



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Wednesday, 27 May 1998

Legislative Council

Wednesday, 27 May 1998

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

WESTERN AUSTRALIA POLICE SERVICE - CHILD ABUSE UNIT

Comments by Attorney General - Select Committee of Privilege

HON N.D. GRIFFITHS (East Metropolitan) [4.00 pm]: I rise on a point of order with respect to a matter of privilege. Since the last sitting of the House, yesterday's uncorrected *Hansard* has been published and that gives rise to a matter of privilege; namely that comments by the Attorney General are irreconcilable with matters set out in tabled paper No 1629. Those comments relate to the secondment of personnel away from the child abuse unit and the implementation of relevant recommendations of the Wood royal commission by the Western Australia Police Service. Therefore, Mr President, I move -

That a Select Committee of Privilege be appointed to inquire into and report not later than 25 June 1998 on whether, in providing information to this House regarding the child abuse unit of the Western Australia Police Service and its operations with respect to the secondment of its officers and the implementation of relevant Wood royal commission recommendations, the Attorney General has committed a breach of privilege to the extent that the information was misleading or false, and the committee have power to send for persons, papers and records.

Points of Order

Hon PETER FOSS: The motion is out of order and should be dealt with on notice if the honourable member wishes to proceed with it, for the following reason: Order No 155 allows a motion on privilege to be raised when something has arisen since the last sitting of the House. I concede there was a valiant effort on the part of Hon Nick Griffiths to manufacture something which has arisen since the last sitting of the Council. If I have misled the House - and of course I vigorously deny having done so - it is not since the last sitting of the Council, nor has anything happened since the last sitting of the Council.

The event that the honourable member refers to is an inconsistency - that is hardly a matter of privilege anyway - between a document that the Leader of the Opposition tabled and what I said. That did not happen between yesterday and today. That happened yesterday in the course of the proceedings of this House. We continued for the rest of the day until 10.00 pm when we moved the adjournment. The fact that he has read *Hansard* has nothing to do with it. What I said was in this House. The proceedings of this House are in this House. They are not in the *Hansard* office. They are not when one reads them. It is when they happen in this House. It is not as if he has suddenly learnt about it. He has just had a good idea that he might use a privilege motion in order to have this motion heard today as opposed to having to give notice. Frankly, Mr President, this is an abuse of process. He knew yesterday. He had the document that the Leader of the Opposition tabled. Members opposite were all sitting there with the document. I did not have the document. They had it and I was asked if I had read it and I said I had not. They read it.

The PRESIDENT: Order!

Hon PETER FOSS: Mr President, there is no ability to bring this motion because nothing has happened since the last sitting of the House in order to result in a possible point of order on privilege. If it happened at all, it happened yesterday and the time to raise it was yesterday, not overnight.

The PRESIDENT: On the same point of order, the Leader of the Opposition.

Hon TOM STEPHENS: Mr President, Hon Nick Griffiths has outlined to the House that what has arisen today is the arrival of the uncorrected version of *Hansard* which presents to members of this House the opportunity to see for the first time the clear record of what it was that the Attorney General said and then to compare that with the written word that was then tabled by me in the House. That is clearly an event that falls within the meaning of the words contained in Standing Order No 155; that is, "has arisen since the last sitting of the Council". The events that have arisen are the production and distribution of the uncorrected version of *Hansard*. This is the first opportunity that Hon Nick Griffiths has had to rise in response to that.

Ruling by the President

The PRESIDENT: Order! If there are no other members who want to give me good advice on this point of order, I will address the points of order. Standing Order No 155 clearly sets out that - and I will read it for the benefit of those members who do not have it in front of them -

Whenever a matter or question directly concerning the privileges of the Council, or of any committee or member thereof, has arisen since the last sitting of the Council, a motion calling upon the Council to take action thereon may be moved, without notice, and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions and orders of the day.

The Attorney General seeks to rely on the words "has arisen since the last sitting of the Council". He bases the moving of the motion of privilege on those words. Certainly, the law and customs of this House during the time I have been here - and my having read the *Hansards* from sittings prior to my joining this House - would indicate to me that the interpretation of the "last sitting of the Council" means, in its ordinary sense, the last sitting; that is, the most recent sitting of the House. I do not agree with the Attorney General that the last sitting of the Council means that a member would have to understand and absorb all the information that might be tabled on a particular day during the course of that sitting and, prior to the adjournment of that day's sitting, rise on a point of order to seek to move a motion of privilege. It is reasonable that the past decisions in respect of the words "has arisen since the last sitting of the Council" be maintained and I rule that there is no point of order in respect of those words.

Debate Resumed

Hon N.D. GRIFFITHS: In advancing the motion for consideration by the House I ask it to bear in mind that a Minister, whether in a representative capacity or otherwise, has a duty not to mislead. Intent is not relevant as to whether a breach has occurred. I pointed out in the motion that members should consider two areas. The first is the issue of secondment. I do not intend to speak at length, but to merely point out where the conflict lies and to invite the House to agree with the proposition that a committee of privilege decide the issue. I refer to the uncorrected proof of *Hansard* of 26 May 1998. On page 4 the Attorney General states -

This is one of the few units which is not required to supply people to other units when there is an extra demand. Most other units are subject to that requirement . . .

On page 6 he states -

It is immune from being plundered by other areas to meet flexibility requirements.

Tabled paper No 1629 states -

The current Officer In Charge is seconded away indefinitely on Operation Shoalwater, with one vehicle from this office.

Hon Ljiljanna Ravlich asked question 1570, which is in five parts, on page 60 of the same *Hansard*; part (4) asks -

How many child abuse officers are employed in the police child abuse unit?

The answer to that part of the question commenced with the words -

Authorised staff for the unit totals 20 - I think I read this to the House earlier -

One detective senior sergeant who has been seconded to the Shoalwater taskforce and will resume with the unit on 27 May 1998.

Either the first two comments of the Attorney General in the *Hansard* to which I referred are correct or the extract from the tabled paper and the answer to the question are correct. I cannot see how they can both be right. More important is the matter with respect to the relevant Wood royal commission recommendations. The relevance here relates to the issue that was being debated yesterday. Again I refer to the Attorney's comments on page 4 of *Hansard* -

The Wood royal commission made some findings about paedophilia. When the matter was reviewed in Western Australia it was found that most of what was required to happen in New South Wales was already in place in Western Australia.

On page 6 of the *Hansard* the Attorney General states -

Most of the things recommended by the Wood royal commission that need to be done are already happening, and were already happening in Western Australia.

Tabled paper 1629 deals with that issue, and under the heading "Response to Recommendations" reads -

The following recommendations are numbered and coincide with the recommendations made in the Royal Commission Report.

Clearly that reference is to the Wood royal commission report. To continue -

Only those recommendations which are applicable to the Western Australian Police Service have been responded to.

There are 41 recommendations listed. Those recommendations on occasion contain a number of suggestions. I refer to recommendations numbered 1-4, 6, 7, 37, 39, 40, 82 in part, 83 in part, 85, 86, 89, 92, 94-97, 99-101, 103, 108, 110-112, 114, 115, 117-119, and 139. According to the tenor of the report, 33 out of 41 recommendations require that something be done. Those observations are set out in the report, and members have had the opportunity to read the tabled paper. I will make brief reference to some of them so that members can understand the tenor of the remarks. I do not want to occupy the time of the House for too long; however, it is appropriate that I illustrate the point. Some recommendations are not relevant to Western Australia and I include those. Some recommendations have already been implemented in Western Australia, but that is not the case in 33 out of 41 of the recommendations.

Hon N.F. Moore: Why not ask Hon Peter Foss a question without notice?

Hon Tom Stephens: Then he would not be able to comply with Standing Order 155.

The PRESIDENT: Order! This is a serious matter, as are most matters that are conducted in this Chamber. I want to be able to hear the member, as I want to hear anyone else who speaks in this debate. For the benefit of the House, Hon Nick Griffiths has the responsibility of convincing the House to establish a committee of privilege. It is important that we hear the reasons so members can make up their minds should this matter be put to a vote. More than that, I want to be able to hear what is said to ensure it is within the parameters of the debate. Hon Nick Griffiths should understand that this is not a debate on the substantive matters that are raised in either the report that was tabled yesterday in the House or the Wood royal commission's recommendations; it is specifically a debate on what the member alleges the Attorney General did in this House which he says requires the consideration of a committee of privilege.

Hon N.D. GRIFFITHS: I have pointed out the words of the Attorney General as recorded in the daily *Hansard* and I am making reference to those matters in the tabled report which differ from those words. In substance, the Attorney General said that the Wood recommendations relating to child abuse, paedophilia and the like were under control and that those recommendations have for the most part been dealt with. The reality is that a different position is put in the tabled paper.

Point of Order

Hon E.J. CHARLTON: Mr President, can you explain the relevance of the tabled paper, and an opinion expressed within that tabled paper, to the action of Hon Nick Griffiths' moving for a committee of privilege?

The PRESIDENT: Order! Hon Nick Griffiths at the moment is well and truly within the parameters of this debate. It is up to Hon Nick Griffiths to explain to members the relevance of a tabled paper in relation to Wood royal commission recommendations and other matters. It is not up to me to explain the reasoning behind the motion. My job is to determine that what is said is relevant. To date, it has been relevant.

Debate Resumed

Hon N.D. GRIFFITHS: The issue is whether the Attorney General's comments were correct or whether the matters in the tabled paper to which I refer are correct. Both of them cannot be correct. That matter should be determined by the proposed committee of privilege.

I should by way of example go through the recommendations. That is not to state that the recommendations should be dealt with or otherwise. I merely demonstrate the view that the relevant recommendations have not been implemented, notwithstanding the substantial words to the contrary by the Attorney General. That is my sole reason for making reference to the recommendations. I do not give them a tick or a cross - I merely point them out. Recommendation No 1 reads -

Development of an in-service course to screen and prepare officers potentially interested in child protection work before they make any commitment to it.

That is hardly implementation. I will not go through all the recommendations, although I will if members insist. Recommendation No 2 deals with a specialised child protection course, and makes the following observation -

This matter should be considered as essential.

That hardly means it is occurring. Recommendation No 3 reads -

Adoption of strategies to deal with special skills needed and the stresses arising for staff involved in child protection work, including . . .

A large number of matters are listed. Page 39 of the report reads -

These matter have all been addressed at various stages throughout the "Critical Issues" of this paper. All areas have strong support from staff at this Unit and some will depend upon any change to its structure.

That is not consistent with implementation. Recommendation No 4 reads -

Retention of the CPEA as a permanent and separate agency . . .

The area of a centralised agency adequately resourced, is a matter for consideration by senior management.

The report states that item 5 is not relevant to Western Australia. That is part of the eight recommendations to which I refer. Recommendation No 6 reads -

Establishment of the CPEA as the umbrella agency in relation to the investigation of child abuse, and structured so that . . .

Many words follow, but the conclusion is the pertinent point; it reads -

. . . a number of these ideas should be considered for implementation here in Western Australia.

That is the tenor of 33 out of 41 matters.

When I started my comments on this matter, I said I did not intend to speak at length - I shall not do so. However, this is a very important key accountability issue. If members opposite have some difficulty agreeing to this proposition, I suggest they consider history and the words of the current Premier. I refer to *Hansard* of 17 September 1992, page 4895, in which the then Leader of the Opposition said -

The most serious offence that we, as members of Parliament, can commit under the Westminster system by which this Parliament operates, is to either lie or mislead the Parliament.

Again, in the same debate on the following page the same speaker said -

We cannot expect a democracy to work effectively if the members of Parliament are not prepared to be accountable to the Parliament.

I am not in any sense sitting in judgment on the Attorney General.

Several members interjected.

Hon N.F. Moore: Why not just ask him a question without notice and clarify it?

The PRESIDENT: Order! This is where we will come into conflict, members. Interjections will not be helpful to debate.

Hon N.D. GRIFFITHS: I was about to conclude. These serious matters go to the core of accountability in Western Australia. It is incumbent on a Minister, albeit in a representative capacity, to do all he can to ensure matters delivered to Parliament are correct so he is not seen to mislead the House. Whether that has occurred on this occasion is a matter to be determined by a committee of privilege. If members are serious about accountability, they will vote for the motion.

Hon BOB THOMAS: I second the motion.

HON PETER FOSS (East Metropolitan - Attorney General) [4.27 pm]: This motion has been moved to allow the Opposition to gain the benefit of Standing Order No 155 and raise a matter which would otherwise have been dealt with differently in this House. I ask members to think about how they intend the House to operate in future. Today represents a precedent which has the capacity to undermine relationships in this House and our capacity to work as a Parliament as opposed to engaging in a political slanging match.

What is alleged by Hon Nick Griffiths? He says that the House has been misled in two ways. First, an incorrect statement was made about secondment and, second, an incorrect statement was made about the implementation of Wood royal commission recommendations. Members know, as I know, that if a member unintentionally misleads the House, it is sufficient that he or she stand and correct the error as soon as he or she becomes aware of it. As far as the first item is concerned, Hon Nick Griffiths has already said that the question has already been put to rest. He said that if it is inconsistent, I should correct the situation. However, he has still moved this motion.

The second matter is one not of fact but of value. We were not arguing that I said something factually incorrect, but that I passed on an appreciation of a degree of implementation which he regards to be numerically different from his view. He claims that that is a breach of privilege. He said that he does not know whether I did so intentionally or not.

I now tell members what happened in this case. These urgency motions have obtained a certain degree of unworkability. We get two hours' notice and, generally, the Opposition - I do not suggest that this is so in the case in question - deals with very broad matters so one does not know in advance what will be debated. Also, matters are usually raised with Ministers in their representative capacity. I grant that the urgency motion in question was specific.

When I became aware of the motion, I asked for a briefing and I was told it would be given. I said the people should be here at 2.30 pm so that I could be fully briefed before coming into the House. They arrived at 3.15 pm, and I was given certain information. I asked what it was all about and why the question had suddenly been raised. I learnt, for the first time, that on the Sattler program the day before some report had been raised. I asked what the report was about and whether they had a copy. They did not have a copy. I told the House I had not read the report. Luckily, it seems that everybody else had a copy. I asked what the substance of the report was. They explained to me what I told the House yesterday.

Hon Tom Stephens: Have you read it yet?

Hon PETER FOSS: No. They explained the substance of the report, and told me exactly what I relayed to the House; that is, one of the nice things is that when they looked at the report of the Wood royal commission they found most of the recommendations had been implemented. Whether it is a matter of counting the recommendations or looking at the substance, I hope Hon Nick Griffiths accepts that a hundred recommendations may be made and some may be substantial and some may be not as substantial. That may be a matter of value. I was not in a position to make such a value judgment, and all I could do was take the value judgment of someone else. It may be that the appropriate way in which to work that out is to count the percentage of recommendations implemented or make a value judgment about whether the recommendations have or have not been implemented. I hope it is at least conceded that in many cases we are dealing not with fact, but with value judgments. There is a value judgment as to whether 33 is a significant part of 41, given the relative importance of them, and a value judgment as to whether they have or have not been implemented. I honestly do not know. I am relying on the information given to me at 3.15 yesterday afternoon, and at the time I communicated that to the House and as far as I know to this moment, that is correct.

Hon Tom Stephens: Do you care?

Hon PETER FOSS: I do care.

The PRESIDENT: Order! It is not a question and answer session. The Attorney General is entitled to put his case.

Hon PETER FOSS: One of the interesting things is that I have never known before of any member, especially one acting in a representative capacity, being told in this manner that members have concerns that he might not have been told the truth. Half an hour before coming into this House, I received a copy of the motion. I do not know how members think this place operates, but if I believe people have been misled I always try to give them the courtesy of speaking to them about it. I think I have always been honest in my dealings with people in this House and I hope in future to be honest in my dealings with people in this House.

Frankly, I think it is a stunt to proceed in this way. If members have problems with what they think I have been told, they should tell me. They know me. I refer to something that happened yesterday. I read an answer to Hon Tom Helm yesterday about the police and said, in the course of the answer, that I did not think it answered his question. I was frank enough to say that I had been given an answer but it did not deal with the member's problem. I said that he wanted to know how the person concerned would be looked after, and he did not want to know the insurance company would pay up. I frankly said to Hon Tom Helm yesterday that I did not think he had been given the correct answer. That is how members deal with matters in this place. I am not here to play games. I am here to give what I honestly believe is the answer.

I take first the question of the secondment. I gave that answer, and it is the answer I saw afterwards. If members think it is totally inconsistent, they have the answer and they know the situation. I said another person was on maternity leave, and another position was vacant and was waiting to be filled. I have asked about the Shoalwater case.

Hon Ljiljanna Ravlich: It was the Rockingham boy, Gerrard Ross.

Hon PETER FOSS: That involved a young boy. I am supposed to have got it wrong because an officer from the child abuse unit, who was seconded to a task force looking into the ultimate abuse of a child, his murder, is back today. I gave that information yesterday.

If ever I heard of a sledgehammer to break a nut, this is it. Members must make up their minds today as to whether to play this sort of game. I take it seriously; I obviously take it a lot more seriously than do opposition members. I will be quite frank. I was in a meeting when I received a copy of this motion, and I was totally useless in that meeting.

Hon Ljiljanna Ravlich: What is new?

The PRESIDENT: Order! Members should not let this denigrate into a slanging match because those members who have talked about precedents are absolutely right.

Hon PETER FOSS: I was totally useless at that meeting because I found this motion upsetting. I do not know whether that was the intention or whether it was a stunt to bring it on first thing today. I do not know the reason. I take my duty to this House seriously, and I would be mortified to know I had misled the House. On those occasions when I do - I hope people will vouch for my integrity in this - I will tell members and I will seek to make amends. That is the appropriate response. If somebody had said that I got it wrong, I would have been happy to go back to the police. I had a small briefing yesterday.

Another problem in this House with urgency motions is that the lead speaker is allowed 15 minutes in which to speak, another member is allowed 10 minutes and so on, and not all the debate is repeated by the people on the mantelpiece. Members have one opportunity, as far as the Government is concerned, to answer the matter raised. A Minister replying in a representative capacity often has very little information to work on. The information I gave yesterday represented what I understood to be the case. More information was received before question time and I gave it to the House. I did not hold it back.

The Opposition's method of dealing with this gives the people on the mantelpiece the impression that members are questioning my integrity. I hope members opposite are not suggesting that, but that they are genuinely seeking the answer. I am happy to give an undertaking to investigate the matter and to make full disclosure to the House of the facts and allow members to judge them. If we are to conduct this place in a civilised manner, that is the way it should be done. I am as concerned as members opposite if I have been fed a line by the police. I do not know. It appears there is a possibility of difference in emphasis or there may genuinely be some attempt to withhold information. I do not know and under the circumstances, at this stage, I do not have the capacity to know. I do not know that it requires a committee of privilege. A committee of privilege as a way of establishing the situation seems a fairly major move. I do not like reading that there should be an inquiry into whether I committed a breach of privilege. I do not know whether Hon Tom Stephens' speech exaggerated the situation, gilded the lily, or was right or wrong.

Hon Tom Stephens: If you took the trouble of reading the police report, you would know I did not.

The PRESIDENT: Order! The Attorney General is moving away from the substance of this motion and he should come back on track.

Hon PETER FOSS: This power of the House to discipline its members is an important and powerful one, and quite rightly so. I believe it is one that should be preserved and used when appropriate. I am quite happy for that to be the case. However, members are not suggesting at this stage that I purposely misled the House, and if the normal courteous processes of the House cannot be used to determine the situation, this method of doing so will undermine what I thought was a growing and sensible relationship between the various members of this House.

During the abortion debate members showed a considerable amount of sense and responsibility. I wondered how long it would last. I would hate to see that disappear.

I would like to do certain things. First, having risen to my feet, I will have to seek leave of the House to continue my remarks at a later stage if I am to give the House any answer. I will be seeking that leave. Before I do that I suggest that the Opposition seriously consider seeking leave to withdraw this motion.

Hon N.F. Moore: Hear, hear!

Hon PETER FOSS: I do not underestimate for one moment how long it will take me to obtain the information from the police. At times I have found the police somewhat slow in providing the information I require. I give the House an undertaking that I will look into the matter and render to this House what are believed to be the facts.

Hon Tom Stephens: If the Attorney General were to seek leave to continue his remarks later on, leave would be granted for that purpose.

Hon PETER FOSS: I am pleased to hear that.

Hon N.F. Moore: We will give the Opposition leave to withdraw the motion.

The PRESIDENT: Order! The House will make that decision of its own accord in due course. Each member will have an opportunity to vote on that.

Hon PETER FOSS: This is what I propose should happen, Mr President: I should be given leave to continue my remarks at a later date, that -

Hon Tom Stephens: Later stage.

The PRESIDENT: Order!

Hon PETER FOSS: Not today's sitting. I know I will never get the information out of the police in that period of time. I suggest that either the matter be adjourned or the Opposition seek leave to withdraw this motion. The Leader of the House can probably confirm the normal way that this House deals with a privilege motion; certainly, you, Mr President, as Leader of the House, took this attitude. When a privilege matter is raised it is given priority because the person involved would like to have it dealt with. I am sure that the two leaders could agree that, if the Opposition -

Hon N.F. Moore: It has to take priority.

Hon Tom Stephens: Under standing orders it is required -

The PRESIDENT: Order! For the clarification of the House, if this debate is adjourned today it will appear tomorrow as the first order of the day. It will continue to appear as the motion of precedent until it is settled.

Hon PETER FOSS: Mr President, I am asking that leave be sought to withdraw the motion. That is what I am asking the Opposition to do. If the Opposition is unhappy with the way I deal with the matter it can, by all means, give notice that it wishes to move a motion and I will ask the Leader of the House to give that notice priority so that the Opposition can bring it on, otherwise it will lose the benefit of Standing Order No 155. The Opposition should withdraw this motion. It is an inappropriate move and we should try to get back into step again. I will find out what the situation is and make a statement to the House and we can deal with it from there. If the Opposition feels that the matter is not being dealt with adequately it can give notice and we will make sure that the matter is dealt with expeditiously so it does not lose the benefits of Standing Order No 155.

Hon Tom Stephens: Are you going to seek leave as you indicated originally?

The PRESIDENT: Order!

Hon PETER FOSS: I will but I want to make certain that the House understands what I am asking the Opposition to do. I am asking the Opposition to seek leave to withdraw this motion.

Hon Tom Stephens: The answer to that is no. The answer to your first question is yes.

Hon PETER FOSS: I note that and it is unfortunate.

Hon N.F. Moore: It is pathetic.

Hon PETER FOSS: It is unfortunate and the Opposition has lost the opportunity to -

Hon Tom Stephens: Read your standing orders.

The PRESIDENT: Order!

Hon PETER FOSS: I know what the standing orders say.

The PRESIDENT: Order! The Leader of the Opposition will come to order.

Hon N.F. Moore: Redeem some honour.

The PRESIDENT: Order! The Leader of the House will come to order.

Hon PETER FOSS: I know what the standing orders say. I am saying to the Opposition that there are things in this House that go beyond standing orders.

I now speak to the other members of the House who sit behind and alongside the Leader of the Opposition. I appeal to them to speak to their leader in the intervening period and ask him to try to see some sense so that we can conduct the business of this House in a sensible and proper manner. What he is doing will cause inestimable damage to the relationships in this House. It is overuse of a power that the Opposition has. It is unfortunate.

Mr President, I did not wish to do this but I draw your attention to the fifth edition of Odgers, page 652. It makes mention of what the duty of the President is after the motion has been sought. It states -

To enable the consideration of a matter of privilege to take precedence over other business, two points must be established to the satisfaction of the President by the Senator raising the question of privilege, namely:

(a) a *prima facie* case of breach of privilege must be made out, and

(b) the matter must be raised at the earliest opportunity. It is submitted that this should be deemed to be the earliest reasonable opportunity.

In the House of Commons, the Speaker frequently avails himself of his now customary breathing-space of 24 hours in which to decide whether a *prima facie* case of breach of privilege exists. In the House of Commons there has been criticism of the practice whereby Mr Speaker rules whether or not a *prima facie* case of breach of privilege has been established, because the public may misunderstand the nature of Mr Speaker's ruling. For illustration, if the Committee of Privileges were subsequently to hold that there was no substance in the complaint, the public could gain the false and possibly embarrassing impression that the committee had over-ruled Mr Speaker.

Mr President, I am reading from the fifth edition; there are later editions. The practice of the House of Commons may have moved on. I raise that point, Mr President, because the other thing that could happen while this matter stands adjourned is that you might like to look at that yourself to see whether it is appropriate that the matter be allowed to continue on the Notice Paper. I seek leave of the House to continue my remarks at a later date.

[Leave granted for speech to be continued at a later stage.]

HON KIM CHANCE (Agricultural) [4.46 pm]: I support this motion. In saying that, I am struck by the irony of the situation we face. I could bring forward ream after ream of statements from the now Attorney General, acting both in his current capacity and in former capacities, which impose the harshest possible interpretation on the matter of privilege. It would be inappropriate for me to do so now and, in any case, I do not have them available.

I am struck by the irony of this because, both in this place and in my private discussions with the Attorney General, I have always argued the opposite case. The situation where a Minister, a Minister representing another Minister, or an ordinary member can be placed entirely innocently in a situation where he must be held accountable seems to me a ridiculous reflection of the Westminster system and one that I reject. Under the Westminster system, which is much harsher than our own, that Minister's career is finished as a result of what might have been an innocent mistake by a second grade clerk. I have always rejected that but strangely the Attorney General has always argued for a position much closer to the Westminster system because of the requirement for Ministers to be accountable. We have heard that from the Attorney General on the matter of questions, particularly in regard to a Minister's responsibility in answering questions, and the responsibility of Ministers representing other Ministers. The Minister answering the question stands by and is held accountable by the answer that he or she gives. A Minister cannot give an answer in this place and say the answer came from another Minister. The Attorney General, quite properly in the strict sense of the word -

Hon N.F. Moore: He accepts that responsibility; he told you that.

Hon KIM CHANCE: Quite properly it is the Attorney General who has hammered that point home to us. I feel sympathy for the position that the Attorney General finds himself in. I had no more knowledge of this motion than he did; in fact, rather less. I did not know that this motion was arising before we came in here.

Hon N.F. Moore: You mean to say that this was not part of your party?

The PRESIDENT: Order! I am trying to listen to Hon Kim Chance. I am having difficulty because of the level of audible conversation in the Chamber.

Hon KIM CHANCE: I do not intend to continue any longer. At the same time I feel the Minister is feeling some pain because he is caught in a situation that he helped create, which is the most rigid possible enforcement of the standing orders. I hope the Minister will accept that all his past arguments were wrong and mine were right.

Hon Peter Foss interjected.

The PRESIDENT: The rules in this place apply to every member.

Hon KIM CHANCE: At this stage I think it will be an advantage if we were all able to think a little further about the matter and as a result I move -

That the debate be adjourned.

Question put and passed.

SMITH, HON GREG - REMARKS ABOUT ABORIGINAL AND ASIAN PEOPLE

Standing Orders Suspension

HON LJILJANNA RAVLICH (East Metropolitan) [4.50 pm]: Pursuant to Standing Order No 433 I move -

That so much of standing orders be suspended so far as will enable me to move the following motion and the question put and determined at this day's sitting -

That this House calls on the Government to immediately dissociate itself from the comments made by Hon Greg Smith, recognising both the insulting nature of those remarks to Aboriginal and Asian peoples, and the potential injury to the economic interests of Western Australia.

The remarks I refer to were remarks made in the House yesterday in the debate on the motion on Sorry Day by -

Point of Order

Hon N.F. MOORE: Standing Order No 433 requires the President to have an opinion on the urgency of this matter. As we have heard the motion, I wonder whether you, Mr President, have now determined its urgency or whether it is necessary for us to listen to this speech in order for you to determine the matter.

The PRESIDENT: I have not determined whether it is a matter of urgency because it is the first I have heard of the motion. In the past the practice has been that when a member wants to move a motion without notice and claims urgency, he would approach the President before that was done, so that the President has an opportunity to consider the matter. I have not been afforded that courtesy. I am happy to listen for a few minutes to Hon Ljiljanna Ravlich. However, I will then consider the matter. If that takes until after dinner, that will be the case. I will come back in due course and advise the House accordingly.

Debate Resumed

Hon LJILJANNA RAVLICH: I refer to Hon Greg Smith's claims that Aborigines should be grateful that Australia was not settled by Asians; that if Europeans did not settle Australia, it would have been settled by another race; and whether we would have been better off if Australia had been settled by Asians.

Point of Order

Hon GREG SMITH: I believe I am being quoted out of context and something that I did not say has been read into what I said. Nothing in my speech could be construed as insulting to Asian people.

The PRESIDENT: Order! Hon Greg Smith may have been quoted out of context. If in due course he claims to be misrepresented, standing orders allow him to make a statement to the House about that misrepresentation. For the moment, however, the issues that he is raising are debatable and it is not the time to raise them. I have said I will listen to Hon Ljiljanna Ravlich for a few minutes on why she claims that whatever was said is so urgent that the House should suspend standing orders to consider the motion. I have not heard anything yet that indicates that urgency. If Hon Ljiljanna Ravlich focuses her mind on the question of urgency, that is the matter that interests me at this stage.

Debate Resumed

Hon LJILJANNA RAVLICH: The reason I think the matter is urgent is that we should address the question of members of Parliament making comments which have racist overtones, and are crass and insulting. We in this place should be setting an example to unify the Western Australian community, not divide it. This Parliament should also reassure the Western Australian Asian community that it is in no way inferior to us. I do not know what was the intent of Hon Greg Smith's comments yesterday afternoon. However, I suspect that many Asians in our community, including recently arrived Asians, would be feeling very uneasy. Of even more importance is the economic impact that these statements have, particularly in Western Australia, which relies so heavily on the very good relationship that we have with our Asian neighbours.

If these matters are not addressed and we allow these racist comments to be made, it has the potential of undermining Western Australia's multiculturalism. For that reason, it is important that we address this matter from not only a social perspective but also an economic perspective, and that we seek to lessen the damage that Pauline Hanson did in another place when she said, among other terrible remarks, that Australia is being swamped by Asians - remarks which the Prime Minister has failed to address.

The PRESIDENT: Order! I have heard enough to now consider whether the matter the member raised is urgent. I will let the House know when I have considered the matter and we will then either proceed or not proceed to consider the motion to suspend standing orders.

Hon Tom Stephens: I wonder whether, in your consideration of that question, Mr President, you will also consider your capacity to interpret Standing Order No 433 insofar as it calls for the opinion of the President; that is, whether you are to be the sole arbiter in determining whether Standing Order No 433 applies, or whether you will allow the interpretation of that standing order to rest in the hands of the House. Will you consider both questions, Mr President?

The PRESIDENT: I intend to recommend to the Standing Orders Committee that Standing Order No 433 be

amended. It places an unreasonable burden on the President to decide whether matters are of such significance or such urgency that the House should abandon all other business for the purpose of debating a matter, when such a debate could take hours, and if not adjourned, even days. That is one of the reasons that, in the past, members have afforded the President the courtesy of advising him of what they intend to do and have invited guidance on the matter. When I return to the House later tonight, it is possible that I will include in my comments to the House whether I believe this matter is of such urgency that the House should abandon all other business to deal with it. As the Leader of the Opposition is aware, in previous years it has been a matter for the House to decide, and it has usually required only a relatively short debate for the House to make up its mind. I will make some further comments about that matter, and I trust that will answer the Leader of the Opposition's question.

QUESTIONS WITHOUT NOTICE

Statement by Leader of the House

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.00 pm]: I wish to make a brief statement in respect of questions without notice. As members will notice, I am now receiving the answers and the questions that were provided to various Ministers and me today, and in a moment members on the other side or on this side will ask those questions and I will provide an answer. The answer will normally be given on the basis of my having a rapid look at the answer to the question in the few minutes before I give the answer. It has been the practice of Ministers since this process of questions without notice has been adopted to provide answers in good faith. However, as a result of today's performance by Hon Nick Griffiths, from now on, I will not give an answer personally - and I am sure my ministerial colleagues will take the same view - until I have read the answer and made myself absolutely certain that the answer that I am providing is correct. I suspect that many questions will be put on notice and not answered, or will be deferred until some other time when members will receive an answer. Those are the sorts of consequences of today's activity.

[Questions without notice taken.]

ACTS AMENDMENT (ABORTION) BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

HAIRDRESSERS REGISTRATION REPEAL BILL

Committee

Resumed from 26 May. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 1: Short title -

Progress was reported after the clause had been partly considered.

Hon HELEN HODGSON: I did not have a chance to say very much on this matter last night. The Australian Democrats do not support this clause. We have entered into some serious discussions with various people over the past week or so, given the analysis of the two committee reports. In our discussions we have found that the Minister's proposals do not properly implement the committee's reports. On that basis we are not inclined to support this Bill.

This Bill can be regarded in several ways. There is absolutely no question that the Hairdressers Registration Board is operating under outdated legislation. Appendix B to the original report on the Hairdressers Registration Bill in 1994 includes a history of reconsideration of the board's role from 1989 to 1994. It indicates regularly throughout the report that from December 1989 the board indicated that it agreed new legislation was required to enable it to have more scope in effecting positive changes within the industry. All the committee reports on this issue have presented the same conclusion: The Act under which the Hairdressers Registration Board is operating is outdated and does not operate efficiently in the current environment, but - here is the important part - all these reports, with the exception of those generated internally by the Department of Employment and Training, have said that the board should not be removed without putting something in its place.

Yesterday the Leader of the House referred to the building and construction industry training fund board as another example of legislation that has been hanging around for a long time. That was resolved this year on the basis that an arrangement was put in place to restructure that board, to update it to ensure things would work properly from now on. The Minister for Employment and Training has not taken that approach and has simply said that the board will be repealed without putting anything in its place.

Hon N.F. Moore: You did not fix up the BCITF; that is the problem.

Hon HELEN HODGSON: The legislation was passed in this place, so I assume that means it has been fixed up.

Hon N.F. Moore: No, it does not.

Hon HELEN HODGSON: This Bill has been approached by most people in this place as very much a matter of training. The Australian Democrats started by looking at it as a matter for small business. Training is a part of the issue, but it must be looked at in the context of occupational health and safety, consumer protection and so on.

I have heard much comment about the relatively small number of cases of injury to customers. It is stated that they already have redress under existing legislation. However, the dollar value involved in most cases is very small in comparison with the Ministry of Fair Trading's usual dealings. If a person's hair has turned orange because of a bad chemical colouring, someone must determine whether it is the fault of the customer or the salon. If the amount involved is \$100 or less, it is put in the too hard basket. By the time anyone looks at it, the problem has passed. We need a body to act as a mediator to deal with many of the consumer and employee issues. I accept that that was not the function of the Hairdressers Registration Board under the original Act, but that is part of the function it should perform today.

Looking at this issue in terms of qualifications and training does not address the full story. I am conscious that many examples have been presented about qualifications, training, registration and so on. I keep returning to the example the Attorney General used when he said that tax accountants are not required to be registered. I have just been through the reregistration process to retain my tax agent's licence. That process is administered by the Australian Taxation Office through the Tax Agents' Board. I must not only prove my training and qualifications, I must also prove an ongoing involvement in the industry, I must say how many tax returns I complete annually and prove that I am a fit and proper person. To say that certain professions are not licensed is not true. Some professions have very stringent licensing requirements. In other areas, similar licensing requirements are administered through professional bodies. The legal and medical professions are protected by a statutory scheme. The Medical Practitioners Board and the Legal Practitioners Board ensure that people practising in those professions are fit and proper people and are registered or members of the society, as the case may be. In that regard, there is definitely a need for protection of the public. There is no reason that hairdressers are any different. They are dealing with people's health and safety and they use chemicals.

Hon Barbara Scott referred to a person who applied for training as a competency based assessor and the short time frame involved. I understand that, although the time frame was shorter than desirable, 103 applicants managed to submit their applications, and 12 were successful. They were chosen by a selection panel following the close of applications. Their appointment was not predetermined. Given that, I am not surprised there were 91 unsuccessful applicants who may have felt disgruntled and locked out of the procedure.

The board is trying to implement competency based assessment. The current board includes several members who were an important part of the team that developed the submission in respect of the national competency based standards. They have submitted a competency based assessment procedure to several States for accreditation as the way to go for the hairdressing industry. That does not sound like a moribund board. It is trying to do something and it is acting in the interests of its members.

I appreciate that this is likely to be the first time that this House rejects a piece of government legislation. However, we are doing exactly what we are supposed to be doing: This is a House of Review. We sent the matter to a committee, although admittedly some members did not support that move at the time. The committee came back with recommendations. The Minister has decided not to implement those recommendations. This House is saying that it has reviewed the legislation and it does not agree with the Minister's approach and proposals. We have not treated this matter frivolously.

I have had a number of discussions with people over the past few days. I have had three meetings with the Minister and at least twice that number with her advisers, both face-to-face and on the telephone. We have tried very hard to ensure that the committee's report is implemented. Instead, the Minister is focusing on only one recommendation; that is, the abolition of the board. That is only part of the process. We must have something in its place for the protection of hairdressers, customers and employees. At the moment, nothing along those lines is suggested. Therefore, we do not support the legislation.

Hon LJILJANNA RAVLICH: It gives me great pleasure to say that I will not support this clause. I was very interested to hear Hon Norman Moore saying that since I have been in this place there has been a real turnaround in the Opposition's approach to the Hairdressers Registration Board. If that is the effect that I have had, I am very proud.

Hon N.F. Moore: You have taken your party back a hundred years.

Hon LJILJANNA RAVLICH: I will not take full credit for it.

Hon N.F. Moore: Go on! You should.

The CHAIRMAN: Order! This is not a dialogue.

Hon LJILJANNA RAVLICH: I cannot take full credit for this. However, if I have caused any shift in thinking among my colleagues, I am very pleased to have done so.

Hon N.F. Moore: They are very easily persuaded.

Hon LJILJANNA RAVLICH: This Government cannot be trusted. It went to the 1993 election saying that it would not abolish the State Employment and Skills Development Authority. It would be safe under this Government.

Hon N.F. Moore: I wonder what SESDA has to do with the Hairdressers Registration Board.

The CHAIRMAN: The member may wish to relate her comments to the Hairdressers Registration Board.

Hon LJILJANNA RAVLICH: I am happy to do so. One of the ITCs initially considered covered the hairdressing profession, but that did not eventuate. It is interesting that one of the committee's recommendations is that hairdressing have an ITC of its own to take the place of the board and in some way compensate the industry. However, the future of the ITCs is very uncertain. If they last another couple of years, we will all be very surprised. They are no more than puppets of the Western Australian Department of Training. They are not properly resourced and there are enormous problems.

Hon N.F. Moore: They get twice as much funding as any other ITC in Australia.

Hon LJILJANNA RAVLICH: The Government is trying to buy off the hairdressing industry -

Hon N.F. Moore: We should have a Committee of Privilege in respect of that comment.

Hon LJILJANNA RAVLICH: This industry wants to maintain its standards. It will not be easily fooled. It knows that deregulation will lead to a reduction in industry standards, and no-one in the industry wants to see that.

Clearly, members of the hairdressing industry want their board. Hon Giz Watson pointed out that 76 per cent of hairdressers said they want a registration board and 63 per cent were of the view that industry standards are slipping. Some of the arguments that have been put about this board's doing nothing but collecting money are nonsense.

Hon B.M. Scott interjected.

Hon LJILJANNA RAVLICH: Hon Barbara Scott should know that this board has had an uncertain history over the past 10 years. It is a bit like expecting someone to hurdle with one leg in plaster. This board has been stymied and it has been prevented from doing its job. Members on this side of the House will be giving this board the opportunity to get on with its business and it has made a very good start.

The arguments in relation to this issue seek to devolve responsibility; that is, WorkSafe would look after the occupational safety and health regulations and the Small Claims Tribunal and the Ministry of Fair Trading would look after consumer problems. That will not work. We already know that WorkSafe has enormous problems and that is why I have given notice of a motion seeking a full inquiry into WorkSafe.

We know that WorkSafe has made only five visits to hairdressing salons over the last two or five years. Whichever way one looks at it, it is an appalling record.

Hon Peter Foss: Wait a minute, either two or five years?

Hon LJILJANNA RAVLICH: It is in *Hansard*; it is on record. WorkSafe does not make precautionary checks on salons. Currently nobody does that.

Several members interjected.

Hon LJILJANNA RAVLICH: The Hairdressers Registration Board has a very bright future. It has already taken some very positive initiatives. It has met with WorkSafe to work towards compiling a code of practice which I am sure will be a positive initiative for the industry. It has begun negotiations to establish small business training courses and many other positive initiatives will take place.

One of the provisos that was put to this Government was that, if it dismantled the Hairdressers Registration Board, we would like to see something in its place. This Government has not put anything in its place. As a result, there

is no way that we would support this clause. If the Minister says that the board does not make any difference, then I say keeping the board will not make any difference, so I do not know why he is sweating over it.

Hon KIM CHANCE: I shall raise some issues concerning regulation and registration which arise chiefly from the comments of the Attorney General last night. It is true that we do not register teachers. However, it is also true that we register nurses. Why do we register one and not the other? It is true that we do not register tax lawyers. Contrary to what the Attorney General said last night, we do register tax accountants. We do not register taxation lawyers, but each tax accountant - even one with an ACN number - has a registration number. We do not register bus drivers other than by their drivers' licences, but we do register taxi drivers. There is a carefully thought out reason for registration.

Hon N.F. Moore: Not at all, and you know better than that. There is no thought out reason for that at all. That is a total mockery.

Hon KIM CHANCE: In respect of the last comment the Leader of the Government should speak carefully to the Minister for Transport.

Hon N.F. Moore: I am going to speak to him.

Hon KIM CHANCE: The Minister for Transport understands very well why we have registration for taxi drivers. It is an entirely good reason and we support the Government in that reason.

Hon Simon O'Brien: I am sure that is granted. The issue is, why register hairdressers, not why register taxi drivers.

Hon KIM CHANCE: That is an arguable point. I do not propose to argue that point beyond what we have already done. It is not such a simple matter as saying that we do not have to register teachers, therefore we do not have to register hairdressers. My argument is that one might just as well say that we do have to register nurses, therefore, we do have to register hairdressers. Neither argument makes much sense.

Hon B.M. Scott: Why register hairdressers when we register only some nurses?

Hon KIM CHANCE: We register some nurses and not others. We have registered nurses, but we do not register enrolled nurses.

Hon B.M. Scott: Yes, but they cannot work as RNs.

Hon KIM CHANCE: There is a reason for that and this is neither the time nor the place to consider it. I agree with the member's argument that it is an absurd proposition that the Hairdressers Registration Board and its legislation has application only in the south west land division and Kalgoorlie. I agree with 95 per cent of what Hon Barbara Scott said. However, while the report of the Standing Committee on Public Administration was seen as being more regulatory, the implication was that the Government Agencies Committee was not as regulatory. I refer members to part 7 of the report of the Government Agencies Committee, the third paragraph on page 6, and the second paragraph on page 4. In both of those paragraphs the point was clearly made by the Government Agencies Committee that a form of regulation and registration needs to continue.

Hon N.F. MOORE: I have listened to this debate with extraordinary interest, as I did the first three times. If we were to take the comments of Hon Helen Hodgson and those of a number of other members to their logical conclusion, every occupation in Western Australia would have a registration board. People would have to be qualified and the registration board would concern itself with those qualifications, the capacity of the individual to carry out the job, occupational safety and health issues and consumer complaints. Each board would get involved in a whole range of issues for each industry.

If members think that we have enough quangos now - and most people think we have too many - let us have boards for all the occupations in Western Australia with enough people to go to the different workplaces to make sure that the occupational safety and health standards are met; to ensure the workers are qualified and of good character; to make sure that customers are being looked after; and to listen to customer complaints. We will need a board for every industry in Western Australia. That is the logical extension of what is being proposed here. Somehow or other the Opposition is saying that hairdressers should have their own organisation, not just a registration board, but also one which incorporates occupational safety and health, the character of the individuals involved and customer complaints.

I do not know many people who come out of a hairdresser's shop thinking that their haircut was a good one because everyone knows there is only 24 hours between a bad haircut and a good one. However, usually when one walks out, it is a bad one. Here we will have the person with orange hair immediately phoning the Hairdressers Registration Board saying, "Guess what, he cut my hair too short. It cost only \$20 but I am lodging a complaint. He did not cut it properly".

Several members interjected.

Hon N.F. MOORE: Maybe my hairdresser should be deregistered, maybe that is the problem. The point I make in an exaggerated form seeks to extend what members opposite are arguing for here to every occupation in Western Australia. If the Opposition wants to do that, then it should say so. It should say that the occupational safety and health legislation is inadequate, even though it is the Opposition's own legislation. The member running the legislation was a Labor Party candidate at one time, although he has fallen out with members opposite and has obviously seen through them.

Members opposite may not like the fair trading and consumer rights legislation in Western Australia, but it is their own legislation. If they do not like it, they should say so. However, what they are arguing for now is for every industry and occupation in Western Australia to have a board which will deal with all these issues right through from training to customer complaints.

Hon Kim Chance: That is not what I argued for.

Hon N.F. MOORE: That is what they are arguing for now because they have some philosophical hang-up in respect of occupational safety and health and consumer rights; and for some strange reason they are 100 years behind the times in respect of training because in the last few weeks this board has decided that people who have completed their training and received their qualifications more quickly will not be registered. How absurd!

Hon Ljiljanna Ravlich: How long ago was that?

Hon Kim Chance: The 36 month rule is a Department of Training rule. Am I right or wrong in that?

Hon N.F. MOORE: We have a board which is saying to hairdressers who want to be registered, "If you have not completed up to 30 months then we will not even give you an examination and we will not register you." That is what it is saying.

Hon Kim Chance: Who enforced that? Was it not the Department of Training?

Hon N.F. MOORE: That is what it is seeking to do and, as I said yesterday, it is probably ultra vires. The legal advice I have is, regardless of what is done here tonight - whether the Bill is defeated for the first time - the Hairdressers Registration Board is a meaningless organisation. It will have two jobs: Firstly, to collect money and, secondly, to register overseas hairdressers. That is the sum total of what its job will be. However, the Opposition wishes to keep it there collecting money from these people.

Several members interjected.

Hon N.F. MOORE: I will show members the legal advice afterwards. I do not propose to table the legal advice as it is not part of the normal process. As far as the Crown Solicitor's Office is concerned, this is the bottom line. As Hon Peter Foss clearly pointed out last night, if this significant Bill is rejected here tonight, it will be the first piece of legislation to be knocked out, bearing in mind the Government has a bigger majority in the other place than any Government in history. The Opposition is tossing out its legislation because a few members who were elected with 2 or 3 per cent of the vote have decided they do not want it. The Labor Party has changed its mind 180 degrees from last time and gone back to its old ways of regulation and control to make sure that nobody can do his own thing.

Sitting suspended from 6.00 to 7.30 pm

Hon LJILJANNA RAVLICH: I welcome the opportunity to make some more remarks on this clause. I will not support the clause. I am particularly concerned about the Minister's response to the inquiry into the legislation of the Standing Committee on Public Administration. I have received a copy of correspondence from the Minister to Mr Malcolm Peacock, Executive Officer of Procedure in the Legislative Council, regarding the report. In the document the Minister goes to some length to explain which of the clauses she can and cannot support. It is clear from this correspondence that the Minister is prepared to accept the recommendations which I believe to be of a fairly insignificant nature compared with some of the more substantive recommendations made by that committee.

Obviously the Minister has no problem with the recommendation that the Hairdressers Registration Board be abolished and that an education strategy be developed to facilitate increased consumer awareness and grievance procedures. Why would the Minister choose not to do that? The answer is that it is because this Government has a solid record in producing glossy information which looks good but does little in any practical sense.

The Minister is also happy to support that an ongoing education strategy be developed to increase awareness of people working within the industry and consumers about issues such as occupational health and safety legislation and general legal rights and obligations. This is once again a fairly easy thing to achieve. She also supports the committee's recommendation that accessible literature be developed as part of the education process. Although those things might be important within the context of the legislation, they are minor issues as far as I am concerned.

I understand the Minister is also happy to support the industry moving towards the establishment of improved industry standards through the development of an industry code of practice. I understand that nothing would prohibit the industry from doing that in any case. I understand that the reconstituted Hairdressers Registration Board is already working with WorkSafe on the establishment of a code of practice for the industry.

However, the issues with which the Minister has problems are of a much more substantial nature. The recommendations in the report that the Minister does not support are critical to the operation of the hairdressing industry in Western Australia. The Minister does not support an ongoing advisory body representative of all sectors of the industry and consumers. Why does this not come as a surprise to me? Perhaps one of the reasons the Minister does not support an ongoing advisory body representative of all sectors is that there is some union involvement. At every opportunity this conservative Government has got rid of union representation from any board or body. It is no surprise to the Opposition that the Minister does not support it. Nor is it any surprise that the Minister does not support a hairdressing industry training council protected by legislative framework with the sole responsibility for training and skills in the industry.

We do not have a hairdressing industry training council in its own right; but giving the hairdressers an ITC of their own would give them a death wish anyway. The ITC structure has a very dim future. It is likely to be abolished by this Government in the next couple of years. I have already explained that the ITCs are no more than a puppet of the Training Department of Western Australia. The Minister does not support an independent authority separate from the ITC protected by a legislative framework that has sole responsibility for assessment and verification of qualifications and recognition of prior learning. We believe this to be critical because it reinforces industry standards.

The Minister does not support a regime to license the work environment on an annual basis and a levy of a one-off registration for hairdressing professionals administered by an independent authority. We support that. Nor does the Minister support the notion of routine inspections of premises by staff of an independent authority. I cannot understand why these very positive initiatives are not supported by the Minister.

It is no surprise to see what the Minister will support. It is fairly secondary in importance compared to the critical recommendation in the report of the Public Administration Committee that the Minister does not support. Members on this side of the Chamber are very firm in their resolve to not support this clause.

Hon N.F. MOORE: I hoped that at one minute to six we would have a vote on this. I regret that did not happen. I have now been provoked by the member opposite to put on the record what the Minister for Employment and Training is prepared to do about this matter.

She has undertaken to introduce a Bill to protect the hairdressing qualification; in other words one must be qualified to operate as a hairdresser. The Minister has had a Bill drafted. The Minister has agreed to an ongoing advisory body or separate industry training council. However, she is not prepared to legislate for that. None of the ITCs is legislated for, although a section in the Vocational Education and Training Act provides for them. The member commented earlier this afternoon that the ITCs in Western Australia were under-resourced. I am not sure of the funding at the moment, but when I was the Minister they were getting twice as much as any comparable ITC in Australia. Perhaps a committee of privilege should investigate the member's comment on that!

The Minister has also agreed to support a field officer being funded by the advisory body. That person would act not only as an inspector but also as someone who examines skills development and has an educational role. The question of competence and related issues should be dealt with by the State Training Board. The Minister has largely agreed to the committee's recommendations. However, she is not prepared to legislate for it.

It seems that some members in this Chamber think the only way to make things happen in this country is to legislate for them, and to impose controls, rules and regulations to make sure everybody abides by it. Some members cannot accept the fact that people are quite capable of looking after their own interests and their own businesses, and are capable of making sure they have qualified people to do the work and that they deliver good service. Members opposite think that an inspector must be appointed to run around looking at everybody doing anything in this society because people cannot run their affairs properly or in a legitimate way. It is an attitude among those in the Labor Party which I am pleased is not evident in most people in the community. I told Hon Ljiljana Ravlich earlier that this Chamber has gone back about a hundred years since she became a member.

The Minister has agreed to go much beyond what I would have agreed to. She has given an undertaking to the Opposition in writing that she will put this in place and ensure the industry is well and truly looked after. I regret to say that no matter what is offered to some members opposite, it is never enough because they want to control the lives of everybody. This Government will not do that.

Clause put and a division held, with the Chairman casting his vote with the noes.

Ayes (13)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Peter Foss

Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery
Hon N.F. Moore

Hon B.M. Scott
Hon Greg Smith
Hon W.N. Stretch

Hon Derrick Tomlinson
Hon Muriel Patterson
(*Teller*)

Noes (15)

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

Hon John Halden
Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly

Hon Ljiljanna Ravlich
Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens

Hon Giz Watson
Hon Bob Thomas (*Teller*)

Pairs

Hon Simon O'Brien
Hon Max Evans

Hon Ken Travers
Hon Mark Nevill

Clause thus negated.

Progress reported.

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION

Births, Deaths and Marriages Registration Bill and Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill - Report

Hon Ray Halligan presented the twenty-second report of the Standing Committee on Constitutional Affairs and Statutes Revision in relation to the Births, Deaths and Marriages Registration Bill and the Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill, and on his motion it was resolved -

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

[See paper No 1631.]

SMITH, HON GREG - REMARKS ABOUT ABORIGINAL AND ASIAN PEOPLE

Suspension of Standing Orders - Ruling by the President

THE PRESIDENT (Hon George Cash): Earlier today Hon Ljiljanna Ravlich made certain comments in support of moving a motion to suspend Standing Orders for the purpose of moving another motion. I said I would give the matter some consideration with respect to the requirements of Standing Order No 433.

It was my predecessor's practice to require a member intending to use Standing Order No 433 to seek a ruling prior to moving suspension. To date, I have been content to let the House make the decision; an absolute majority is required and that, to my mind, should be determinative of the matter. As I have already stated, I think the discretion vested in the President does not sit well with the general rules of this House, which reserve to the House itself the right to determine matters to the exclusion of the Presiding Officer. However, the point having been taken, I will now rule on whether the motion moved by Hon Ljiljanna Ravlich under Standing Order No 433 can proceed.

In so doing, I am obliged to weigh the urgency and importance to the House of the subject matter of the motion against the disruption that would be caused to the routine of business if I were to allow it to proceed. In reaching a decision, I should have regard to other avenues available to the member to achieve his or her objective, short of seeking the suspension of standing orders. The motion for which suspension is sought cannot be characterised as urgent, particularly when it is considered that the Government's position could be ascertained by asking a question without notice, or by raising the matter on the motion to adjourn the House, or by giving notice of motion in the ordinary way. I therefore rule that the motion is not urgent and cannot proceed.

JANGARDUP SOUTH MINING PROPOSAL - STATEMENT BY MINISTER FOR MINES

Consideration

HON N.F. MOORE (Mining and Pastoral - Minister for Mines) [7.51 pm]: I move -

That the ministerial statement be noted.

HON J.A. SCOTT (South Metropolitan) [7.51 pm]: When the statement was given I asked that consideration of it be made an order of the day for a very important reason. However, before I go into that, many members now in this House were not here when the Bill in question was debated, so I will give a brief summation of it.

Hon Kim Chance: You and I did not agree.

Hon J.A. SCOTT: I do not think we did.

Hon N.F. Moore: I am sure you will change your mind.

Hon J.A. SCOTT: Hon Norman Moore made the statement on Wednesday, 14 May 1997 about the Reserves Bill 1995. Clause 10 of the Bill dealt with the excision of an area of land from the D'Entrecasteaux National Park very close to Lake Jasper for the purpose of mining mineral sands. The excision involved a corresponding land swap. The briefing notes to the second reading speech in relation to clause 10 state -

In line with procedures for the administration of mineral exploration and mining in conservation reserves endorsed by Cabinet on 13 December 1993, Cabinet (31 October 1994) supported in principle the provision of greater security of tenure than presently provided by Exploration Licences 70/588 and 70/589 to Cable Sands (WA) Pty Ltd to that part of its Jangardup South titanium mineral deposit within the bounds of the Park. To achieve this in part it is proposed to:-

- (i) excise 368.0615 hectares, shown coloured blue on the sketch, (annexure 1) from Reserve 36996.
- (ii) revest that portion of Nelson Location 7226 held in Certificate of title Volume 1426 Folio 015 in Her Majesty as of Her former estate by removing the land from the operation of the Transfer of Land Act 1893 and constituting it as Crown land.
- (iii) set aside as a Class "C" reserve for "Conservation and Resource Management" the land described in (i) and portion of the land described in (ii) and now shown and delineated on Reserve Plan No. 431 as Nelson Locations 13471, 13472, 13473 and 13474, (annexure 2). Vesting would be in the National Parks and Nature Conservation Authority and conditional upon no management initiatives being undertaken which may affect native title rights and interest without consideration under the Native Title Act, 1993.

It describes the excising of 360 ha of land from the reserve and revesting a portion of Nelson location 7226. The notes continue -

Once the reserve changes are finalised, Cable Sands has indicated it would apply for a mining lease to coincide with the Class "C" reserve now proposed.

That took in part of the 360 ha and also a portion of four other Nelson locations. It continues -

The Company will continue collecting geological and environmental data under rights of the Exploration Licences, leading to a submission of a Notice of Intention to mine the mineral deposit. This would be considered by the State Mining Engineer, and the Environmental Protection Authority, and the Mining Lease issued subject to the Native Title Act process. If environmental and mining approvals are not given the Mining Lease would not be granted and the land in the Class "C" reserve would be incorporated into the National Park.

That original piece of land would revert if it were not mined. The briefing notes continue -

Part of the arrangements are that the Company would transfer Nelson Location 12897 into the name of the Executive Director of CALM once the Class "C" reserve was created.

Location 12897 contains 1083.1740 hectares.

This is the land that would be swapped if the mining were to go ahead and the reserve created. It continues -

Of this, if and when the Company obtains approvals to mine, up to 437 hectares with native vegetation coverage could then be added to the National Park via the next available Reserves Bill.

The Company will require access for mining and related uses, without payment of compensation to CALM, to about 533 hectares of Location 12897. Rehabilitation of all areas affected by mining or support work will be completed by the Company in accordance with usual mining approvals.

The balance of Location 12897, about 113 hectares, will require rehabilitation to restore native vegetation cover prior to, and if it is eventually to be added to the National Park.

- (v) the remaining portion of the land reverted in (ii) described as Nelson Location 13481, containing an area of 39.4053 hectares, as shown and delineated on Miscellaneous Diagram 525, to be included into Reserve 36996, (annexure 3).

The ministerial statement to which Hon Norman Moore referred was not the statement we are considering now but a statement made prior to that. It also addresses the mining lease. On Thursday, 27 June 1996 Hon Norman Moore stated -

I want to clarify a matter that was raised in debate on the Reserves Bill last night. In consultation with the Minister for Mines, I confirm the Government's commitment to ensuring that, prior to any mining taking place at Jangardup South, there will be laid before both Houses of Parliament the following: First, a report from the Commonwealth Scientific and Industrial Research Organisation relating to the hydrology of the Lake Jasper area and the likely impact of mining at Jangardup South on this lake; second, an environmental assessment of the proposal to mine in this area at a level of assessment considered appropriate by the Environmental Protection Authority and the Minister for the Environment; and third, the ministerial conditions arising from the environmental assessment including conditions that Nelson locations 13471, 13472, 13473, 13474, 7226 and 12897 be revegetated to acceptable native vegetation standards which will allow those locations to be incorporated in the D'Entrecasteaux National Park at a later date. This will ensure that Parliament is fully informed of the reasons for any approval to mine that may be granted.

I confirm also the Government's commitment that in the event that mining cannot take place for environmental or other reasons, the land excised from the D'Entrecasteaux National Park will be reincluded in the national park by way of a future Reserves Bill, thereby restoring the current status quo.

The Minister has backed up the statement in the initial Reserves Bill, which said -

The balance of location 12897 of about 113 hectares will require rehabilitation to restore native vegetation cover prior to, and if it is eventually to be added to the national park.

That all sounded fairly reasonable; the land that was to be swapped was not up to the standard that the Labor Party liked to have in place in terms of excisions from national parks. I remind members that the Labor Party at the time said - not in these precise words - that it agreed in principle to excisions being made to swap land where the land for which the excision was swapped was of a similar environment to the excised land.

Hon Kim Chance: That is not far off the mark.

Hon J.A. SCOTT: That is basically it.

Hon Barry House: Also, vegetation was included in the national park.

Hon J.A. SCOTT: The Government at that time during that debate referred a number of times to the Labor Party's approach and suggested that this particular approach fitted the Labor Party's policy.

Hon Kim Chance: Is the member writing our policy too?

Hon J.A. SCOTT: However, it fitted only if the balance of the land - that is the land that does not have good native vegetation coverage on location 12987 - will require rehabilitation to restore native vegetation cover prior to its eventually being added to the national park.

Hon Kim Chance: Yes, because a lot of it is farmland.

Hon J.A. SCOTT: The Minister returned with a statement giving assurances that that was the case on Thursday, 27 June 1996. However, then, in the ministerial statement that we are now discussing, Hon Norman Moore said -

I wish to clarify a matter that was raised in debate on the Reserves Bill on 25 June and was the subject of my ministerial statement to this House on 26 June 1996.

In my capacity as the Minister representing the Minister for Mines, I confirmed in my statement the Government's commitment to ensure that, prior to any mining taking place at Jangardup South, three documents would be laid before both Houses of Parliament. The third document was described as the ministerial conditions arising from the environmental assessment, including a condition that Nelson locations 13471, 13472, 13473, 13474, 7226 and 12897 -

That is the swap land. To continue -

- be revegetated to acceptable native vegetation standards which will allow those locations to be incorporated in the D'Entrecasteaux National Park at a later date.

To remove any misunderstanding and more accurately reflect the Government's commitment, I advise the House that the third document will comprise ministerial conditions arising from the environmental assessment, including a condition that Nelson locations 13471, 13472, 13473, 13474, 7226 and all those parts of Nelson location 12897 disturbed by mining be revegetated to acceptable native vegetation standards which will allow those areas to be incorporated in the D'Entrecasteaux National Park at a later date.

Suddenly we have a change from the land that is being swapped - which, prior to any mining, had been degraded by cattle grazing - being revegetated, to only that land disturbed by mining being revegetated. Suddenly, we have by ministerial statement in this House a reduction in the conditions of that swap to which we agreed in this House.

Hon Kim Chance: Does some of the land subject to the change that you have identified constitute cleared farmland? Some of it? All of it?

Hon Christine Sharp: Two-thirds.

Hon J.A. SCOTT: Suddenly, it seems there is quite a change in the swap through a process in which we in this place have no control whatsoever. All we can do in a motion like this is express our concern about that process. I am not sure - not being a lawyer - whether that would be challengeable in a legal sense. It may well be, because the House, when it agreed to the Reserves Bill, agreed to those conditions. I wonder whether there would be some argument with any person with lots of money taking on the position that the conditions agreed to in this House are not followed. Following the Minister's statement, which I immediately put on the Notice Paper for further debate and to be made an order of the day, on 10 June 1997, I asked the following question of the Minister, and referred him to his ministerial statement on 14 May 1997 -

I refer the Minister to his ministerial statement of 14 May 1997 on the Jangardup South mineral sands proposal -

- (1) Why has the Minister reduced Cable Sands' commitments to revegetate all of Nelson Location 12897, given that in the original Reserves Bill 1995 all of Nelson Location 12897 was to be rehabilitated to acceptable native vegetation standards?
- (2) Did Cable Sands request this reduction in rehabilitation conditions?
- (3) If no, where did the request come from?
- (4) Does the Minister expect the WA taxpayer to pay for the rehabilitation of the farmland and degraded native vegetation that comprises Nelson Location 12897?
- (5) If no, who is to pay for the rehabilitation of Nelson Location 12897 before the farmland and degraded native vegetation can be classed as of equal value to land inside the D'Entrecasteaux National Park?
- (6) When will Nelson Location 12897 be incorporated into the D'Entrecasteaux National Park?

The answer to that was -

- (1) The original Reserves Bill 1995 relating to Jangardup South did not refer to any commitments to revegetate any land.

I beg to differ because it did, in fact. I did read that out a little earlier. It did say that. I will reread clause 10 -

Part of the arrangements are that the Company would transfer Nelson Location 12897 into the name of the Executive Director of CALM once the Class "C" reserve was created.

Location 12897 contains 1083.1740 hectares. Of this, if and when the Company obtains approvals to mine, up to 437 hectares with native vegetation coverage could then be added to the National Park via the next available Reserves Bill.

The Company will require access for mining and related uses, without payment of compensation to CALM, to about 533 hectares of Location 12897. Rehabilitation of all areas affected by mining or support work will be completed by the company in accordance with usual mining approvals.

The balance of Location 12897, about 113 hectares, will require rehabilitation to restore native vegetation cover prior to, and if it is eventually to be added to the National Park.

Hon Kim Chance: What did the member quote from? The second reading speech?

Hon J.A. SCOTT: That is the second reading speech.

Hon Kim Chance: That establishes the policy of the Bill and it answers the question. The Government has a responsibility.

Hon J.A. SCOTT: That is right; but the Minister said here there was no commitment to revegetate the land.

Hon Kim Chance: He was wrong.

Hon N.F. Moore: Do not jump to conclusions all the time.

Hon Kim Chance: That is the second reading speech.

Hon N.F. Moore: You are assuming that his version of events is correct.

The PRESIDENT: Order!

Hon J.A. SCOTT: They are the words of the Minister. I am not using my own words. I did leave out a few things like 0.1740 of a hectare and things like that to make it quicker to read, but the text is exactly the same. The text is basically the same. The Minister said -

The original Reserves Bill . . . did not refer to any commitments to revegetate any land.

That is obviously correct. It continues -

I was clarifying an earlier statement I made to Parliament in relation to the Government's original commitment regarding matters arising from environmental assessment of any future mining proposal for the area.

There has been no reduction in Cable Sands' rehabilitation commitments. The Government's intention in respect of the Company's obligations concerning Nelson Location 12897 has always been to impose a condition that all those parts of Nelson Location 12897 disturbed by mining be revegetated to acceptable native vegetation standards.

Clearly there was an additional passage for that 113 ha apart from the area that was already properly vegetated which it would not have to revegetate. The answer to that question continued -

Cable Sands sought clarification of the Government's position in relation to the land the company was donating to the State.

In other words, Cable Sands had this agreement with the Government that it would do only the mining and rehabilitation. What appeared in that Bill and what we agreed to was that that extra area would be rehabilitated - an area of land which is already vegetated, another area to which it wants access to mine on again, and a further area which it said would be revegetated. Cable Sands said it would revegetate any land on which it mined. That answer so far has been wrong. It goes on -

The company is donating 1 083 hectares of private land to the State. Approximately one third of this contains high quality native vegetation, the area of which is slightly larger than the area excised. Of the remainder, Cable Sands is to restore a 500 metre wide strip of partially cleared land along the southern margin near to Lake Jasper, and will be restoring all areas affected by mining or related infrastructure. The balance which consists of partially cleared native vegetation within farmland is available for purposes as required by the State.

The last part of that paragraph was not mentioned in the briefing notes. It continues -

That part of Nelson Location 12897 containing native vegetation will be incorporated into the National Park if and when Cable Sands obtains environmental and all other approvals to mine and commences production. The Department of Conservation and Land Management will have responsibility for deciding when any of the balance will have achieved a satisfactory level of rehabilitation to be incorporated into the National Park.

This reduces the quality of the land that the conservation reserve will receive. It is unacceptable to make an agreement in this House, through our votes, based on information provided in the briefing notes, and to have those conditions which were agreed to changed by a ministerial statement. That is an appalling process and it gives Ministers and their departments carte blanche to do whatever they like. It is an outrageous situation.

The answer to question without notice 22 on 10 June 1997 concerned a 500 metre wide strip of partially cleared land on the southern margin next to Lake Jasper. In other documentation and background information which was provided at the time an amount of 300 metres was referred to. We have been given information which is not constant. I am worried about what we will end up with at the Cable Sands area. My colleague, Hon Christine Sharp, will discuss other aspects of this Bill.

Hon B.K. Donaldson: That mine improves the soil.

Hon Christine Sharp: Only for farming, but we are not talking about farming.

Hon J.A. SCOTT: A reduced standard of the land is being offered. Members may recall my argument at the time that the company's rehabilitation work in other areas was not up to scratch. What it put forward as good rehabilitation was very poor by any scientific assessment. Some of the other proposals it put forward as rehabilitation was grass in the place of bushland.

Hon Barry House: Have you had a look at the Minningup dunes?

Hon J.A. SCOTT: I have tabled photographs of the dunes in this Parliament because so much of the vegetation died - only the very deep rooted plants survived and only 10 per cent of the original species were able to make a comeback in that area. That is pretty poor; 90 per cent of the original species were wiped out. I have had a look at the Minningup dunes and that is exactly the sort of rehabilitation to which I referred.

Hon Barry House: When was that?

Hon J.A. SCOTT: That was at the time of the debate and there was plenty of time for that area to be rehabilitated. Those species that were replanted had died, except for 10 per cent. Not only do we have a worrisome standard of rehabilitation, but the commitment to rehabilitate has been changed by a statement in this House. That is an appalling situation and I will ask for advice on how we can avoid having commitments changed in this way without any reference to the will of this House. The Minister's statement is a great disappointment and I am pleased to finally get a chance to express that disappointment.

HON CHRISTINE SHARP (South West) [8.18 pm]: I hope that in the course of this discussion we will receive some commitment and clarification from the Minister concerning these events surrounding the change in the Government's conditions. When he has listened to our concerns regarding the corporate record of Cable Sands, I hope he will assure us of the Government's commitment to protecting the conservation values of Lake Jasper and the surrounding area. I am pleased that the Minister has returned to the Chamber to listen to my colleague and me on this.

Hon N.F. Moore: He was outside on parliamentary business.

Hon CHRISTINE SHARP: Would the Minister rather leave again?

The PRESIDENT: Order! It is a convention of the House not to refer to when a member either enters or leaves the Chamber. That is the point the Minister was making.

Hon CHRISTINE SHARP: I do not know whether it is also a parliamentary convention that we do not talk to one another when we are addressing the Chair. However, as this is a responsibility of the Minister, that would make debate easier.

The Minister would be aware of the genuine concerns that exist about the policy of this Government in relation to the excision of land from the D'Entrecasteaux National Park and the decision to mine next to one of the most important conservation areas in the south west. A series of events have ratified this lack of any sensitivity whatever to the importance of this site, to due process to protect the conservation values of the south west, and, very importantly, to Nyoongah heritage, because Lake Jasper is an extremely significant archeological site and of great spiritual significance to Nyoongahs in the south west.

Everybody knows that the Greens (WA) are opposed to mining in national parks and to the excision of any land from the D'Entrecasteaux National Park in order to facilitate mining. As far as we are concerned, a policy which says that it does not support mining in national parks but that it is okay to excise land so that mining of it is no longer mining in a national park, is not good enough. Already a conservation estate is under severe siege, particularly given that this mining proposal is within 300m of Lake Jasper.

The next shock was to realise that the proposal for the excision of land and the land swap that was offered to make the deal somehow more acceptable environmentally involved land with no conservation value whatever. The only conservation value it may have is that its location serves as a buffer for Lake Jasper. However, it has virtually no value left at all because it is degraded farmland. Furthermore, after having to accept that the land swap was not even land with any conservation value, a few weeks later people in the south west noticed in the mining lease notices in *The West Australian* on Wednesday, 8 January that the area that was to be land swapped not only was of poor value but before it was to be swapped and put into the national park it was to be mined. One has to discover this sort of thing by reading the public notices in the newspaper. Why did the Government not make that clear all along?

We then find that not only is the area that is to be swapped and incorporated into the national park to be mined, but also the infrastructure for the Jangardup south mine will be located on this same parcel of land; that is, all the

buildings, car parks, roads, depots and so on. By the time this land becomes part of the national park it will be a degraded area of land. Indeed, it will not become part of the national park for some time because this land swap process will not occur for another 12 years. It is not until 2010 that Cable Sands (WA) Pty Ltd intends that this land swap deal should be finalised.

It is in the light of one insult after another to the conservation estate that we were particularly upset by discovering that the area that will be swapped is not to be fully revegetated and the Minister had misled this House in the second reading speech on the Reserves Bill debate by implying that the whole area would be revegetated. The Minister seems to have got it wrong. I would like to ask the Minister for some clarification of all these events, and to give him the benefit of the doubt. Did the Minister not think that the company would be so mean spirited as to offer such a poor land swap, and on top of that to mine it; then not even offer to completely rehabilitate it and expect the taxpayers of Western Australia to complete the rehabilitation for it? Is that what the Minister understood in the first place, or was the Minister unaware of the full ramifications of the deal as it has been entered into? I hope that the Minister will explain that to us this evening.

I find that the lack of good corporate citizenship values by the Cable Sands company is quite shocking. Cable Sands is involved in other activities at this time which confirm my concerns about it. For example, in questions in this Chamber last week with regard to Yarloop Reserve 31900 the Minister for the Environment confirmed that Cable Sands is trying now to mine in an unvested reserve near Yarloop. That is despite the fact that when the proposal was assessed by the Environmental Protection Authority it said, "No, this land at Yarloop has outstanding regional vegetation values and should not be mined." In fact the authority stated that, as this land was unvested at the moment, it should be fully protected and vested in the National Parks and Nature Conservation Authority.

That was not enough for Cable Sands. It has now decided to seek a new land swap deal in which it has proposed a new deal offering to swap with land of equivalent value. I am pleased to say that under section 46 of the Environmental Protection Act the authority has decided that this change will require a reassessment, so Cable Sands has had put upon it a public environmental review. Despite the EPA saying no, the Western Australian taxpayers are again going to have to fund a whole new Environmental Protection Authority reassessment of the proposal to mine this area of land at Yarloop. Cable Sands is determined to have a second go at it.

Another little thing that Cable Sands is up to relates to the Jangardup mine. It wants to expand the current mine at Jangardup - this is as opposed to the proposed mine at south Jangardup. The company wanted to add another 8 ha to the mine site of land which had been excised from the D'Entrecasteaux National Park. It tried to get away with this expansion without any environmental assessment at all. Once again it has been caught up in the safety net of section 46 of the Environmental Protection Act. Therefore, yet again, another reassessment is under way through the EPA. It is all part of Cable Sands' naked grabbing, for its own commercial purposes, of significant conservation reserves.

Also at present Cable Sands has applied for a writ in the Supreme Court. The grounds of the order nisi are that the mining warden has misconceived his jurisdiction by taking into account objections based on environmental or other public interest considerations in making a recommendation to the Minister in respect of mining lease applications. In other words, Cable Sands has decided in this writ to challenge the 1994 Supreme Court ruling which guaranteed the rights of individuals and community groups to raise objections on environmental and other public interest matters with the Mining Warden's Court. Such applications are rarely made, with perhaps less than 1 per cent of all cases before the Mining Warden's Court being of that nature. Nevertheless, the Supreme Court decided in 1994 that the Mining Warden's Court had the right to make deliberations in that regard.

Someone I know very well was involved in a case back in the early 1970s when action was taken in the Mining Warden's Court. The company applied to mine mineral sands in a sizeable proportion of the tuart forest at Ludlow, the only tuart forest in the world, and the Mining Warden's Court prevented that proposal from proceeding. Today we are pleased to still have a tuart forest.

Hon Peter Foss: We need a bit more.

Hon CHRISTINE SHARP: As far as I know - but who knows - the company has done nothing to actually break the law, but it has tried to wring everything possible from the legal processes of this State to maximise its corporate profits and minimise environmental protection and gains for Western Australia. Frankly, it stinks.

Lake Jasper is a jewel. It is the largest and one of the most beautiful freshwater lakes in the south west. A 1991 survey of south coast wetlands ranked it second in overall importance. In fact, 25 species of waterbirds are known to use it, and up to 35 endemic plant species are found in the lake and in the wetlands system around it. The lake supports eight species of frogs, and is a major nursery area for freshwater fishes supporting nine out of the 10 species of south west freshwater fish. Members may have noticed in this week's "Earth 2000" supplement in *The West*

Australian an article on freshwater fishes indicating that three of the 10 species in the area are threatened. A beautiful photograph is contained in the supplement of a salamander fish, which is one of the threatened fish living in this area.

Also, it is an area of great importance for Aboriginal heritage and a significant archeological site. In fact, the Lake Jasper project is the first underwater archeological site to be investigated in Australia. Lake Jasper is not old. It is estimated that although one portion of the lake is significantly older than the rest, most of the lake was formed only about 4 000 years ago. Its formation was probably the result of post-glacial sea level rises, which in turn caused the ground water level under the coastal dunes to mound up. That created the lake inside the dunes.

Until the Manjimup "bogs" recently started using Lake Jasper for water skiing, when it was a pristine site it contained a time capsule of recent Nyoongah lifestyle in the south west. Those submerged sites included an area which was a stone quarry containing many thousands of relics of stone quarrying and tool making, and other records of occupational activity of the daily lives of the Nyoongah tribes of the south west 4 000 years ago.

Also, Lake Jasper represents an important spiritual site of cultural significance to living Nyoongah people. As I mentioned yesterday in the Sorry Day debate, few Nyoongah remain in the south west.

Hon Barry House interjected.

Hon CHRISTINE SHARP: I said I could not find one yesterday to say sorry to, but I have met many. As Hon Barry House knows, when one lives in the south west, it is a fairly unusual day when one runs into a Nyoongah.

What is the price of putting this jewel at risk? I gather that Cable Sands will make a fat profit of \$330m, and the State Government expects to accrue \$17m in royalties from the company.

I now mention the environmental risks to the lake system. Only a month ago a spill of hydraulic oil occurred at the Jangardup minesite. A few weeks ago, a fire was started accidentally by Cable Sands workers. When mining next to such a fragile wilderness area, impacts are bound to be felt from everyday events. We also know that mining at Jangardup South will inevitably pose severe hydrological challenges to prevent changing water levels in the lake and adjacent wetlands. It is very questionable that the company will be able to pull off tricky mining procedures without having an impact on the lake itself and surrounding vegetation. That matter will be discussed in the assessment of the Environmental Protection Authority.

Most frightening of all is the prospect of Cable Sands uncovering acid sulphate soils at Jangardup South. I now read a definition from the New South Wales Environmental Protection Authority of such soils -

Acid sulphate soil is the common name given to sediment in soil containing iron sulfides (principally contain iron pyrite . . .) The exposure to pyrite in these soils to oxygen by drainage or excavation leads to generation of sulfuric acid. Acidic leachate can dissolve clay and release toxic concentrations of aluminium, iron or other metals into waterbodies. Drainage waters from areas of acid sulfate soils will affect water quality and could lead to the death or disease of aquatic organisms.

As some members may be aware, until recently we have considered that we in the west are free of the problem of acid sulphate soils, although these are a serious problem in the eastern States. Members may have noticed in today's business pages of *The West Australian* an article regarding the Beenup minesite. BHP has declared a force majeure on its sales contract because a discovery of acid sulphate soils at the site has meant that the project is only working at 40 per cent of its design capacity, and that the company is unable to meet its sales contracts. The article states regarding BHP -

It said if the technical review work proved successful, full production from Beenup would not be expected until 2000.

BHP has been forced today to use an interim tailing dam to allow production to continue. One of its technical problems has been the roughness of the ore. The acidity of the ore body is causing wear and a blowout in operating costs with machinery being worn away by a highly abrasive ore body.

That is in today's paper. Broken Hill Proprietary Co Ltd is saying that it is unable to correct it. Members may be aware that BHP has already dedicated an additional \$30m to the project in an attempt to come up with the technology to fix the problem. One hopes that BHP will do that. It has already constructed a tailings dam with an area of 40 hectares and built above ground to a height of 20 metres. BHP now expects to have to build another ground storage area of 50 hectares. All this is in order to keep the tailings underwater to prevent their oxidation and consequent release of highly acidic effluent.

This problem is so serious in New South Wales that just about everything that people need to do that involves earthworks is subject to the New South Wales Environmental Protection Authority management guidelines which

apply to the risk of exposing acid sulphate soils. They include excavation or disturbance, for example, the construction of roads, foundations, drainage works, laser levelling, land forming works, flood mitigation works, dams and aquaculture ponds, sand or gravel extraction and dredging. They include any activities such as lowering the watertable, new drainage works or the deepening of existing drains, the use of ground water, the dewatering of dams, wetlands or quarries, and dredging works. A huge number of activities in New South Wales are now being curtailed by this very difficult and intractable environmental problem. Fish deaths occurred along 23 km of the Clarence River in New South Wales.

The Department of Environmental Protection in Western Australia wrote in a letter to the Denmark Environment Centre -

Has the DEP been advised of the identification of acid sulfate soils at Jangardup or the proposed Jangardup South Mine?

The DEP has not been advised that this is the case by the proponent. As far as the DEP is aware, the proponent has not encountered any acid sulfate soils at Jangardup.

However, there are potentially acid sulfate soils at Jangardup South.

I ask this Government: Does everything have to come down to the almighty dollar? Is it really worth \$17m to put all of this at risk? Would the Government please clarify for us tonight that it will not allow any activity to take place which will in any sense put at risk those values that I have been describing in one of the most beautiful locations in the south west? Will the Minister please clarify for us the events which caused him to give very misleading information to the House on the basis of which, before the present composition of this Chamber occurred, this land was excised from the D'Entrecasteaux National Park and all of this became possible?

HON BARRY HOUSE (South West) [8.44 pm]: The statement reaffirms the Government's commitment that there will be no mining until full environmental clearances are obtained from Cable Sands (WA) Pty Ltd at Jangardup South mine. I understand that some of those clearances are being sought and that the information is being collated at the moment. As previous speakers have said, it stems from the Reserves Bill a couple of years ago which realigned some boundaries at the D'Entrecasteaux National Park to allow for the full exploration of the area for minerals and then for possible mining. It involved a land swap and the reinclusion of the area, after revegetation, in the national park.

The mining industry's record on revegetation has been maliciously slandered by the two previous speakers. In particular Cable Sands has an outstanding record on the revegetation of its mining sites in the south west. The Minningup Dunes have been mentioned. I would defy anybody today to go to those dunes and identify clearly where mining has taken place. It is right on the coast. Quite frankly, I do not believe that the critics of the sand mining industry have very much credibility these days. That was not always the case. We know that the mining industry used merely to dig holes and walk away. That is no longer the case, and we are much better off for that.

Hon J.A. Scott interjected.

Hon BARRY HOUSE: We are better off as a community. The Reserves Bill which realigned the boundaries of the A class reserve was very much in line with the Labor Party's policy. I think the term used was "resolution of conflict".

Hon Kim Chance: Exactly.

Hon BARRY HOUSE: That allowed for some excisions from the D'Entrecasteaux National Park and one other park.

Hon Kim Chance: It was 1 per cent, which this excision comfortably fitted into.

Hon BARRY HOUSE: Yes. Unfortunately Hon Jim Scott and Hon Christine Sharp represent the view and tout the agenda of people who want nothing to happen on the south coast of Western Australia, in particular on the Scott coastal plain area involving parts of the D'Entrecasteaux National Park. They do not want anybody to set foot in the national park or pursue any activities which border the national park and which will generate employment, food to feed the nation and all sorts of useful activity. Unfortunately some of their statements reiterate their persistent anti-sandmining agenda and particularly, very unfortunately, their anti-Cable Sands attitude. Cable Sands is one of the major mineral sands mining companies in the south west. Collectively the mineral sands industry has done an outstanding job. It comprises fine corporate citizens in the pursuit of their activities. They generate employment and income and do a very good job. They look after the interests of their shareholders and the community in which they live and of which they are very much part.

Lake Jasper is in reasonably close proximity to Jangardup South mine and it is an important area. It is the largest

freshwater lake in Western Australia. It certainly has significance for Aboriginal people. I invite Hon Christine Sharp, if she has not seen any Nyoongah people, to accompany me and I will introduce her to a fine gentleman called George Webb, who is an elder of the Bibbulmun tribe, who knows that country very well. I am not sure whether she has met him. He is an outstanding old fellow who really knows that country well. He can tell all sorts of stories which relate to the significance of the area. I do not for one minute underestimate the significance of the area to the Aboriginal people and others. That is why it is important that all of the conditions are met by Cable Sands when it mines. I am sure Cable Sands accepts that.

It knows it is not permitted to mine in that area unless it meets the environmental conditions that will protect that waterway. The whole of the Scott coastal plain and the south coast are changing very rapidly. There is a lot of activity in the area. Many people have increasingly seen it as one of the food baskets for this State. Horticultural activity is expanding at a rapid rate. The Bunnings group and the Department of Conservation and Land Management are establishing tree plantations all over the place. There is extensive broadacre farming and dairying, as well as the two major mines; that is, the BHP mine at Beenup east of Augusta and the Cable Sands mine at Jangardup.

I have developed a rather close knowledge of the area over the past 18 months. I have chaired the Scott Coastal Plains Steering Committee for the Minister for Primary Industry. Its primary focus is on exploring the agricultural potential of the Scott coastal plain and the possible impact of that activity on the waterways in the area, not only the Scott River and the Blackwood River, but also the Donnelly River and the lake system involving Lake Jasper. The work we have done has been quite slow and laborious at times. We have tried to include all of the stakeholders in the area; those involved in not only the different sections of the agricultural industries I have mentioned - the large potato and vegetable growing activities use centre pivots which irrigate between 80 and 100 acres at one time, and the dairy industry has extensive grazing areas - but also the mining industry and the tree plantations.

We are trying to establish in that area a catchment management plan. It goes by other names; for example, the land and water management plan is but one. Its purpose is to ensure not only that the area reaches its potential, but also that the essence of the environmental conditions is maintained. It will enable sensible planning not only for the agricultural and horticultural industries but also for infrastructure that is needed; that is, the power supplies, roads and communication systems.

The mining industry through Jangardup and Beenup has already been the catalyst for the commencement of a number of these infrastructure projects. I know that was not the wish of the opponents of development on the south coast. They would rather have seen the area stay in the nineteenth century; however, we are in the twentieth century, and are rapidly approaching the twenty-first. Transport has been opened up with the construction of Sues Road which takes the heavy transport from Beenup and Jangardup. All members will recall the debate over whether that transport should have been by rail or road. Many would have preferred to see it go by rail. That was not to be, but that is history and we can argue about it later.

We now have an excellent road servicing the lower part of the south west of Western Australia. Power has gone through to Beenup. There has also been argument about that. Members will recall the original power route was to go through very productive farmland from Picton down through Capel and Busselton to Beenup. One of the first major decisions by the current Minister for Energy was to bring the power in from the Manjimup end, which was a very sensible decision. Much more is needed. We have already seen significant progress in the infrastructure in that region which has benefited people in not only the Scott River area, but also Augusta, and the many visitors to the area.

Unlike the previous speakers I have a great deal of faith in Cable Sands (WA) Pty Ltd as a very responsible mining company and corporate citizen. As an operator it has a responsibility to extract the full mineral potential from the area that has been pegged and also to prevent any long term damage to the Lake Jasper area and the environment. It also accepts that it should restore those areas and pass them over to the conservation estate, the national park, when mining has finished.

The mineral sands industry in the south west is very important to the economy of the area and should not be underestimated. The primary dune system around Capel is being mined out and these companies must go to the south coast for extra resources. The big mines at Beenup and Jangardup are the first two, and I do not believe it will stop there. I think more mines will be in that area and I am sure it will be able to cope with them.

The previous speakers made a couple of points which I will take up. Hon Jim Scott said that the land to be swapped was of poor environmental value and had no value for the conservation estate, except perhaps as a buffer zone. He has underestimated the resilience of our native bushland. All farmers will know that when areas of cleared land are untended for any length of time, the natural scrub very quickly takes over again. Once it has a hold on the land, it needs little encouragement to take over.

The statements by Hon Christine Sharp were a little ill-conceived. She mentioned the lack of corporate citizenship of Cable Sands. I have already mentioned that that company, along with the other mining companies in the south west, are outstanding corporate citizens. They sponsor numerous cultural bodies, corporate bodies and infrastructure; for instance, Sues Road was built with the advantage of the funds that came from both Cable Sands and BHP Titanium Minerals, as well as the State Government.

In addition, I know for years Cable Sands has supported events such as the Nannup music festival. It made a significant contribution to the Busselton aquatic and recreation centre because many of its employees come from that area. It was a contributor, along with Westralian Sands Ltd, to the Bunbury Entertainment Centre, and there are bound to be numerous other causes for which it has dipped into its pocket and supported the local community.

A statement was made about mining in the tuart forest. Hon Christine Sharp said that it was in the 1970s. I believe the argument blew up between 1985 and 1988.

Hon Christine Sharp: This was earlier.

Hon BARRY HOUSE: We may be talking about different matters. The argument which I recall about mining in the tuart forest involved an application by Westralian Sands to mine an area of degraded pine forest which abutted the tuart forest at Ludlow.

Hon Christine Sharp: It is a different one.

Hon BARRY HOUSE: I will not pursue that because I think the one I had some knowledge of was misrepresented to some extent. It was not part of the tuart forest at Ludlow; it was a very peripheral area. Someone mentioned the "frightening" prospect that Cable Sands might uncover acid sulphate soils. BHP Mineral Sands at Beenup is operating in acid soils. Even though BHP is a little behind schedule, it is successfully coping with the challenges that this soil presents. BHP is well on the way to proving that it can be mined without damage or risk to the surrounding area. The only problem with acid sulphate soil emerges when it is exposed to the air, when it turns into the acids which present the difficulties. In this debate, we must take a balance and we must pin our faith on a company that has a good record; a company that has made certain commitments. It certainly cannot mine, and it knows it, without the proper environmental safeguards. It cannot mine except within the conditions that will be established so that it can go ahead and not only extract the mineral, but do it in a safe and sustainable way.

HON KIM CHANCE (Agricultural) [9.01 pm]: I was concerned when I heard what Hon Jim Scott said. I would have appreciated a little more time to research the background to this issue. I started off by trying to recall what we did. I thought I recalled quite well that the Labor Party voted with the Government on this issue. My research so far has proven I was wrong in my assumption. I do remember the debates both within and without the party which revolved around the application of the resolution of conflict policy. I remember clashing with Hon Jim Scott by way of interjection on a number of issues. My recollection was that it was critical to the Australian Labor Party's position in terms of the resolution of conflict policy and its comparison, or application, in the Lake Jasper case. It was important to us that that part of the farmland adjacent to the D'Entrecasteaux National Park which was to be included as a quid pro quo as a result of the excision from the national park would be rehabilitated. I recall that being a vital element in our considerations.

Hon N.F. Moore: It did not make any difference to your vote.

Hon KIM CHANCE: It seems as though it did not and it seems that wiser heads within the Australian Labor Party prevailed over mine.

Hon N.F. Moore: No, you went back on your own policy again. That is twice in one day!

Hon KIM CHANCE: I think the Minister should be generous enough to acknowledge that the resolution of conflict policy goes far beyond the simple 1 per cent allowance excision. It is a very complicated policy and it depends on a number of things. Had my initial recollection been correct, I would have been even more concerned about the outcome. Had the Australian Labor Party relied on its interpretation of its own policy with respect to the land which was proposed to be included within the D'Entrecasteaux National Park, and had it voted with the Government rather than with Hon Jim Scott, it could have made a very serious error as a result of, as it seems on the face of it to have been, a misrepresentation of the situation. At this stage I have not had sufficient time -

Hon N.F. Moore: Here we go again.

Hon KIM CHANCE: The Minister should bear with me because I am trying to be fair to him in this.

Hon N.F. Moore: I had to listen to your colleague.

Hon KIM CHANCE: If the Minister gives me a minute I will tell him what I mean. I said "what seems to be on the

face of it a misrepresentation", but I was about to say I might be wrong. I have not had sufficient time to research it. Until Hon Jim Scott raised the issue and I was able to obtain the 1996 *Hansard*, I had not looked at this issue since 26 June 1996. It is possible that I have not had sufficient time to research it. On the face of what we have heard, I still remain concerned, even though the Australian Labor Party apparently did not make a decision based on what the Government said.

Let us quickly review what the prima facie evidence is. The answer that Hon Jim Scott was given to his question without notice on 10 June 1997 was essentially, in (1) -

The original Reserves Bill 1995 related to Jangardup South did not refer to any commitments to revegetate any land. I was clarifying an earlier statement I made to Parliament about the Government's original commitment regarding matters arising from an environmental assessment of any future mining proposal for the area.

Hon Jim Scott read from a document which he has informed me is either the second reading speech or a briefing note component of the second reading speech, which said in part that the balance of location 12897, about 113 hectares, would require rehabilitation to restore native vegetation cover prior to being added, if it is to be eventually added, to the national park. I concede that the Minister may find room in that wording to say that that does not necessarily mean that.

Hon N.F. Moore: Can you give us that reference again?

Hon KIM CHANCE: My reference is simply the documents I have here, which I am happy to provide to the Minister.

Hon J.A. Scott: It was out of a book that was tabled as a Reserves Bill.

Hon KIM CHANCE: Its title is clause 10 and I think they were explanatory notes, but I am happy for a -

Hon N.F. Moore: Which bit am I supposed to have misled you on?

Hon KIM CHANCE: The last, I think, of those highlighted parts. I concede from my reading of that that it is possible it could be read either way.

I first want to refer to page 3252 of *Hansard* on Wednesday, 26 June 1997 in which Hon Norman Moore, the Minister for Mines, said -

A ministerial statement is a statement of the Government's intent, belief and position at the time it is made. Circumstances change and, therefore, there may be times when things must change or the ministerial statement is not implemented exactly in the way in which it was written- just as Parliaments change Acts because circumstances change. A ministerial statement has the status of a Government making a commitment publicly in the Parliament where we are supposed to take the view that it is said in a public place and it is on the record. In the event that that commitment is deliberately broken, the effect is greater than not having said it. We are subject to scrutiny by the media and when things are said in this place, they are public statements. If we then go about doing something contrary to a public statement, we are subject to the odium that we would naturally attract. It has no legislative effect.

The next day, the Minister for Mines made the statement that Hon Jim Scott has already read into *Hansard*. That statement is reported at page 3424 of the *Hansard* of 27 June 1996, and I do not think I need to repeat it. Effectively, the Minister outlined the three conditions and said that the third condition was the ministerial conditions arising from the environmental assessment, including conditions that Nelson locations 13471 and a number of others, the last of which was 12897, be revegetated to acceptable native vegetation standards which would allow those locations to be incorporated in D'Entrecasteaux National Park at a later date.

That seems to me to be a commitment. Again, we might be able to find a loophole to get around it, but that statement might have convinced me, as a person who was torn on the resolution of conflict policy and on whether the Government's proposition with regard to Lake Jasper was right or wrong, to vote in favour of the Government. As I said, it is fortunate that wiser heads than mine in the Labor Party prevailed, because I would have been misled by that statement. I apologise that I did not read that statement in context, because it is a rather lengthy statement -

Hon J.A. Scott: It backs up the perception that is given in that other document.

Hon KIM CHANCE: It clearly gives the perception that all of that farmland would be revegetated, and that is why I asked Hon Christine Sharp, while Hon Jim Scott was on his feet, whether she was talking about the farmland that was to be revegetated. I was under the impression that that would be an environmental win for that area because all of that farmland would be resumed and revegetated to its natural state, and that was enough to convince me that I

should vote for the Government; and the caucus records, which are not available to the Minister, will probably show that that was the way I argued in Caucus. Had two or three other opposition members had the same view and been misled in the way that I was, ultimately we would have supported that proposal. That is why we need to be so careful about how we present facts in this place. I am not accusing the Minister for Mines of misleading me. I made it clear when I introduced this subject that in the brief research that I have been able to do, I may have made a mistake. I have admitted there may be loopholes. However, unless I have made a terrible error in reading what I have just read, on the face of it I believe that what Hon Jim Scott said is at least constructively correct; and if it is constructively correct, we have a problem. Why were we led to believe that the large lump of farmland that is involved in Nelson location 12897 would be revegetated and included in D'Entrecasteaux National Park?

Hon Jim Scott has provided a proper process for the Minister to respond to both his and my concerns about this matter. I do not think any outrageous allegations have been made. However, Hon Jim Scott has raised a serious issue, and this House needs to be convinced that some members of this Parliament have not been led to believe something that will never happen.

HON W.N. STRETCH (South West) [9.14 pm]: I wish to put this matter into historical perspective. I have been familiar with this area since at least 1955. The history of this area goes back a long time. It has suffered from a great deal of usage over the past 100-odd years. It has been used as a cattle run from virtually Walpole to past Lake Jasper and right along the coastal plain. It has had various other uses. Apart from the summer cattle runs, it has been used for camping and recreation. Shacks have been built there, and a few pockets of freehold land can be found on the western side of D'Entrecasteaux reserve.

The Jangardup mine is the first industrial foray into that area, and it was bound to have some impact on the environment. When we consider whether that area should be restored to such a state that it will be suitable for inclusion in a national park, we need to decide at which time we will take the snapshot of that area, because we can go back to when the Bibbulmun Aboriginal people used it as a summer resort and built up their heritage in that area; we can go back to when people ran cattle and other animals in that area; we can go forward 30 years and look at the impact of horse trails and horse riding in that area; or we can look at the Jangardup mine and the other mines which, as Hon Barry House said, will be established in the future. Therefore, when we tell a company that it must restore that area to a particular state, we need to be careful to delineate the state to which it must be taken, because if we say it must be taken back to the Bibbulmun days, that is virtually too far gone and impossible.

Another factor about the coastal plain is that the impact of dieback since probably the 1920s and 1930s has been devastating and has totally changed the structure of that low lying country. The Select Committee on Dieback Diseases did a fairly detailed research project in that area and found that only the high knolls have escaped the degradation of dieback in that area. Therefore, we will not be able to return that land to what it was 100 years ago, we will not be able to return it to what it was 50 years ago, and I doubt that we will be able to return it to what it is now, because of the increased waterlogging as a result of the farming practices that are taking place further inland.

Hon J.A. Scott: Are you talking about the rangelands or the mine?

Hon W.N. STRETCH: I am giving members a snapshot of the whole area and saying that it is futile to tell a company that it must restore that land to what it was 100 or 50 years ago, because that cannot be done, and that we should not be too hard on the company, because many things are beyond its control for which it cannot be held responsible, and the area can never be restored in the way that some people would like to see. I support Hon Barry House. I have found Cable Sands very straightforward to deal with. We have been to that area on several trips, both with and without company representatives - on the dieback trip we were without the company representatives - and we have looked fairly carefully at the impact that company's operators are having on the areas in which it is working and at the impact they have had.

Other members have said that it is important to remember that the reserve that will be exchanged is reasonably close to Lake Jasper. However, it is not adjacent to it in the sense that some people may believe. Hon Christine Sharp said it is next to Lake Jasper. It is next to Lake Jasper, but there is a reasonable land barrier between them. That may not be enough, and that will have to be decided by the Environmental Protection Authority when it assesses the situation before the project goes ahead. That is the safeguard.

Hon J.A. Scott: Are you aware that during the wet season the water runs right over the mining area?

Hon W.N. STRETCH: Yes. I have driven through it in the middle of winter and have gone in at one end and wondered how I would get out at the other end. I know what it is like when it is wet and I know the amount of water that goes through there. I am just saying we need to be a bit tolerant and understanding and look at the area in the perspective of the whole coastal plain.

The area is unlike any other. It is in a state of degradation and change, and it would be far beyond the resources of

one mining company to restore it. However, I am confident that, given a proper assessment by the environmentalists, we will arrive at some workable guidelines. Everyone is reasonably aware of the importance of Lake Jasper. Its importance has not been lost on the environmentalists and conservationists.

I urge members to be level headed about the whole issue. An organisation will not achieve everything it wants. This is a major resource and part of the company's charter is to use the resource allotted to it. It cannot pick and choose too much. At the same time, if appropriate safeguards are put in place, the project will proceed. If the Environmental Protection Authority does not agree, it will not proceed. The statement made by the Minister for Mines is sound. However, I can select any point in history and say that what was done was not good enough. We must consider the matter in a contemporary context, and we must ensure that the company understands the guidelines. We do not want people to question the guidelines, as though we should have addressed this issue before dieback, the horse trails or the cattle affected the area.

We must consider the history of the area, take a general view, and agree that other interests apart from conservation must be addressed. The area is of some interest, but there are several hundred kilometres of that sort of country around the coast. Jangardup is not unique, although I am sure that if we dug deep enough we would find something. I am sure that if we maintain a balance we will achieve a reasonable solution for the benefit of the entire State, not just a few people.

HON N.F. MOORE (Mining and Pastoral - Minister for Mines) [9.22 pm]: In view of the nature of a number of debates today regarding Ministers' misleading Parliament, and so on, and the suggestion that somehow that may be deliberate, I do not propose to respond in great detail to the allegations made tonight by Hon Jim Scott. I acknowledge his comments. I acknowledge the argument about whether location 12897 is to be restored totally or whether the part being mined will be restored by Cable Sands. I regret that I missed part of the member's speech, but from what I heard I gather that in dispute was the question of Cable Sands' responsibility in respect of location 12897, and whether that obligation is to restore only those areas that have been mined or the total area. Is that fundamental to the member's concern?

Hon J.A. Scott: Yes.

Hon N.F. MOORE: At one time it was stated that the whole area would be rehabilitated. My ministerial statement on 14 May 1997 was that only that portion that was mined would be restored. I do not carry in my head the detail of every mining project in Western Australia. I am not in a position to give the member a definitive response at this time. I hope that my remarks address the kernel of the member's concern. I am happy to investigate that aspect. It may be that Cable Sands has obligations in respect of its relationship with the Government, and that the Government may have committed through CALM to rehabilitate the remainder of the reserve. That is a question for me to sort out with the relevant authorities.

The issue began in 1995 when the Reserves Bill was first introduced in this place. At the time, I was representing the Minister for Lands, and I made a number of statements on his behalf. I delivered the second reading speech and, in 1996 when we debated the Bill, I represented the Minister for Lands again. I made a statement on behalf of the then Minister for Mines in another place, regarding comments made by Hon Jim Scott. Ultimately, as the worm turns, I finished up being Minister for Mines and was advised that a further ministerial statement was probably necessary to correct a misunderstanding which the Department of Minerals and Energy believed was contained in previous debates in this House. That statement was made, and I am obliged to accept the consequences of it.

I can assure Hon Jim Scott that no statement has ever been made by me or anyone else which was intended to mislead anyone.

Hon J.A. Scott: I did not make the remark in that context.

Hon N.F. MOORE: No-one intended to mislead anyone. I will find out if that is the case. Fortunately, in this case, as Hon Kim Chance has outlined, whether anyone was unintentionally misled made no difference to the end result, because I do not think anyone who voted for the Reserves Bill clause would change his or her view, whether or not Cable Sands was required to rehabilitate the mined area or the total area.

Hon Kim Chance: It went close to being that way.

Hon N.F. MOORE: With respect, at that time this side of the House had the numbers, and it would have made no difference. Hon Kim Chance voted against it. I make the point again, as I did on that occasion, that we were operating - and probably still are - under the Labor Party policy on mining in national parks. As I understand it, the initial negotiations in regard to the deposit began before we attained government.

Hon Kim Chance: For the record, are you saying that side of the House did not have the numbers and that the numbers balanced on Hon Reg Davies?

Hon N.F. MOORE: I understand, from my cursory look at *Hansard* at the time, it would have made no difference.

Hon Kim Chance: The Minister is correct.

Hon N.F. MOORE: I will seek an explanation to address the concerns raised. I will make another ministerial statement, if that will help, and we can debate that at another time. I acknowledge that the member has raised the issue, and I acknowledge his concern. However, ultimately the view within the Department of Minerals and Energy - and I suspect within CALM - is that the whole area will be rehabilitated anyway, regardless of any commitment that may be binding on Cable Sands.

This is all hypothetical, Mr President, as you know, having been the Minister for Mines at one time. It depends on whether any mining will take place. For the benefit of Hon Christine Sharp, no mining will take place without the proper environmental approval. The Environmental Protection Authority has announced that it will conduct the most thorough and high level environmental assessment available - an environmental review and management program. I understand that the Commonwealth Scientific and Industrial Research Organisation is also involved in assessing the site, and that due to the issues raised and the sensitivity of the environment, the Government wants to make sure that any mining carried out will be under the most rigid and strict environmental conditions - if it is allowed. This Government has no more intention than does the member of destroying the natural environment for the sake of mining. However, the member should not make the flippant comment that the project is worth only \$17m, and therefore it is not worth it - \$17m is \$17m. It is also a question of making decisions about any mining project. We may not like mining being undertaken in a particular part of the State, but once we get into the habit of saying no mining because it might upset a small part of the environment, a significant part of the economy will go down the gurgler.

The mining industry, which is the backbone of our economy, is facing tough times, for other reasons. Hon Tom Stephens well knows the difficulties that native title causes the mining industry in this State. If we throw in those significant difficulties from an environmental perspective, we will kill the goose that lays the golden eggs. If members opposite believe, as some do, that inviting people to walk around the forest will keep our economy running, they are wrong. It does not work like that. This country is dependent on the mining industry. The Government's policy is that mining can take place provided it is environmentally acceptable. That was also the policy of the previous Government. Its policy also allowed excisions from national parks. We also believe that is appropriate.

We must weigh up as a society the value of the mineral deposit against the value of the environment that will be disturbed. The art of making the right decision in government is to get the proper balance between the two. As I said earlier, this project is undergoing the most rigorous environmental assessment. The Government will accept the recommendations of the Environmental Protection Authority on this matter. Hon Christine Sharp knows more about the EPA than most of us. I hope she has a commitment to the processes under which it operates.

Hon Christine Sharp raised some concerns about acid soils. I feel constrained on this occasion to say, "This is what I am told." Members opposite should not hold me to these notes or take me off to a Committee of Privilege if they are not strictly right. It was provided to me by the Department of Minerals and Energy. Not being a mining engineer, geologist, hydrologist, or any other professional who works in this area, I am sharing the information that has been provided to me. It refers to the Beenup titanium mine, which has a problem with acid soil and acid run-off, as Hon Christine Sharp pointed out to us today. It is caused by the presence of pyrites in the soil, particularly in the ore body. It seems that on exposure to the atmospheric oxygen, pyrites form sulphurous and sulphuric acid which, on the land surface, cause environmental damage. If the pyrite is kept submerged and out of contact with oxygen it does not produce the acids. The problem is referred to by a multitude of names including sulphate soil problem, acid mine drainage and acid soil problem. The Beenup deposit was formed mostly as a riverine sediment and pyrite was formed mostly through the sedimentary processes in that environment. The Jangardup and Jangardup South deposits were formed on a beach in a very energetic and highly oxidised environment. There was therefore almost no opportunity for pyrite to be formed while the ore body was being deposited.

Mining at Jangardup has been proceeding for four years and no indication of significant pyrite has been found and hence no acid forming. Jangardup South is expected to be similar. Again, the proposed mine will be formally assessed by the EPA at environmental review and management program level. The potential for acid problems will be closely reviewed by the EPA. If any potential for acid is identified Cable Sands will be required to address the potential or the EPA will not support it. The advice I have just read out is that the ore body at Jangardup and Jangardup South is different from the ore body at Beenup; therefore the effect on it is different.

Hon Christine Sharp: Is that departmental advice?

Hon N.F. MOORE: Yes; it is not my own advice. Members opposite should understand before moving a motion against me tomorrow for misleading the House that I do not know other than what I was told.

I do not read all the information produced in the media in the south west. However, I take notice of the letters that come across my desk from people concerned about this project. I again emphasise, as I do in my response to people who write to me, that mining in Western Australia is an important industry. However, it will proceed only after the most rigid assessments have been undertaken.

Companies like Cable Sands are good corporate citizens. They pay royalties to the Western Australian Government that help us to run schools, hospitals, roads, and so on and they employ Western Australians. At present the company employs 299 people in its operations, with a flow-on effect, according to the company, of another 900 jobs in the Western Australian economy. The company expects to employ about another 100 persons at Jangardup South if the mine proceeds. That will involve an investment of about \$40m, most of which will be spent in Western Australia. It will produce between \$250m and \$350m worth of heavy minerals and sand products. As Hon Christine Sharp said, the royalties will be between \$15m and \$17m over the life of the project.

Although in some terms it is not a huge deposit, we must have a policy for mining which enables companies to be able to plan properly and to have an understanding that the rules will not change even if the winds of political opinion blow a bit chilly at times. People are entitled to expect certainty in the process and that is what we are doing in this case.

This debate tonight has given us a chance to examine the project. As I said, I will closely re-examine the alleged discrepancies in the comments made by me in a number of capacities in the past and seek to provide members with a ministerial statement so that it is on the record, for what that is worth, as Hon Kim Chance suggested a while ago. That statement was in response to Hon John Halden's saying that ministerial statements were not worth the paper they are written on. I tried to explain that they are worth a little bit for the time being, because of course circumstances change.

Hon Kim Chance: That was a useful and accurate statement. That was why I quoted it.

Hon N.F. MOORE: I thank Hon Kim Chance for quoting it; it was off the cuff and pretty good! I will endeavour to come back when I have had the information provided to me so that we can get a definitive response to this. I note the member's concerns and see from the various statements that a potential discrepancy exists between what was said on some occasions. However, if a discrepancy has been made it was for no other reason than the fact that somebody inadvertently provided the wrong information, without intention to mislead, deceive or cause people to vote in any way other than the way they did.

I suspect Hon Christine Sharp well knows that the proper environmental processes will be undertaken regarding this or any other mine in Western Australia to ensure that it does not in any way damage our environment. If it does, the proper rehabilitation processes are in place as part of the requirements of the company before being given approval to mine. The previous Government put in place quite stringent environmental conditions on mining companies. One of those is the environmental bonds which companies are now required to provide. At the time I was a bit sceptical about that condition and felt it was an unacceptable burden on the industry. Although some companies complain about the bonds, to my knowledge only one bond has been forfeited. Almost all companies are abiding by their environmental conditions and have their bonds returned because they have met the conditions imposed on them by either the EPA or the Mines Department. That process has been very successful and will continue. I thank members for their comments on this issue.

Question put and passed.

House adjourned at 9.39 pm

QUESTIONS ON NOTICE

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

GOVERNMENT VEHICLES LEASED OR OWNED

1491. Hon NORM KELLY to the Minister for Finance representing the Minister for Disability Services:

For all agencies under the control of your Ministry, can the Minister for Disability Services advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

With respect to the Department of Local Government

- (1) 9.
- (2) (a) 9.
(b) Nil.
- (3) (a) 9.
(b)-(c) Not applicable.

With respect to the Fremantle Cemetery Board

- (1) 6.
- (2) (a) 1.
(b) 5.
- (3) (a) 6.
(b)-(c) Not applicable.

With respect to the Keep Australia Beautiful Council

- (1) 5.
- (2) (a) 5.
(b) 2.
- (3) (a) 5.
(b)-(c) Nil.

With respect to the Metropolitan Cemeteries Board

- (1) 14.
- (2) (a) 4.
(b) 10.
- (3) (a) 14.
(b)-(c) Nil.

With respect to the Disability Services Commission

- (1) 308.
- (2) (a) 268.
(b) 40.

- (3) (a) 36 diesel - 268 petrol.
 (b) 4.
 (c) Nil.

PEEL HEALTH SERVICES BUDGET

1527. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Health:

- (1) Can the Minister for Health confirm when asked by Hon John Cowdell in September last year about the budget of Mandurah Hospital (question number 773) the Minister answered that the budget for the Peel Health Service, inclusive of Mandurah Hospital, for 1996/97 was \$14.908m?
- (2) Can the Minister also confirm that when asked for budget details about country hospitals by Geoff Gallop one month later (question number 2632) the Minister provided a table which showed the Peel Health Services Budget for 1996/97 was \$14.469m?
- (3) If yes to (1) and (2) above, will the Minister explain the differences in his answers?

Hon MAX EVANS replied:

- (1)-(2) Yes.
- (3) The answer provided to PQ 2632 did not include Commonwealth funding for programs, which are not usually included in Peel Health Services budget.

CITY OF JOONDALUP AND SHIRE OF WANNEROO BOUNDARIES

1656. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) Have any problems been identified with the boundaries recommended by the Local Government Advisory Board for the new City of Joondalup and Shire of Wanneroo?
- (2) If yes, what is the nature of the problems identified?
- (3) What action is the Minister taking to have the boundaries changed?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) The boundary recommended by the Local Government Advisory Board will result in some recreation areas on the east side of Lake Joondalup being located in the City of Joondalup.
- (3) The *Local Government Act 1995* requires that the Minister either accepts or rejects the Advisory Board's recommendation, and he is not able to change the recommended boundary. The Minister expects that the two new local governments will make a submission to the Local Government Advisory Board to change the boundary after they come into existence on July 1 1998.

CITY OF JOONDALUP AND SHIRE OF WANNEROO COMMISSIONERS

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

- (1) Will the Minister for Local Government be appointing separate commissioners to run the new City of Joondalup and the Shire of Wanneroo?
- (2) If so, what is the reason for this?

Hon E.J. CHARLTON replied:

- (1)-(2) The current appointments of the 5 Commissioners of the City of Wanneroo will terminate with the abolition of the Council on July 1 1998. The same 5 Commissioners will be appointed to the City of Joondalup and the Shire of Wanneroo effective that date. Each Council will be administered as a separate legal entity.

WASTE TRANSFER STATION, MANDURAH

1689. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:

- (1) Was the Minister for Local Government requested by the Mandurah City Council to order an inquiry pursuant to section 8.3(3) of the *Local Government Act 1995* into matters raised by Mr Guerin of the Gordon Road Action Group regarding the Waste Transfer Station?

- (2) If so, has the Minister initiated such an inquiry?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) No.
- (3) Following discussions between officers of the Department of Local Government and Mandurah City Council, the Minister was advised by the Department that an inquiry was not the appropriate way to resolve the issue. The Minister endorsed the department's view.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD

1720. Hon LJILJANNA RAVLICH to the Minister for Finance:

- (1) How many members are on the Government Employees Superannuation Board?
- (2) What are the qualifications of the board members?
- (3) Are any of the board members, members of any other Government boards or advisors to Government?
- (4) If yes, which ones?
- (5) How many are medical specialists or medical practitioners?

Hon MAX EVANS replied:

- (1) Seven.
- (2) Peter Williamson (Chair) Bachelor of Arts (Science)(1st class honours)
Fellow of the Institute of Actuaries London
Fellow of the Institute of Actuaries of Australia
Fellow of the Australian Institute of Company Directors
Affiliate Member of the Securities Institute of Australia
- Matt Farrell Bachelor of Science
Diploma of Education
Post Graduate Diploma in Applied Physics
Member of the Australian Institute of Physics
- Peter Farrell Bachelor of Arts (Economics)
Post Graduate Diploma in Economics and Administration
- Fiona Harris Bachelor of Commerce
Fellow of the Institute of Chartered Accountants of Australia
Member of the Australian Institute of Company Directors
- Bill Heron Fellow of the Australian Society of Certified Practising Accountants
- Diane Robertson Graduate Diploma of Management
- John Walker No tertiary qualifications
- (3) Yes.
- (4) Bill Heron Director of W A Government Holdings Ltd
Member of the Committee of Management, W A Treasury Corporation
- (5) None.

QUESTIONS WITHOUT NOTICE

TOURISM

North-East and South-East Asia

1585. Hon TOM STEPHENS to the Minister for Tourism:

- (1) What is the value of Asian tourism to the Western Australian economy - from South-East Asia and from North-East Asia?

- (2) What financial expenditure is being incurred by the Government to increase tourism numbers from Asia this financial year?
- (3) What financial expenditure is proposed to be incurred to increase tourism numbers next financial year?
- (4) How is the Government actively promoting Western Australia as a destination for Asian tourists?

It looks like the Minister will not be able to answer the question. Have a guess!

The PRESIDENT: Order!

Hon N.F. MOORE replied:

- (1)-(4) I have not been given notice of that question, but because this is questions without notice, I am happy to answer questions in my portfolio area. I do not even know whether the Leader of the Opposition is talking about Asia, South-East Asia or North-East Asia, and I do not think he does either.

Hon Tom Stephens: I am relying on the words you have used in some of your reports.

Hon N.F. MOORE: The Leader of the Opposition may wish to tell me what the question is, because he changed his mind three times halfway through asking it.

The PRESIDENT: Order! If the Minister would answer the question through me and not conduct a quiz session, it would be helpful.

Hon N.F. MOORE: I would be pleased to know to which part of Asia the question relates.

Hon Bob Thomas: South-East Asia and North-East Asia.

Hon N.F. MOORE: Both, is it?

Hon Tom Stephens: Yes.

Hon N.F. MOORE: I thank the Leader of the Opposition, because he changed his mind three times on the way through.

Hon Tom Stephens: I did not.

The PRESIDENT: Order! It is not kindergarten half hour. It is questions without notice. In the past, members have taken it seriously, but perhaps they want to change the rules.

Hon N.F. MOORE: As I understand the question, it relates to the State Government's involvement in seeking to attract tourists from Asia. I propose to give some information about that, although I cannot give the exact number of dollars we spend in every destination because I do not carry those numbers around in my head.

In respect of Singapore, the Western Australian Government has a significant campaign in Singapore. The Western Australian Tourism Commission has an office in Singapore, and we have been running a range of television advertisements and a range of press advertisements in the Singapore market. Singapore is holding up very well in the current Asian crisis, and a large number of Singaporeans visit Western Australia annually. That number has been increasing, although the Asian crisis has slowed down the growth.

In respect of Indonesia, we launched a series of television advertisements in Indonesia last year. Regrettably, the circumstances in Indonesia have meant that there has been a significant drop in the number of tourists visiting Western Australia from Indonesia.

In respect of Japan, the Western Australian Tourism Commission is negotiating with the Australian Tourist Commission with a view to a joint advertising program within the Japanese market. For the information of Hon Tom Stephens, who desperately wants to get this information, otherwise he would have put the question on notice, traditionally it is a market which has been steadily growing for Western Australia. Interestingly, as the Japanese tourism market is changing and an increasing number of Japanese tourists are seeking do-it-yourself packages, they are now starting to shift from the eastern States, where they tend to go on packaged holidays, to destinations such as Western Australia where they can organise their own packages in a more flexible way. We are very interested in the campaign that we will be running with the Australian Tourist Commission in Japan, and we are negotiating with Qantas to see whether we can arrange for additional flights between Japan and Perth, which has been one of the drawbacks we have suffered in respect of the Japanese market.

In respect of Korea, the Western Australian Tourism Commission made a deliberate decision some time ago not to move into the Korean market, although that market was quite lucrative for the eastern States. That has proved to be

a very good decision, because the Korean market has suffered badly in recent times and some of the eastern States destinations, such as Queensland, are feeling the pinch from the significant reduction in the number of Korean tourists visiting the eastern States.

Hon Bob Thomas: The Asian tourism market for Western Australia is worth millions of dollars, is it?

Hon N.F. MOORE: Yes. In respect of that supplementary question, there is no doubt that the Asian market is very important to Western Australia. I will go through the countries, because the Leader of the Opposition did ask for every country, as I understand it.

In respect of Thailand, the Western Australian Tourism Commission again made a decision that it would not be very active in the Thai market. Thailand is another country from which there has been a decrease in the number of tourists coming to Australia as a result of its economic circumstances. Again, we have been cushioned by the fact that we are not very active in that market and a small number of tourists from that market do come to Western Australia.

In respect of Malaysia, while it has had economic problems, we are pleased that the number of tourists from Malaysia has been reasonably well maintained. Malaysian Airlines is increasing the number of flights from Kuala Lumpur to Perth using the 777 aircraft, which as members will know is a state of the art aircraft in the world these days. We hope that market will continue to grow, along with all the other markets in Asia.

To sum up the answer, the Asian market is important to Western Australia. Overall, there has been a decline in the total number of tourists to Western Australia as a result of the Asian crisis. The overall drop in the number of tourists coming into Australia in the past 12 months has been about 9 per cent. Western Australia experienced a 4 per cent growth, if my memory serves me correctly, taking into account the significant growth in the number of tourists to Western Australia from the European market. I understand there has been a 19 per cent increase in the number of tourists from the United Kingdom to Western Australia. I guess the member would like to know how we are doing this and what money we are spending on doing it.

The PRESIDENT: Order! If the member wanted to know that, I am sure he would ask another question. It has taken eight minutes to get through one question. I already have a list of other members who want to ask questions. If the Minister for Tourism would wind up his comments, I could ask other members for their questions.

Hon N.F. MOORE: Mr President, I will wind up my answer. I say to members who ask questions that if they ask a question that requires a long answer, please do not be upset if the answer is very short and does not give them all they want. The Leader of the Opposition did ask a series of questions about the Asian market. I cannot tell the Leader of the Opposition off the top of my head how much we spent and what it is worth to the Western Australian economy, but it is a significant amount. The Western Australian Tourism Commission is very pleased at the way in which the Asian tourism market has held up in Western Australia in the current economic circumstances, and we hope that when the Asian crisis has been overcome and the economies of Asia start to recover, those tourists will come back to Western Australia in droves, because that is very important to our economy and to employment.

The PRESIDENT: Order! The rules here are, firstly, that the question should be concise, which means to the point; and, secondly, that the reply should also be concise, relevant and free from argument and controversial matters. That applies as much to questions on notice as it does to oral questions.

TOURISM

Hon Greg Smith's Comments

1586. Hon TOM STEPHENS to the Minister for Tourism:

In view of the importance of the Asian economy to Western Australia, in particular to the tourism industry, will the Minister dissociate himself and his Government from the disgraceful comments by Hon Greg Smith?

The PRESIDENT: Order! The question appears to be out of order -

Hon TOM STEPHENS: If the word "disgraceful" is the part that appears to be out of order, Mr President, I withdraw the word and simply refer to the comments by Hon Greg Smith.

Hon N.F. MOORE replied:

Hon Greg Smith has his views, and he made them clear in this House last night. Hon Ljiljanna Ravlich tried to make a big deal of it today. Hon Greg Smith has indicated his view about having a Sorry Day. He tried to tell this House, and anyone who was prepared to listen, that there are many things in this country for which we can be thankful. I am sick to death of coming to this place day after day and hearing the negative, whining, whingeing and undermining approach of members of the Labor Party. They spend all their lives with this negative, miserable, undermining -

The PRESIDENT: Order! We are not conducting a debate. The Minister's answer must be concise and relevant.

Hon N.F. MOORE: I simply say that I happen to think the proposition by Hon Greg Smith to have a thanksgiving day for Australians - to say thank you for what we have - is not a bad idea.

INDUSTRIAL TRAINING COUNCILS

Expenditure

1587. Hon HELEN HODGSON to the Leader of the House representing the Minister for Employment and Training:

- (1) What is the estimated actual expenditure for 1997-98 for each Industry Training Council?
- (2) What proportion of this expenditure -
 - (a) was provided from federal funds; and
 - (b) was provided from state funds?
- (3) What is the 1998-99 budget estimate expenditure for each ITC?
- (4) What proportion of this expenditure is estimated will come from -
 - (a) federal funds; and
 - (b) state funds?

Hon N.F. MOORE replied:

I ask the member to place the question on notice. In view of the necessary research, this is the type of question that should be placed on notice.

CRIMINAL LAW AMENDMENT BILL (No 1)

Standing Committee on Legislation Report

1588. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the report of the Standing Committee on Legislation in relation to the Criminal Law Amendment Bill (No 1).

- (1) With respect to the issue of stalking, does the Attorney General intend to persist with clause 4 of the Bill as it currently stands, or will he introduce amendments to it?
- (2) If so, what is the substance of the amendments?

Hon PETER FOSS replied:

- (1)-(2) I intend to introduce amendments to the clause. The member may recall that it was I who raised the question with the committee regarding concerns about the drafting. Prior to raising the matter with the committee I raised it with parliamentary counsel; in the meantime, parliamentary counsel had been preparing amendments. I will respond to the House on the report, but I believe the amendments will address those concerns, so it would be appropriate to go ahead now. We will all need to look at the drafting to see whether it addresses the concerns I raised with parliamentary counsel and with the committee, and which the committee adopted.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF

Surplus Property Sale

1589. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

- (1) Can the Minister provide a list of properties included in the Department of Conservation and Land Management's sale of surplus property policy being considered for disposal over the next three years to June 2001?
- (2) What will happen to the funds thus raised by the sales?
- (3) What conditions of land use will be imposed on the land being sold?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) CALM is conducting an ongoing review of all freehold properties owned by the department. Properties identified by the review as surplus to CALM's requirements are being considered for disposal. As the review is ongoing, it is not possible to identify specific properties at this stage.
- (2) Funds raised by the sales will be applied to debt retirement and to assist in financing an afforestation program under the State's salinity action plan.
- (3) Conditions of land use vary widely. These are identified and appropriate conditions imposed on individual properties immediately prior to sale.

BREAST SCREENING

BreastScreen WA, Future of

1590. Hon J.A. COWDELL to the Minister representing the Minister for Health:

Last October the Minister advised that a tender to provide mammography screening in the Mandurah-Murray area had been put on hold pending a decision on the reassessment and evaluation of the BreastScreen WA program. BreastScreen anticipates screening 3 750 women in Mandurah in the 12 months to 7 August 1998 and 575 women in Pinjarra between 30 June and 4 August 1998.

- (1) Why is the Government leaving the Mandurah-Murray BreastScreen service in limbo?
- (2) When will the future of the BreastScreen WA program be resolved?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The breast screening service in the Mandurah-Murray area is not in limbo. Breast screening in the Mandurah-Murray area is currently being provided by the Health Department's mobile breast screening service, as it has been for the past six years.
- (2) The BreastScreen WA program has a future. High quality, accessible and free services will continue to be provided to women in the target group. A decision on who will provide these services will be made later this year following a public tender process.

BUS PURCHASE

Electronic Fuel Injection Technology

1591. Hon NORM KELLY to the Minister for Transport:

This question relates to the Government's new contract for the supply of buses.

- (1) Will the new gas powered Mercedes Benz buses be using carburettor or electronic fuel injection technology?
- (2) If EFI, does Mercedes Benz currently have the technology available for installation in the buses?
- (3) If not, when will that technology be available?

Hon E.J. CHARLTON replied:

- (1)-(3) This morning I raised the same question. It has been left up to the manufacturer to provide information about the available technology for the buses being offered. As part of the tender process, and dealing with preferred tendering, a number of issues are being taken up. I understand that Mercedes has both technologies. I do not have the detail with me, but I will find out for the member. I have made inquiries already because there has been a fair bit of discussion recently about not only Mercedes vehicles but also Scania gas motor vehicles, and Renault using Transcom technology. Some misleading information has been spread around unintentionally due to the wide ranging debate on whether other manufacturers have identified the technology to be incorporated in the tender. I understand that similar questions have been asked recently in another forum. I do not know the detail but I will find out for the member's benefit.

CONSERVATION AND LAND MANAGEMENT ACT

Regional Parks

1592. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

When will the Conservation and Land Management Act be amended to give legal status to regional parks?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

Responsibility for the management of regional parks has been established with the Department of Conservation and Land Management and direct management is being progressively transferred to CALM over three years commencing the 1997-98 financial year. Advice is being sought from CALM, the National Parks and Nature Conservation Authority and other stakeholders on a legislative framework, including vesting of unvested portions of regional parks.

BURSWOOD RESORT CASINO*Importance of Overseas Visitors***1593. Hon LJILJANNA RAVLICH to the Minister for Racing and Gaming:**

Can the Minister give some indication of the importance of visitors, in particular high rollers from Asia, and their contribution to the Western Australian economy through Burswood Casino?

Hon MAX EVANS replied:

The high rollers form a very large part of the Burswood Casino's income. In 1996 about 60 per cent of the profit from gambling came from high rollers. That percentage is a lot higher than in other States. We rarely have premium players, whom Victoria relies on. We rely on the junket groups. Cairns and Darwin have both gone out of junket operations. We have been very successful and are still maintaining a successful run. People on those junkets bring their wives and children and spend a lot of money in Perth while they are here. A lot of them come many times.

CREDIT CARDS*Ministers and Government Employees***1594. Hon MARK NEVILL to the Leader of the House representing the Premier:**

- (1) For what purposes may credit cards issued to Ministers and employees of the Government and its agencies be used?
- (2) Who determines the policy or guidelines for the use of credit cards?
- (3) Will the Leader of the House table a copy of that policy or those guidelines?
- (4) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question and ask that it be placed on notice.

BUS TENDERS*Evaluation Group***1595. Hon BOB THOMAS to the Minister for Transport:**

On 28 April 1998 the Minister, referring to the bus tenders, told ABC Radio that the evaluation group made that recommendation to the Government and that the evaluation group was a group of professional people.

- (1) Who made up the group of professional people?
- (2) Will the Minister table the report prepared by this group?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(3) An evaluation panel was established with the following membership -

Department of Transport - two members, including the Chair;

State Treasury - one member;

legal representatives - one member drawn from Crown Law, and a second, Mr Rohan Skea of Skea Nelson & Hager, separately contracted by Crown Law; and

Department of Contract and Management Services - one member.

Advice was also received by the panel from the Western Australian Treasury Corporation; Williamson Nance Pty Ltd - actuaries and consultants; Transperth service operators; and Booz-Allen and Hamilton - industry advice. Price Waterhouse probity audit services were also utilised to oversee the probity of the whole tender process, including the evaluation of the tenders received. As the evaluation report contains matters which are commercial in confidence relating to both successful and unsuccessful tenderers, the report cannot be tabled; however, I am happy for the member to be personally briefed on this matter if he wishes.

HORTICULTURAL COURSES

TAFE

1596. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Employment and Training:

Can the Government give an indication of the number of places and the types of facilities that are available to those students who wish to study horticulture related courses at TAFE?

Hon N.F. MOORE replied:

1997 course enrolments in horticulture related courses at TAFE were -

CY O'Connor College of TAFE	109
Central West College	70
Great Southern Regional College of TAFE	131
Karratha College of TAFE	37
Kimberley Regional College of TAFE	85
South West Regional College of TAFE	325
Private Traineeship Providers	129
Midland College of TAFE	250
West Coast College of TAFE	102
South Metropolitan College of TAFE	1 397
Total	2 635

Under the state training strategy the Western Australian Department of Training envisages maintaining or providing for a modest increase in training for the horticulture industry in the period 1998 to 2001. Facilities range from significant-purpose designed to general multipurpose facilities.

DEPARTMENT OF TRANSPORT

Local Technology Preference

1597. Hon J.A. SCOTT to the Minister for Transport:

Does the department have any policy or has it been given any directions to prefer local technology or products where all things are equal? I refer to technology such as the electronic fuel ignition or gas rather than diesel.

Hon E.J. CHARLTON replied:

This sort of question can mean a lot of things to a lot of people. When buying a new fleet of buses, Transport's aim is to provide the most up to date, high quality and efficient fleet of vehicles that it can for the benefit of those people whom we want to attract and who rely on public transport in Western Australia. That is the ultimate priority when seeking to replace the current fleet.

Hon J.A. Scott: Does Transport give no consideration to other factors?

Hon E.J. CHARLTON: That is the first consideration. I recommend that the member take on board what I have said. It does not matter whether he agrees with it or not; that is the basis of buying a new fleet of buses. That priority is to ensure that over the period of replacing the bus fleet we have the most world renowned public transport high quality buses.

Hon Mark Nevill: With the highest cost -

Hon E.J. CHARLTON: The cost is not the important component.

Hon Mark Nevill: The cost of tickets!

The PRESIDENT: Order!

Hon E.J. CHARLTON: The Government is seeking to provide the highest quality vehicles. This applies not only

to performance but also to reliability and user comfort, including the ability for disabled people to use the vehicles. The Government is seeking to ensure that those vehicles meet all of our expectations and standards. Other considerations come after those. Local content comes in, as in the case of the Transcom technology. The member asks where it plays a part. It plays a part but it is not the highest priority. It is important that people understand that. In a separate initiative to help the local product, we gave a commitment to a company that we would convert 100 buses of the existing fleet. We said that we would pay \$30 500 per motor.

Hon J.A. Scott: You did not give the company the buses with which to do it.

Hon E.J. CHARLTON: We will probably need to have a committee of privilege now. The member is saying that what I am saying is not right. That will be for someone else to judge. I do not know whether I should go any further in answering the question.

FAMILY FUTURES PROGRAM

1598. Hon TOM STEPHENS to the Minister representing the Minister for Health:

- (1) What programs were proposed to be undertaken in the family futures program?
- (2) What funds were -
 - (a) allocated; and
 - (b) spent
 on this program in 1997-98?
- (3) If funds have not been spent in this year, why not?
- (4) What funds will be allocated to this program for 1998-99 and how much of this allocation is from funds unspent in 1997-98?
- (5) Are these funds allocated to the program from state or commonwealth sources?

Hon MAX EVANS replied:

Knowing how a question like this can be treated, I suggest that it be put on notice.

POLICE

Graffiti at Schools

1599. Hon KEN TRAVERS to the Attorney General representing the Minister for Police:

- (1) Can the Minister confirm that it can take up to three days for the police forensic photographers to visit schools to photograph graffiti?
- (2) In the light of the need to remove graffiti quickly to discourage it, what action is the Minister taking to speed up this time and enable graffiti to be removed sooner?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Without details of the specific incident, it is not possible to answer the question; however, three days would not normally be an acceptable time frame.
- (2) Not applicable.

ASIAN TOURISTS

Flights between Asia and Western Australia

1600. Hon KIM CHANCE to the Minister for Transport:

Does the Minister recognise the importance of Asia and Asian tourists to the Western Australian economy; and, if so, what strategies is he employing to encourage and facilitate an increased number of flights between Asia and Western Australia and, in particular, the north west of Western Australia?

The PRESIDENT: Order! The first part of that question, as I heard it, was couched in words that seek an opinion. The balance of the question is in order.

Hon E.J. CHARLTON replied:

The first thing we could do is to get Labor Party members to stop misinforming the public about the master plan for the Perth Airport. That would be of significant help. If we do not have a proper development of the Perth Airport, we might as well forget about tourism and people coming from anywhere in the world to Western Australia. Perth Airport has many other components that are central to attracting people to Western Australia. To encourage a greater number of flights to Perth there must be a change to what is commonly known as the open skies policy. We have made recommendations to the Federal Government in that regard. Malaysian Airlines could double its flights into Perth each week, if given the opportunity to do so.

We have taken a number of initiatives to encourage more flights to Perth. As those flights come to Perth, increased activities will be provided throughout the rest of Western Australia. In turn, that will do two things: Enhance the tourist activities in other areas of Western Australia; and reduce the cost of travel in Western Australia by air simply because of the increase in numbers and the improvement in the viability of air services to those destinations.

In addition, we have had an ongoing airfreight plan which is reviewed and updated to enhance the viability of international operations. Perth Airport and the city of Perth as a destination will grow enormously over the next few years. It is envisaged that within the next 20 years Perth Airport will have more aircraft through it than the airport at Changi in Singapore, provided that we have the opportunities for expansion to take place at Perth Airport. If we impose curfews and restrictions on the airport, collectively we will not see Perth Airport develop to the extent that is required.

SUPERANNUATION**1601. Hon HELEN HODGSON to the Attorney General representing the Minister for Labour Relations:**

- (1) Is the Minister aware of the report in yesterday's edition of *The Australian Financial Review* that 78 per cent of businesses surveyed would prefer less involvement in managing their employees' superannuation?
- (2) Is the Minister aware that the Federal Government has deferred the introduction of its legislation governing choice in superannuation schemes?
- (3) In the light of these developments, is the Minister planning to defer the implementation of section 49C of the Industrial Relations Act?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) No; I am not.
 - (3) I understand the Minister for Labour Relations will not. Section 49C of the Industrial Relations Act is already in force, having come into effect on 1 January 1998.
-