Department is not in a position to advise whether or not there will be a kindergarten program provided at Bellevue for 2001.
- (6) No, as there is sufficient classroom accommodation available for the current enrolment.
- (7) Yes. All decisions about Bellevue Primary School will be made in the best educational interests of the students.

#### SCHOOLS, MAINTENANCE EXPENDITURE

2721. Mr PENDAL to the Minister for Education:

What was the total maintenance expenditure for each of the following schools during the past five financial years -

- (a) Como senior high school;
- (b) Manning primary school;
- (c) South Perth primary school;
- (d) Como primary school;
- (e) Collier primary school;
- (f) Kensington primary school; and
- (g) Koonawarra primary school?

Mr BARNETT replied:

- (a) Como Senior High School  
1995/96 \$138 733  
1996/97 \$107 954  
1997/98 \$78 955  
1998/99 \$120 691  
1999/00 \$94 491
- (b) Manning Primary School  
1995/96 \$36 597  
1996/97 \$58 808  
1997/98 \$40 158  
1998/99 \$51 178  
1999/00 \$68 939
- (c) South Perth Primary School  
1995/96 \$50 263  
1996/97 \$46 120  
1997/98 \$63 646  
1998/99 \$68 106  
1999/00 \$62 757
- (d) Como Primary School  
1995/96 \$25 152  
1996/97 \$53 660  
1997/98 \$34 069  
1998/99 \$56 833  
1999/00 \$89 769
- (e) Collier Primary School  
1995/96 \$26 704  
1996/97 \$51 118  
1997/98 \$47 173

1998/99 \$57 274  
1999/00 \$40 749

- (f) Kensington Primary School  
1995/96 \$36 817  
1996/97 \$44 614  
1997/98 \$35 556  
1998/99 \$40 156  
1999/00 \$34 219

- (g) Koonawarra Primary School  
1995/96 \$42 382  
1996/97 \$60 495  
1997/98 \$37 996  
1998/99 \$58 304  
1999/00 \$66 467

#### SCHOOLS, CAPITAL EXPENDITURE

2722. Mr PENDAL to the Minister for Education:

What was the total capital expenditure for each of the following schools during the past nine years -

- (a) Como senior high school;  
(b) Manning primary school;  
(c) South Perth primary school;  
(d) Como primary school;  
(e) Collier primary school;  
(f) Kensington primary school; and  
(g) Koonawarra primary school?

Mr BARNETT replied:

The following amounts were expended on capital works at these schools for nine financial years:

- (a) Como Senior High School  
1992/93 Nil  
1993/94 Nil  
1994/95 Nil  
1995/96 Nil  
1996/97 Nil  
1997/98 \$2 071 000  
1998/99 Nil  
1999/00 Nil  
2000/01 Nil
- (b) Manning Primary School  
1992/93 Nil  
1993/94 \$37 900  
1994/95 Nil  
1995/96 \$922 000  
1996/97 \$227 000  
1997/98 \$126 000  
1998/99 \$63 000  
1999/00 Nil  
2000/01 Nil
- (c) South Perth Primary School  
1992/93 Nil  
1993/94 Nil  
1994/95 Nil  
1995/96 Nil  
1996/97 \$139 000  
1997/98 Nil  
1998/99 \$2 500  
1999/00 \$127 000  
2000/01 \$290 000\*

Note: \*The costing for 2000/01 capital works projects is based on Estimated Tender Cost (ETC) as the project is currently under construction.

- (d) Como Primary School  
1992/93 Nil  
1993/94 Nil  
1994/95 Nil  
1995/96 \$43 250  
1996/97 Nil  
1997/98 Nil  
1998/99 Nil  
1999/00 \$124 000  
2000/01 Nil

- (e) Collier Primary School  
 1992/93 Nil  
 1993/94 Nil  
 1994/95 Nil  
 1995/96 \$436 350  
 1996/97 Nil  
 1997/98 \$163 000  
 1998/99 Nil  
 1999/00 Nil  
 2000/01 Nil
- (f) Kensington Primary School  
 1992/93 \$297 792  
 1993/94 Nil  
 1994/95 Nil  
 1995/96 Nil  
 1996/97 \$318 000  
 1997/98 Nil  
 1998/99 \$2 500  
 1999/00 Nil  
 2000/01 Nil
- (g) Koonawarra Primary School  
 1992/93 Nil  
 1993/94 Nil  
 1994/95 Nil  
 1995/96 Nil  
 1996/97 \$237 000  
 1997/98 Nil  
 1998/99 Nil  
 1999/00 Nil  
 2000/01 Nil

LOTS 2, 12 AND 15 BIRD ROAD, MUNDIJONG, ASBESTOS DISPOSAL SITE

2725. Dr EDWARDS to the Minister for Health:

- (1) Is Lot 15 Bird Road Mundijong a designated asbestos disposal site?
- (2) If yes to (1), when did it become a designated disposal site for asbestos?
- (3) Is Lot 2 Bird Road Mundijong a designated disposal site for asbestos?
- (4) If yes to (3), when did it become a designated disposal site for asbestos?
- (5) Is Lot 12 Bird Road Mundijong a designated disposal site for asbestos?
- (6) If yes to (5), when did it become a designated disposal site for asbestos?
- (7) Has the DEP informed the Health Department Western Australia that they have been advising the manager of MacLeans Recycling Industries to dispose of asbestos on site at Lot 12 Bird Road, Mundijong?
- (8) If yes to (7), when was this advice received?
- (9) How many designated sites for the disposal of asbestos are currently registered in Western Australia?

Mr DAY replied:

- (1) No.
- (2) Not applicable.
- (3) No.
- (4) Not applicable.
- (5) No.
- (6) Not applicable.
- (7) No.
- (8) Not applicable.
- (9) There are over 300 landfill sites in Western Australia licensed by the Department of Environmental Protection. Not all landfill sites are licensed to accept asbestos. Local governments under the Health (Asbestos) Regulations 1992 administer landfills where asbestos materials are to be deposited. The total number of sites in Western Australia where asbestos disposal is permitted is not readily available, however there are 37 sites within the metropolitan area designated for asbestos disposal under the Health (Asbestos) Regulations 1992.

## METROPOLITAN HEALTH SERVICE BOARD, CHIEF EXECUTIVES SECONDED

2729. Ms McHALE to the Minister for Health:

- (1) Which substantive metropolitan hospital chief executives are currently seconded to the MHSB?
- (2) What are the salaries of each person mentioned in (1)?
- (3) When were they seconded to the MHSB?
- (4) Have their substantive positions been filled?
- (5) If so, on what basis?
- (6) Is the budget of the Office of the MHSB paying for the salaries?
- (7) If not, out of which budget are these salaries being paid?

Mr DAY replied:

- (1) Dr Gareth Goodier, Chief Executive RPH and Mr John Burns Chief Executive Fremantle Hospital and Health Service.
- (2) Dr Goodier is remaining on his RPH salary of \$152,250 per year. Mr Burns is acting on higher duties on a salary of \$140,000 per year.
- (3) They were seconded to the MHSB in January 2000.
- (4)-(5) Acting Chief Executives are in place in RPH and Fremantle Hospital and Health Service.
- (6) Yes.
- (7) Not applicable.

## EDUCATION DEPARTMENT, PAYMENT OF ST JOHN AMBULANCE ACCOUNTS

2759. Mr CARPENTER to the Minister for Education:

What is the Education Department policy regarding the payment of St John Ambulance accounts when an ambulance is called for a student on school grounds?

Mr BARNETT replied:

While there is no formal policy, it is understood that the account would be directed to the parents in the first instance. If the parents are unable to meet the cost the Department would accept the liability.

## BELMONT CITY COLLEGE, BUILDING AND LANDSCAPING

2760. Mr CARPENTER to the Minister for Education:

- (1) When will building works and landscaping at Belmont City College be completed?
- (2) Is this work running on schedule?
- (3) How many staff members have left the Belmont City College since it opened?

Mr BARNETT replied:

- (1) All building work at the school was completed on 10 April 2000. Landscaping is a separate contract let after the main building contract and work will commence on 1 July 2000. The landscaping should be completed by the end of July 2000.
- (2) The complete building program was to be finished on 3 March 2000. This program was completed on 10 April 2000. Landscaping, as a separate contract, is on schedule.
- (3) Twelve members of the teaching staff have left the college since it opened. Three non-teaching staff members have left the College since it opened. One Home Economics assistant accessed voluntary redundancy provisions and two Education Assistants for the deaf have resigned.

## JUVENILE JUSTICE PREVENTIVE PROGRAMS, GOLDFIELDS, FUNDING

2765. Ms ANWYL to the Parliamentary Secretary to the Minister for Justice:

I refer to the juvenile justice preventive funding previously allocated to the Goldfields Automotive Workshop Project and ask-

- (a) how much did this program receive for each financial year from 1992-3 to date;
- (b) when was the funding stopped and for what reason;

- (c) how have the funds previously allocated to the Goldfields Automotive Workshop project been spent since that funding was stopped;
- (d) if the funds remain unspent will they be carried over from one financial year to the next;
- (e) what funds are being spent in the Goldfields on preventive programs by the Ministry of Justice; and
- (f) what steps have been taken to monitor the needs of young people at risk of offending in the Goldfields?

Mr BARRON-SULLIVAN replied:

- (a) The Ministry of Justice commenced funding of the Golden Mile Loophline Railway, which is sponsoring body of the Goldfields Automotive Workshop, in 1994. Prior to this time funding of the program was the responsibility of the then Department of Community Development. For the period since 1994 the Ministry of Justice records show that funding of the program was:

1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
\$41,500	\$113,000	\$113,000	\$113,000	\$96,460

- (b) Funding of the Golden Mile Loophline Railway ceased in March 1999 as a result of the recommendations of a state wide Needs Analysis of all Ministry of Justice funded community-based projects. The Golden Mile Loophline Railway did not specifically target the needs of young people most at risk of offending.
- (c) The funds previously allocated to the Golden Mile Loophline Railway remain unspent but will be re-allocated to preventive services for young people at risk of offending in the Goldfields, Central Desert and Esperance regions in the 2000-2001 financial year. There has been a delay in re-allocation of the remaining funds pending completion of a local review of priorities conducted by the Kalgoorlie office of the Ministry of Justice
- (d) Yes.
- (e) \$11,970 has been allocated to the Esperance Star Program for young persons at risk. \$17,605 is allocated to mentoring and counselling programs in Kalgoorlie and one full time officer has been allocated to the Kalgoorlie Juvenile Justice Team for diversionary services.
- (f) The Kalgoorlie office of the Ministry of Justice has conducted a local comprehensive needs analysis of young persons at risk of offending in the area in order to ascertain preventive program needs. The analysis was conducted with the cooperation of other State, Federal and community agencies. The analysis has identified specific needs and the services required to address those needs. The Kalgoorlie office of the Ministry of Justice monitors the needs of young persons and the community to ensure the requirements as identified in the needs analysis remain current. In addition, a joint initiative of the Ministry of Justice and the Federal Department of Employment, Training and Youth Affairs is shortly to pilot a 'Young Offender Pilot Project'. The project is aimed at young persons at risk of offending and the prevention of further offending by those young persons already caught up in an offending cycle. The project has been allocated \$217,000 of Federal funding over a two-year period.

#### LEGAL AID, REGIONAL FUNDING

2768. Ms ANWYL to the Minister representing the Attorney General:

I refer to the Legal Aid Budget for each of the Regional Legal Aid Offices and ask-

- (a) what is the total amount of funding provided to each office;
- (b) what amount of funding is provided by way of-
  - (i) recurrent;
  - (ii) private practitioner budget; and
  - (iii) any other allocation,
  - (iv) for each of the financial years 30 June 1993 to date; and
  - (v) what has been the demand for legal services in each of those Regional Offices for the financial years ending 30 June 1996 to date and specify whether there has been an increase or decrease in demand?
- (c) what has been the demand for legal services in each of those Regional Offices for the financial years ending 30 June 1996 to date and specify whether there has been an increase or decrease in demand?

Mr PRINCE replied:

- (a) The total funding provided for 2000/2001 is:
 

Broome	\$579,878
Bunbury	\$482,051
Christmas/Cocos Islands	\$ 98,768
Fremantle	\$374,115
Kalgoorlie	\$260,983
Midland	\$453,454
South Hedland	\$449,152
- (b) (i) The amounts identified under (a) above are the recurrent funding amounts for 2000/2001.

- (ii) Private practitioner budgets are centrally budgeted and not allocated at a regional level.
- (iii) There are no other allocations to regional offices. The requested information in respect of past financial years is not readily available and would require an inordinate level of effort to extract.

(c) Demand for legal services expressed in terms of applications for aid, received by office, are as follows:

	1995/96	1996/97	1997/98	1998/99
Broome	440	341	350	365
Bunbury	1,682	1,472	1,478	1,525
Christmas/ Cocos Islands	-	-	23	-
Fremantle	1,315	1,170	944	1,042
Kalgoorlie	223	223	257	325
Midland	832	887	1,031	1,112
South Hedland	387	359	351	368

#### EDUCATION DEPARTMENT, DR MUSTAC'S OPINIONS

2775. Mrs ROBERTS to the Minister for Education:

- (1) Further to question on notice No. 2271 of 2000, as the Minister is not prepared to retrieve 326 files, how many cases in the last two years has Dr Mustac provided an opinion on EDWA employees involved in a Workers Compensation claim against EDWA and Risk Cover?
- (2) In any of these cases did Dr Mustac give an opinion which led to Risk Cover immediately accepting liability and paying out an employee?
- (3) Can the Minister cite any cases at all where this has occurred?

Mr BARNETT replied:

- (1) In the last two years, Dr Mustac has provided 25 medical opinions on Education Department employees, who have lodged workers' compensation claims.
- (2)-(3) The Education Department's Insurer, RiskCover, have advised that Dr Mustac's opinions are not used solely to determine liability. Other factors such as independent investigations and legal opinions are used in the determination of the acceptance of liability.

#### EDUCATION DEPARTMENT, PERSONNEL FILES

2776. Mrs ROBERTS to the Minister for Education:

- (1) Further to question on notice No. 2218 of 2000, regarding EDWA employees and their personnel files, has the Minister subsequently received any complaints from EDWA employees about folios being removed from their personnel file and procedure not being followed?
- (2) What action is being taken if this has occurred?

Mr BARNETT replied:

- (1) Yes, one written complaint was received in my office on 22 June 2000.
- (2) The complaint has been referred to the Acting Director-General of the Education Department for investigation and direct response.

#### DEANMORE PRIMARY SCHOOL, PROFESSIONAL DEVELOPMENT DAY EVENTS

2777. Mrs ROBERTS to the Minister for Education:

- (1) Is the Minister aware of any complaints to your office, or to the State Ombudsman or the Office of The Public Sector Standards Commissioner concerning the Deanmore Primary School, Professional Development for Day 1 Term 3?
- (2) Did any such complaints include statements that EDWA initiatives only occurred in the morning with one representative from the Perth District office, and that after this an Indian luncheon followed for nearly an hour, followed by TV quiz games and a session of over an hour of Black Jack for the entire remainder of the afternoon?
- (3) Will the Minister investigate the Professional Development Day events at this school?

Mr BARNETT replied:

- (1) I am not aware of any complaints to my office, or the State Ombudsman or the Office of the Public Sector Standards Commissioner concerning the Deanmore Primary School Professional Development for Day 1, Term 3, 1998.
- (2) I am not aware of any complaints. As advised in question on Notice No. 2218 of 2000, all staff participated in planning and reviewing major Education Department of Western Australia initiatives and their impact on the Deanmore Primary School teaching and learning program. As a midway break from the intensity of the day,

alternative activities were planned. Games were planned as icebreakers and as a change to the routine of the presentations. The card game was included in those relaxation activities.

- (3) An investigation has been carried out as explained in (2) above. Professional Development Days are planned and structured at the school level, for which the principal has responsibility.

#### EDUCATION DEPARTMENT, SECTION 7C INQUIRIES

2778. Mrs ROBERTS to the Minister for Education:

How many employees have been investigated under a 7C inquiry in each year between 1993 and 2000?

Mr BARNETT replied:

No database existed prior to 1998. The Education Department created a database on 15 June 1998 recording disciplinary action commenced against employees. The following number of employees have been subject of 7C inquiries since June 1998:

13	15 June - 31 December 1998
18	01 January - 31 December 1999
11	01 January - 26 June 2000

#### CONNOLLY PRIMARY SCHOOL, NEW TEACHERS

2779. Mrs ROBERTS to the Minister for Education:

- (1) How many new teachers started at Connolly Primary School in 1996?
- (2) Of these, how many were identified for the employer initiated transfers at the end of 1996 and 1997?
- (3) What is EDWA doing to ensure there is no discrimination against teachers new to particular schools and to ensure that long standing teachers at particular schools do not have any clear cut advantages in this procedure?

Mr BARNETT replied:

- (1) Six teachers.
- (2) One teacher.
- (3) The Employer Initiated Transfer policy has been published widely. The policy states that decisions in relation to selecting teachers for Employee Initiated Transfer be based on Public Sector Standards in Human Resource Management, Equal Opportunity Legislation and the organisational needs. The policy states that volunteers are asked for, but if there are no volunteers a process based on merit be implemented to identify a staff member for redeployment. All teachers are treated equally. Decisions are subject to appeal.

#### INFORMATION COMMISSIONER, D0421999

2780. Mrs ROBERTS to the Minister representing the Attorney General:

- (1) In the case before the Information Commissioner, Decision reference D0421999, why does the Information Commissioner keep referring to the District Director as "he" when the District Director is a female and all the documents indicate this?
- (2) Who wrote the material and was it checked by the Information Commissioner herself?

Mr PRINCE replied:

The Information Commissioner is an independent statutory officer under the provisions of the Freedom of Information Act 1992. The member should therefore contact the Information Commissioner direct regarding these matters.

#### EDUCATION DEPARTMENT, USE OF RECYCLED FILES FOR FREEDOM OF INFORMATION DOCUMENTS

2781. Mrs ROBERTS to the Minister representing the Attorney General:

- (1) Is the Perth District Office of the Education Department using recycled files to place important Freedom of Information documents on employees?
- (2) Has the Information Commissioner allowed the Education Department at Perth District Office to not disclose a file title because they are claiming the blacked out column is because it has been recycled?
- (3) How can the Information Commissioner adequately and acceptably make decisions fair to all parties when it cannot be ascertained when and to whom a file has ever belonged?

Mr PRINCE replied:

The Information Commissioner is an independent statutory officer under the provisions of the Freedom of Information Act 1992. The member should therefore contact the Information Commissioner direct regarding these matters.

## NEW ARRIVAL INTENSIVE ENGLISH AS A SECOND LANGUAGE CLASSES, FUNDING

2884. Mr BROWN to the Minister for Education:

- (1) What steps have been taken by the Minister to ensure the transfer of funds for New Arrival Intensive English as a Second Language classes provide for children when these children transfer from one school system to another while still being eligible for this type of Commonwealth per capita funding?
- (2) Has the Minister approached the Federal Government to request it take the appropriate steps to ensure that schools systems, which originally provided the English as a Second Language classes for newly arrived migrant children, will transfer the balance of the funding when these children change schools while still eligible for these classes?

Mr BARNETT replied:

- (1) The Commonwealth Government provides a per capita grant of \$3 547 for the provision of intensive English language instruction for newly arrived permanent residents/citizens of Australia. This once-only payment is directed to educational authorities on the basis of claims made for newly enrolled permanent resident students. Currently, there are no measures or procedures in place to allow for the transfer of these funds if students change school sectors.
- (2) The Federal Government has not been approached. It is incumbent on all educational sectors to inform newly arrived parents and students of the services provided by their sector along with the duration of the intensive English language learning programs. Within the Education Department of Western Australia, parents and students are encouraged not to change schools or sectors during their intensive English language instruction.

## QUESTIONS WITHOUT NOTICE

## PERTH CONVENTION CENTRE, GOVERNMENT SUBSIDY

968. Dr GALLOP to the Premier:

I refer to the Government's decision to provide a \$110m subsidy to the developers of the Perth convention centre, as well as land worth up to \$75m, and ask -

- (1) Will any ongoing liability or risk be carried by taxpayers as a result of this gift to the private sector?
- (2) Will the Premier give a guarantee that the \$110m plus land promised by the Government will be the only state support provided to this project?

Mr COURT replied:

- (1)-(2) We are reasonably close to being able to announce the details of this proposal. There will not be any ongoing liability. The Government will make the announcement within a few weeks. I suggest to the Leader of the Opposition - I am not being smart - that after we have made the announcement, he will have a better understanding of what contribution the State is making. There will not be an ongoing liability after the initial contributions.

Dr Gallop: Any guarantees?

Mr COURT: Yes, there are.

Dr Gallop: There are guarantees?

Mr COURT: No, sorry. There are guarantees that there will not be an ongoing liability. To the contrary, there will be a mechanism whereby, if certain performance standards are not met, the operators will have a liability.

## BRONZEWING MINE ACCIDENT

969. Mr BLOFFWITCH to the Premier:

Will the Premier inform the House of what actions the Government is taking on the recent tragedy at the Bronzewing mine near Leinster?

Mr COURT replied:

Following question time yesterday, the Minister for Mines and I visited the Bronzewing mine site. After the antics of question time, it was a bit of a reality check. The mood at the Bronzewing mine is sombre. A large work force there is involved in a rescue and recovery operation. Sadly, that is turning into a recovery operation. At the change of shift last night, we had the opportunity to meet people coming from underground and people who were to go below ground on the next shift. They have a very tedious job. Without going into the details of the accident, it is estimated that it could take six to eight weeks to recover all the materials. It will be a painstaking task, because as each truckload comes up a team of people manually sorts through the material.

The rescue teams have not come just from the Bronzewing mine. All of the surrounding mines have provided tremendous support with rescue teams and equipment. In fact, the people at Bronzewing mine have been inundated with offers of support with no questions asked. As members can imagine, the mood in doing this difficult work is sombre. As it is a fly-in fly-out operation, the families of those affected live in Mandurah or Perth. Sadly, two of the affected workers have young families and were just starting out on bringing up those families.

There will be a full inquiry. The mines people are already involved, without getting in the way of the rescue operation. Of course, any fatality in the industry is bad. Safety has always been a critical issue. There were 18 fatalities in the mining industry in 1989, with a work force of 32 000. The lowest level of fatalities occurred last year, when there were two, with some 42 000 people in the work force. The only figure we want to see is zero. We got through 11 months without a fatality, and then tragically there were two deaths. Now this accident has happened. The Minister for Mines, who has taken a strong interest in safety matters over many years, has called an emergency meeting of the Mines Occupational Safety and Health Advisory Board, which is made up of the mining companies, unions and government representatives. It made a major reassessment two years ago, largely because of a number of accidents in the underground mines. It will meet to see whether further action can be taken. In conclusion, I am sure that the prayers of all the members of this Chamber are with those families who are coming to grips with their tragic loss.

#### KING EDWARD MEMORIAL HOSPITAL FOR WOMEN, DOUGLAS INQUIRY

##### 970. Ms McHALE to the Minister for Health:

I refer to the Douglas inquiry into King Edward Memorial Hospital for Women and ask -

- (1) Why is the minister not prepared to afford the staff at King Edward Memorial Hospital the same treatment as staff at the Ministry of Fair Trading by refusing to provide legal representation?
- (2) In view of the fact that adverse findings could be made against staff at the hospital, will the minister reconsider his unjustifiable position; and, if not, why not?

##### Mr DAY replied:

- (1)-(2) The issue of legal representation is one primarily for the Attorney General. However, if there is a need for legal representation for the hospital to ensure that its interests are appropriately represented, I am sure that will be arranged. I am concerned that anybody who appears before this inquiry, whether they be nurses, doctors or any other staff for that matter, is treated fairly and appropriately. I expect that almost all the people appearing before the inquiry will not need legal representation. They will simply be there to provide information in the same way as people provide information to a court of law or to any other inquiry. It is obligatory for an inquiry like this to follow the usual rules of natural justice and to ensure that procedural fairness is afforded to anybody who appears before it. In the event that the inquiry may be contemplating making an adverse comment about an individual, that person should be made aware of that in advance and be given an opportunity to respond. I am confident that the people conducting the inquiry and the counsel assisting will ensure that all the rules of natural justice are applied.

In addition, Cabinet's view is that, if the inquiry is held in camera, essentially it will be the same as many other internal inquiries which have been conducted for the Government, such as the recent inquiry into the Anti-Corruption Commission. Precedents dictate that the people who provide information to those inquiries will not be provided with legal representation by the Government. Cabinet's view is that if the inquiry is held in public - an issue for the members of the inquiry panel to determine - and if the reputations of individuals are to be called into question, Cabinet may reconsider whether the guidelines for that inquiry, which have existed for the past 10 years, are applicable.

In addition, the Government, through the Health Department, will provide legal assistance to the Australian Nursing Federation, the Australian Medical Association, if required, and any other relevant organisation, such as the Hospital Salaried Officers Association of Western Australia. Therefore, those bodies can provide general legal advice to their members so that people can be assured on the conduct of the inquiry and the role they need to play. In addition, I offered to meet this afternoon, and it was taken up, with the Australian Nursing Federation to allay its concerns and to go through some of the issues involved so its members are not fearful about the conduct of the inquiry. Therefore, they will feel encouraged to provide information in a fair and proper way.

#### ALBANY WIND FARM, IMPACT ON GREENHOUSE GAS EMISSIONS

##### 971. Mr MASTERS to the Minister for Energy:

What will be the impact of the Albany wind farm announced today on reduced greenhouse gas emissions?

##### Mr BARNETT replied:

I thank the member for the question. I was delighted to announce for the Government and Western Power today that Western Power will proceed with a major new wind farm at Albany. The project will cost \$45m, produce 22 megawatts of power and be by far Australia's largest wind farm. The 12 wind turbines involved are large structures, and involve towers of some 65 metres in height with 35-metre turbine blades.

Several members interjected.

Mr BARNETT: Members opposite do not seem to be particularly interested in renewable energy. The farm to be built at Albany will be completed by July of next year, and will generate enough power to supply 17 000 homes or three-quarters of Albany's total energy requirements. This will make Albany the leading town in Australia in the supply of renewable energy. The Albany wind farm will save the equivalent of some 76 000 tonnes of carbon dioxide and other greenhouse gas emissions a year.

Ms MacTiernan: Just enough to cover the diesel buses.

Mr BARNETT: What cynicism we get from the Opposition. Western Power, which has led this country in renewable energy, is moving to the next step with Australia's largest wind turbine in Albany and all we hear from members opposite is caustic cynicism! I record the appreciation of the Government and Western Power for the cooperation of the City of Albany, and I compliment the two local members - the members for Albany and Stirling - who have supported this project throughout its life. Western Australia and Western Power are leading Australia in wind energy technology.

#### METROPOLITAN HEALTH SERVICE BOARD, RUNNING COSTS

##### **972. Ms McHALE to the Minister for Health:**

What is the true cost of running the Metropolitan Health Service Board offices, including the formal direct contribution from government and the indirect contribution from public hospitals?

##### **Mr DAY replied:**

I thank the member for some notice of this question. It is important to remember that the Metropolitan Health Service, particular its corporate office, has the responsibility to coordinate the activities of all the health services which comprise the Metropolitan Health Service. It has the responsibility, where appropriate, to work towards removing duplication from within hospitals and health services, and to ensure that the maximum proportion of its large budget of \$1b of taxpayers' money is directed to patient care. A minimum proportion of that funding should be directed to the corporate and administrative support structure.

The MHS has a responsibility to work with the Health Department and the Minister for Health to ensure a better distribution of health services across the metropolitan area. I am advised that the projected final cash allocation for the MHS office for 1999-2000 is \$4.438m. In addition, the amount attributable to staff seconded from some of the component health services of the MHS, such as those providing expertise in reforming the human resources functions and various other areas, is \$252 000. It is expected that these arrangements with secondment of staff and indirect contribution from the hospitals will be reviewed from 1 July this year.

#### ANIMAL WELFARE BILL, INCREASED PENALTIES

##### **973. Mrs HODSON-THOMAS to the Minister for Local Government:**

In a radio interview this morning, the Leader of the Opposition was reported as saying that the Labor Party would amend the Government's Animal Welfare Bill 1999 and increase the size of penalties for cruelty to animals. Will the minister advise the House on discussions held with the Royal Society for the Prevention of Cruelty to Animals?

##### **Mr OMODEI replied:**

The member for Rockingham came into this place yesterday with a stunt and a 62 000 signature petition which called on the Government to increase penalties. The member did not read the legislation - despite the legislation being in Parliament for eight months - which significantly increases the penalties. Today, the Leader of the Opposition went into the public, by way of a dorothy dixer, saying that the penalties would be increased by the Labor Party. I do not think he has read the legislation - he should. Interestingly, this legislation is due to be debated in Parliament today. I contacted the RSPCA, which has had no contact from the Labor Party about any suggested amendment - none at all! The member for Rockingham spoke about docking the tails of dogs, but he did not consult the Canine Association of Western Australia, with its 4 000 members. The Labor Party also made no contact with the Farmers Federation about docking the tails of sheep. The Opposition must make up its mind about what it will do with this legislation. No amendments were on the Notice Paper yesterday, and I looked at the Notice Paper this morning, but guess what? There were still no amendments on the Notice Paper. Can members opposite contact the RSPCA and talk to it about its requirements, and can they work out whether they will dock the tails of dogs and sheep? Will the member for Rockingham please put his amendments on the Notice Paper so the people in Western Australia will know what he proposes? Members opposite are being opportunistic - they only talk. For my benefit as minister, so that we can investigate the Opposition's intentions, he should put the amendments on the Notice Paper. Instead of deceiving the public, for a change members opposite should tell people what they will do.

#### HOSPITALS, CAPITAL WORK AND EQUIPMENT REPLACEMENT FUNDING

##### **974. Ms McHALE to the Minister for Health:**

Some notice of this question has been given. How much capital work and equipment replacement at each of the teaching hospitals has been funded out of hospital and trust funds for the 1999-2000 year?

**Mr DAY replied:**

I am advised that it will take some time to collate all that information; therefore, if all the detail is still desired, I ask that the question be placed on notice so that the detailed information can be obtained from all hospitals in the metropolitan area.

It is not unusual for teaching hospitals to fund equipment replacement and capital works out of trust funds when that is appropriate and consistent with the terms of the trust. It is important to note that applying trust funds in this manner is dependent on the source of the trust moneys and the purposes for which the funds were provided to the teaching hospitals in the first instance. An example of a trust fund being used for these purposes is trust fund No 2326 at Sir Charles Gairdner Hospital relating to the Bayer/CAP study, from which \$4 765 was expended on computer and laboratory equipment for that study. These are allowable items in the terms under which the funds were provided. The equipment is essential for the purposes of conducting that study. At Sir Charles Gairdner Hospital, trust fund No 2666, which was for heart research, spent \$1 889 on laboratory equipment. That equipment is allowable. It was appropriate under the terms for which the funds were provided, and was needed to conduct that research. There is nothing irregular or inappropriate about trust funds being used for the purchase of equipment in some circumstances, depending on the purpose of the trust funds and the purpose for which the funds were contributed in the first instance. If the Labor Party is trying to create the impression of some scandal about equipment having been purchased out of the trust funds, it is entirely inappropriate for it to make that case.

**SIR CHARLES GAIRDNER HOSPITAL, TRUST FUND AUDIT REPORT****975. Ms McHALE to the Minister for Health:**

Will the minister table the audit reports of the trust funds?

**Mr DAY replied:**

I have requested information about the trust funds which are held by the various hospitals, because the amount of funds held total tens of millions of dollars. I cannot remember the exact figure. When I receive that information I will consider whether it is appropriate to provide all of that to Parliament.

**GOODS AND SERVICES TAX, PREPARATIONS BY GOVERNMENT AGENCIES****976. Mr TUBBY to the Premier:**

What preparations have been made by government agencies for the transition to the new taxation system?

**Mr COURT replied:**

This will be the last opportunity before the goods and services tax is introduced for -

Dr Gallop: Do you believe the GST should be on food?

Mr COURT: The proposal that was put prior to the last federal election had a GST on food, and I supported it. Under that proposal other changes would take place, including immediately getting rid of the federal bank accounts debits tax. I believe it would also have enabled payroll tax to be reduced.

I want to take this opportunity to outline the Government's preparedness for the GST. The Treasury sent out a GST implementation guide in August 1999. It has been a difficult job for the agencies to become GST compliant. That is because many of the agencies, particularly the smaller agencies, have not had to deal with taxation matters within their agencies.

The recent advice from the agencies to Treasury indicates they expect to be ready by 1 July. This means they have registered with the Australian Taxation Office for an Australian Business Number. They have made modifications to their financial and administration systems. They have trained their staff on the new financial and administration arrangements. They have reviewed contracts for GST implications. They have considered any changes required for their fees and charges and they have considered the cash flow management procedures. The agencies are expected to continue to refine these systems after 1 July. It will be a difficult transition. In addition, the ATO is still releasing GST and pay-as-you-go rulings that may require further modifications to agency procedures. In view of this the agencies will conduct post-GST compliance reviews, so that any necessary changes can be identified and implemented in a timely manner. Overall it is a significant change, and there will be difficulties to do with the transition.

On the political front two things will not change with the GST. The first is that any future Labor Government will keep the system as it is and will not change the system. Secondly, the ALP will continue to not tell it straight in relation to these changes.

It concerned me greatly that at the beginning of this answer the Leader of the Opposition asked whether I supported GST on food. I said yes, I supported the package. Yesterday, the ALP distributed in letterboxes a flyer signed by the Leader of the Opposition, Dr Geoff Gallop. Among other things it says -

That's why, unlike Richard Court, I have always opposed the GST.

Dr Gallop: That is right.

Mr COURT: I will read from *Hansard* of 18 August 1998. Page 387 reads -

Dr Gallop: I supported it at that meeting in 1984, but we suffered a substantial defeat.

Later Dr Gallop states, "At that meeting I did."

The Leader of the Opposition has stated -

That's why, unlike Richard Court, I have always opposed the GST.

The dictionary definition of "always" is, "through all past or future time".

Several members interjected.

Mr COURT: I will give the Leader of the Opposition the benefit of the doubt. The definition also reads, "or, for as long as anyone can remember and as long as anyone can foresee".

Several members interjected.

Mr COURT: This document signed by the Leader of the Opposition is false.

Mr Brown interjected.

The SPEAKER: Order, member for Bassendean!

Several members interjected.

The SPEAKER: Order! I remind members yet again that I allow interjections particularly from the member who has asked the question, or someone who has perhaps been referred to during the answer. We have far too many people wanting to interject and raise matters that are not pertinent to this question. Perhaps the Premier could start to finish the answer.

Mr COURT: The Leader of the Opposition and his mates are pretty cocky these days. We are leading up to an election and they can smell a bit of blood. All I say to the Leader of the Opposition is that he had better show some honesty during this election campaign. That flyer went into letterboxes yesterday. I hope the Leader of the Opposition has the decency to withdraw and apologise to those people for being quite deceitful.

Dr Gallop: I never supported it in the Parliament and you know it.

Mr COURT: The Leader of the Opposition stated -

That's why, unlike Richard Court, I have always opposed the GST.

Dr Gallop: Exactly.

Mr COURT: In this Parliament the Leader of the Opposition told us that he supported the GST and he lost votes.

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the first time.

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the second time. It appears that when I have given a general warning - I am allowing a lot of discretion to the Leader of the Opposition, as is reasonable - the member for Bassendean wants to keep interjecting and ignores me. If the member wants to do that he can carry on, but it will not take me very long to give him a holiday.

#### HEALTH DEPARTMENT, USE OF PERSONAL FILES TO DISCREDIT WITNESS

##### **977. Mr RIPPER to the Minister for Health:**

- (1) Did the Health Department attempt to discredit the evidence of an employee who was a witness in an Equal Opportunity Tribunal hearing by using information from that employee's personal file and the personal file of her father, who is also a Health Department employee?
- (2) Can the minister confirm that the Commissioner for Public Sector Standards found that the Health Department had not complied with the Public Sector Management Act or the public sector code of ethics in this matter?
- (3) Is it state government policy to allow the use of employee's personal files in these circumstances?
- (4) If not, have any Health Department managers been subject to disciplinary actions for these events?
- (5) If not, why not?

##### **Mr DAY replied:**

I am advised of the following -

- (1) No. A Health Department of Western Australia employee personnel file was not entered into evidence in an Equal Opportunity Tribunal hearing. However, information from a Health Department of WA personnel file was sought in relation to a witness before those proceedings.

- (2) Yes. However, the Health Department continues to dispute the findings of the Commissioner for Public Sector Standards following an independent review of the matter by a Queen's Counsel.
- (3) An employee's personal file may be required by a court or tribunal of appropriate jurisdiction or, indeed, by Parliament. To that end, it would be misleading and inappropriate to commit that the employment details of any government officer may not become the subject of legal or parliamentary proceedings.
- (4) No.
- (5) Not applicable as the answer to (2) relates to it.

#### KALBARRI DISTRICT HIGH SCHOOL

#### **978. Mr MINSON to the Minister for Education:**

The Kalbarri community has been engaged in local area education planning for some time looking at the various options for the future of secondary education in the town. As part of the process, local people have expressed strong support for reclassification of the primary school to a district high school and have asked for the change to occur in 2001.

- (1) Has any decision been made in this regard?
- (2) How and when will it be implemented?

#### **Mr BARNETT replied:**

I thank the member for some notice of this question.

- (1)-(2) The member for Greenough and I visited the school, I think in 1997. At that stage a small number of students wanted to do secondary studies at Kalbarri. To the credit of the local school community it provided temporary facilities and a secondary program through distance education, albeit a fairly limited one.

Since that time, the school population has continued to grow. There are now 170 students within Kalbarri Primary School. I am also pleased that I can advise the member today that the Education Department has decided to upgrade Kalbarri to a district high school. From next year it will provide year 8 programs. An additional four secondary teachers and specialist teachers will be employed at the school. The following year it will cater for year 9 and then year 10 students.

The transportable facilities that will be initially provided will be replaced in due course with permanent facilities. The member can convey to the Kalbarri community that information. It is an example of a community that took the initiative to bring secondary education to its community before it would otherwise have happened. That effort has been rewarded with Kalbarri Primary School next year being Kalbarri District High School.

#### RENTS, GOODS AND SERVICES TAX

#### **979. Mr McGINTY to the Minister for Fair Trading:**

- (1) What action has the minister taken to inform landlords and tenants that rent is GST free?
- (2) What is the minister doing to prevent profiteering by unscrupulous or ignorant landlords in breach of both the GST rules and the Residential Tenancies Act?

#### **Mr SHAVE replied:**

As the member knows, he gave me no notice of this question.

Mr McGinty: Don't you know what you are doing?

Mr SHAVE: I will obtain the necessary information for the member.

#### WATER RESOURCES, REGIONAL AREAS

#### **980. Mr BLOFFWITCH to the Minister for Water Resources:**

Yesterday, the minister released information on a regional capital works program to be undertaken by the Water Corporation. What is being provided to keep the water services ahead of demand in areas such as Geraldton and the mid west?

#### **Dr HAMES replied:**

I thank the member for some notice of this question.

Once again, through the Water Corporation, the Government will continue the massive capital works program it has been undertaking since taking office. A total of \$93m will be spent in regional Western Australia during the coming year. Of that, \$18m will be spent in the area of the member for Geraldton in the mid west. Some of that will continue our infill sewerage program in Geraldton. The waste water treatment plant will be significantly upgraded to handle those increased flows.

We will also spend \$3m on improving our telemetry recording of remote sources of supply. A large number of communities such as Three Springs, Perenjori, West Morawa, Meekathara, Mt Magnet, Wiluna, North Hampton, Kalbarri and Geraldton will have telemetry devices installed to allow proper monitoring and control of those sources. As I said, it is a very large program and it will ensure this Government continues its \$800m infill sewerage program.

Also included will be significant extensions to the farm-water pipeline program that takes water direct to the farmers. Once again, the Government will ensure it continues to make a contribution towards regional Western Australia.

#### RENTS, GOODS AND SERVICES TAX

##### **981. Mr RIPPER to the Minister for Housing:**

I refer to the minister's answer to a question in this Parliament on 14 March, in which he said that rent of \$150 a week would increase by only \$2.50, or 1.7 per cent, under the GST.

- (1) How does he explain his claim, given the research undertaken by the Prime Minister's preferred modeler that shows that rents will increase by 4.7 per cent?
- (2) Did he set out to mislead the House or did he not know what he was talking about?
- (3) Does he agree with the federal Treasurer that a 4.7 per cent increase is easily affordable for ordinary families?

##### **Dr HAMES replied:**

- (1)-(3) I have been waiting for the Opposition to give me the opportunity to address this question so I am pleased I can do that before we rise for the recess.

I was re-renting my own house last week. I previously rented it for \$400 a week, but this time I am renting it for \$375, which is a drop of \$25. Why is my rent going down by \$25 when in effect it should go up by 4.7 per cent, as the report said?

Mr Court: Is it a 12-bedroom house for all your kids?

Dr HAMES: It is a six-bedroom house to fit in my brood. The ratio of supply to demand will determine rents.

Mr Ripper: Do you agree with the Prime Minister's forecast of 4.7 per cent?

Dr HAMES: That 4.7 per cent is based largely on a range of issues. No; I do not agree with that forecast because, as I say, the ratio of supply to demand determines rents. I have said there would be a small increase in rentals and I detailed that. In a previous answer I referred to rents in Queensland for the past five years. In a significant number of Queensland suburbs, rent remained at about \$140 a week for four years and, in anticipation of slight increases due to the GST and because rents had not increased for some time, they increased by \$10. In other suburbs where demand was not so strong they went down \$10. That illustrates that rents depend on location, the ratio of supply to demand and how much someone is prepared to pay. A landlord renting his house might increase the price if he thinks someone will pay.

Mr McGowan: When you rent a house, you are paying to live in someone else's house; when someone else pays for your house, you are letting it.

Dr HAMES: My apologies for having missed something of such extreme significance. Perhaps the Hansard reporter will fix that for me. Rents are determined by supply and demand, not by the GST.