



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Wednesday, 28 August 1996

Legislative Council

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

MOTION - URGENCY

Western Australia Police Service, Internal Crisis

THE PRESIDENT (Hon Clive Griffiths): I advise members that I have received this letter dated 28 August 1996 -

Dear Mr President,

At today's sitting, it is my intention to move under Standing Order 72 that the House at its rising adjourn until 9.00 am on 25 December 1996 for the purpose of discussing the internal crisis facing the WA Police Force and its effect on law and order in Western Australia.

Yours sincerely,

Reg Davies, J.P., M.L.C.,
Member for North Metropolitan Region

In order for this matter to be discussed, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON REG DAVIES (North Metropolitan) [2.34 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1996.

The Police Force in this State is still in crisis. This situation has not changed since I have been a member of this House. In the year I entered this House, 1989, the then shadow Minister for Police, Hon George Cash, successfully moved a motion for a royal commission into the Western Australia Police Force. When I say that he successfully moved that motion, I mean it was passed by this House but the Government of the day, of course, ignored the request from this House. On 14 December 1989, Hon George Cash said -

The final term of reference is for the Royal Commission to inquire into and report on the overall effectiveness of the Police Force as the primary protector of the public from violence and crime and to ensure the freedoms of citizens. It seems to me that, given the difficult period that the police have gone through in recent times, the general effectiveness and efficiency of the Police Force has been impaired. That must be a matter of grave concern to this Parliament. I recognise that the Government will no doubt claim that it is providing additional resources to the Police Force in this year's Budget; and I acknowledge that a greater amount of money is to be provided to the Police Force. However, that does not necessarily mean we will have an effective and efficient police service in this State. All the money in the world can be thrown at the Police Force; in the end the Police Force must enjoy the confidence of the Government, the Opposition, and, more importantly, the public of Western Australia if it is to carry out its duties in a forthright, efficient and effective way.

This motion of Hon George Cash in 1989 was prompted by the feuding between the then Commissioner of Police and his deputy. Seven years later there has been a conflict between the new Commissioner of Police and his former No 2.

Hon E.J. Charlton: The only difference now is that there has been a bit of action in the Police Force since then.

Hon REG DAVIES: This continues even though the former deputy commissioner has left the force after 30 years of fairly distinctive service to Western Australia as a senior police officer.

In November 1992, when moving a motion for the formation of a select committee to investigate the Western Australia Police Service, I had this to say -

This Parliament and numerous preceding Parliaments have failed to exert strong and proper control over the conduct and administration of the police service. The Ombudsman has failed to allay public concern and fear at the awesome power being exerted by the Police Force without the control of its proper master - the people, through this Parliament.

Very little has changed. The Parliament has not regained control of that very powerful arm of government, the WA Police Service. On 26 October 1993, when moving for the re-establishment of the select committee into the Western Australia Police Service, I drew this to the attention of members and the public. I said -

... by far the most serious allegation of corrupt conduct is the diamond swindle. Diamonds were the commodity in this case, but it could well have been gold, a hired gun, drug running or even killings. The Argyle affair is more than just diamonds; it is about bent coppers and serious crime within our law enforcement agency. It is also about cover-ups. A major scandal of this significance should attract the time and attention of as many as 20 internal investigators. However, the assistant commissioner has assigned only two people to investigate. The task force of two is funded by the Argyle diamond company. For want of a better description, we now have a privatised investigation.

That was in October 1993, and here we are in August 1996 and still we are unable to have reports of those investigations into the Argyle affair tabled in either House of Parliament. This is a continuation of the ongoing cover-ups as far as the Argyle Diamonds affair is concerned, and it is not good enough. It is not good enough for the Minister for Police to come out in the media, as he did today, and say that he may table the AFP report within two weeks, after the Solicitor General has examined it, but that it is likely that much would be cut for legal reasons before it is released. Why should this House be subjected to legal censorship before a document is tabled?

Hon Peter Foss: It may prejudice a trial.

Hon REG DAVIES: It may well prejudice a trial, if there is ever to be one. We have been waiting for quite some time.

Hon Peter Foss: If the Solicitor General says that the publication of information would prejudice a trial, do you agree that it should not be made public?

Hon REG DAVIES: I agree that the House should have a copy of those reports at the very earliest opportunity, and that should have been yesterday when the Parliament resumed. Mr Gilchrist from Argyle Diamonds says that that company paid for the FBIS report, so it is its property. Two WA Police Service officers were involved in that report. Who paid their salaries while they were involved in that investigation? I suggest that it was the citizens of Western Australia. Therefore, there should be some ownership of that document by the people of Western Australia and it should be tabled in this Parliament so that the public finally knows what has been going on in our Police Service.

It would appear that the Western Australia Police Service does not have the ability to get its own house in order. This is not a new phenomenon; it has been going on for far too long. It has been evidenced by the fact that the Government has spent thousands of dollars employing investigators and interstate agencies to examine the service. More than two years ago - it is history now - the Government took the unprecedented step of appointing a commissioner from outside the State. Yet, two years down the track the Police Service is still wracked with internal bickering, low morale, mass resignations from the senior ranks and a public perception that the force is out of control.

Hon Peter Foss interjected.

Hon REG DAVIES: What is the Attorney General doing about it? Is he advising the Cabinet that something should be done?

Hon Peter Foss interjected.

Hon REG DAVIES: We are back where we were seven years ago, when we had our two top cops bickering, fighting and arguing with one another, which is causing -

Several members interjected.

The PRESIDENT: Order!

Hon REG DAVIES: In my opinion that is causing low morale in the Police Service.

Hon Peter Foss interjected.

Hon REG DAVIES: Perhaps the Attorney should talk to a few policemen on the beat; he should get down from his ivory tower and see what is happening in the community. He should find out about the public perception of the Police Service - it is not good.

We need to win back the streets. But how can we do that when we do not feel comfortable in our homes? It is not only the elderly who are concerned; almost every citizen is barricaded behind closed doors and elaborate security systems.

Hon E.J. Charlton: That is a problem in the society; it is not a police issue.

Hon REG DAVIES: Perhaps the Minister and I have different expectations of our law enforcement agency. The citizens of this State have every right to believe that they have the full protection of the police; they have every right to go about their daily business without being assaulted; people have every right to operate their small businesses without being continually broken into by thugs; and people should be able to park their cars in driveways without thugs under 18 years of age stealing them and, as a result, being involved in high speed chases. Who is criticised for that? It is the police because they are trying to bring about law and order in the State.

Hon E.J. Charlton: You should not be criticising the police about that. That is the responsibility of the courts and this place.

Hon REG DAVIES: I am not criticising the police about that.

The PRESIDENT: Order!

Hon REG DAVIES: It is time to win back the streets and to its credit the Government has belatedly realised that it has been lacking in action in the area of law and order, which was a primary election platform. We are now seeing legislation to strengthen sentencing, but we have seen little done to confront the problems facing our Police Service for more than a decade.

Two months ago the Legislative Council select committee considering police issues tabled a comprehensive report outlining many of the problems within the force and advocating wide-ranging changes. Yet, the Government has been silent.

Hon E.J. Charlton interjected.

Hon REG DAVIES: It has. Its failure to accept the select committee's report is almost equivalent to accepting unlawful conduct. It has done nothing. The committee outlined the problems to the Parliament and to the Government; it suggested wide-ranging changes and remedies, but nothing has happened.

Hon E.J. Charlton: That is not right.

Hon REG DAVIES: It is complete hypocrisy for this Government to promote falsely concern about law and order to win votes. It must do something about our Police Service.

I will read to the House what Les Ayton had to say about the committee's report when talking to Howard Sattler last week. The transcript of the interview is as follows -

SATTLER: Do you think the police force has got too many organisations now overseeing it, just about, you've got all sorts of official corruption commissions being formed, the ombudsman, you've got your internal affairs unit - should there be more or less?

AYTON: Well, Howard, I think the police force do need some outside scrutiny and the public need to be assured that there is somebody that the police force is answerable to. I strongly supported, and I do strongly support, what the parliamentary select committee came down with. Now if we could implement that in its entirety . . .

SATTLER: I think it'll be shelved, won't it?

AYTON: Well, I'll be very very sorry.

Several members interjected.

Hon REG DAVIES: He said we should implement it in its entirety. He said that that is what he would like to see. This is a man who spent 30 years in the Western Australia Police Service.

Hon Peter Foss interjected.

The PRESIDENT: Order!

Hon REG DAVIES: We have a problem in the force. It is time that the Government showed leadership and strength and had the guts to establish the royal commission that the committee recommended. The recommendations have not been implemented and the Government has no intention of implementing any of them. The only option is to force the Government to establish a royal commission, even though royal commissions in this State have been discredited over the past few years because they have been seen as purely political point scoring. We have seen what happened in New South Wales with a good strong commissioner and strong terms of reference. I doubt that there will ever be corruption in the Police Force of that State again.

HON SAM PIANTADOSI (North Metropolitan) [2.50 pm]: I agree with Hon Reg Davies' comments. It obviously pays to jump to one's feet early. My outwitting members on the government side of the House is an indication of

how slow they are and that is exactly the point Hon Reg Davies made: The Government is very slow in resolving the problems confronting the Western Australia Police Service.

Several members interjected.

The PRESIDENT: Order! Hon Sam Piantadosi was given the call because I saw him first.

Hon SAM PIANTADOSI: I concur with Hon Reg Davies' comments even though he said nothing new. It is strange that when members are in opposition they have a lot to say. I recall what Hon George Cash said when he was the opposition spokesperson on police matters. However, the situation changes. It is easy for the Government to say that it is doing everything possible to resolve the situation. However, the sad state of affairs prevailing in the Western Australia Police Force is a reflection on members in this Parliament. Members are aware of the public's opinion of the way in which members of Parliament conduct themselves. I am sure that members of Parliament hope that members of the community do not conduct themselves in the way they believe members of Parliament conduct themselves. Members of Parliament should lead by example.

In the 1980s the community was bombarded with stories about what was happening within government and government agencies. The consequence was the appointment of several commissions, or inquiries, but they were manipulated. The ordinary person in the community, especially the genuine policeman who wants to do a good job on the beat, does not know who to approach to bring about changes. The only people who can do that are the members of the Government.

Hon E.J. Charlton: Is not the new commissioner showing a change in leadership?

Hon SAM PIANTADOSI: I acknowledge there have been changes. The Minister for Transport and I know that if the Government of the day gives an issue priority, something will be done. I do not want to reflect in any way on the ability of the Minister for Police. However, members know very well that if the Police portfolio had been given priority over other portfolios, the incoming Government would have given responsibility for it to a senior government member. In this instance, a very junior member of the coalition was given responsibility for that portfolio.

Hon E.J. Charlton: It does not work that way. The changes in transport are because the people in the department have been given the responsibility to make the changes. That is what happened in the Police Force.

Hon SAM PIANTADOSI: It does work that way. It is not Mr Wiese's fault; he was given responsibility for the Police portfolio. If the Government had been dinkum it would have given responsibility for that portfolio to one of its senior members and a lot more would have been done in the Western Australia Police Service.

I have put a series of questions to the Attorney General and some of them touch on the corrupt police in this State. I certainly hope the Attorney General has the answers for me in question time. My questions refer to deals which have been made to overcome various problems. For example, deals were made in respect of investigations into the racing industry. This happened many years ago, but no action has been taken. What happens to the good police who know that there is a corrupt element within the Police Force and those people continue to get away with what they are involved in? I admit, this is relevant to a number of government departments and not only the Police Force. I recall that officers in the previous Water Authority of Western Australia were building houses and beach cottages with materials from the authority. Some of them were operating small businesses in which they renovated homes, also with materials from the authority. Eventually, it was up to the leadership of that organisation to stop that activity.

The same applies to the Police Force. The leadership should ensure that the corrupt elements within the force are kicked out so that the good policemen can go about their job knowing that, at the end of the day, they will get some satisfaction because of what they are achieving. The only people who can help the good policemen is the Government of the day. Even though the Government cops criticism, it is in the position to bring about changes in the Police Force.

A select committee reported to this House a short time ago and its report included a number of recommendations. Mr Foss indicated that some of the recommendations had been implemented, but I am not sure how many actually were. I am aware that the then second in charge of the Police Force said that the select committee's report should have been acted upon in its entirety. The Government should ensure that it is acted upon. Mr Foss and Mr Charlton should read the report again and reconsider the recommendations.

Hon Peter Foss: We did pick up on some of them.

Hon SAM PIANTADOSI: It is obvious that the Government has not acted on that report. I am sure that government Ministers have had feedback from the concerned people in the community and surely they are aware that everything is not fine within the Police Force. Hon Eric Charlton would say that things are hunky-dory.

Hon E.J. Charlton: That is not the sort of terminology I would use.

Hon SAM PIANTADOSI: That is as bad as saying that what occurred with the sale of the Aberdeen Hotel was above board. I guess we will hear more about that in the future.

Hon E.J. Charlton: I am happy to debate that issue inside and outside this place.

Hon SAM PIANTADOSI: I am sure we will hear more about it. The Government must show the leadership which is required to bring about the changes which will ensure that the Police Force will weed out the corrupt element which is giving the Police Force a bad reputation. The community at large would then have confidence in the Police Force. They should not have to live in fear of the police. Surely that is not the type of society we want in Western Australia. We know it happens in other parts of the world. Members of the Government are in a position to bring about changes in the Police Force and I urge them to do so.

HON PETER FOSS (East Metropolitan - Attorney General) [3.00 pm]: I had not realised that we were being invited to Hon Reg Davies' campaign launch.

Hon Mark Nevill: Do not trivialise a serious motion.

Hon PETER FOSS: Plainly, the member is taking advantage of a situation to totally misrepresent what has happened in the Police Force. Let us look at this matter that Mr Davies complains about. The difference between Mr Bull and Mr Peters never became public. What is clear about this matter is that Mr Ayton was subject to an adverse report. Under the new Police Force, which Mr Falconer has said is an open and accountable Police Force -

Hon Mark Nevill: It is not.

Hon PETER FOSS: - Mr Falconer was obliged to put on the record that particular adverse finding and to counsel Mr Ayton. In the old Police Force, either it would have been buried or, if it was dealt with at all, it would have been over quietly in the corner without anything being put on the record. It was typical of the old Police Force that everything was fixed up within the Police Force without anything adverse being reported. Mr Falconer received a report that required quite properly that some form of disciplinary process be taken against Mr Ayton. He advised Mr Ayton of that. The next important issue is that not only was it placed on the record, but it was done in a positive manner. The new system acknowledges that everybody makes mistakes; it recognises those mistakes and it provides officers with counselling so that they learn by their mistakes and do things right in the future. I cannot believe that anybody in this Parliament would not support that as a process. I hope that Hon Reg Davies will say to the commissioner, "That process is correct." If the commissioner receives an opinion that a mistake has been made by an officer, and he accepts that, it is appropriate the matter be put on the record. I also support that the matter be handled in a positive manner, and the person counselled for the future. That is what happened.

Mr Ayton's response to that was, "I'm not going to be criticised; I'll take my bat and ball and go home." What sort of an organisation is it, where it has been found necessary to discipline a person and that person says, "I'm not going to take that"? Mr Ayton was advised that if he did not accept the process, and he did not believe it had been appropriately found that he needed disciplining, there was an avenue for him to deal with that. Mr Ayton has the capacity to complain about the administrative process involved. A person who does things the right way would do that. What did Mr Ayton do?

Hon N.D. Griffiths: You are having a go at him.

Hon PETER FOSS: I am saying there is world of difference between the two processes. The current process is on the record; it is positive and forward looking. The person who could not react appropriately was Mr Ayton. If Mr Ayton's attitude was not to take the discipline he was given, if he was not prepared to challenge in the proper circumstances whether he should be subjected to discipline, it is appropriate that Mr Ayton leave. We must support our commissioner.

Hon Reg Davies: Were you one of the Ministers who supported Ayton as deputy commissioner?

Hon PETER FOSS: Hon Reg Davies knows perfectly well that I cannot disclose what happened in Cabinet. Mr Davies is aware, as it has been reported in the newspaper, that Cabinet was not all that keen to appoint Mr Ayton. I happened to be part of a committee that had some criticism of Mr Ayton over his failure to investigate the blue file, or "GOVT" file, which Mr Ayton and Mr Bull sat on for 18 months. The point is one of principle. If there is to be discipline in the force, or if a person is found to need discipline in any organisation, he either challenges that through the proper processes or he takes the discipline. Can Mr Davies imagine, when he was in the Army, if somebody had been found guilty of a disciplinary offence and been called up for counselling and had said, "I'm not going to take that; I'll walk out"?

Hon Reg Davies: That is not part of my campaign.

Hon PETER FOSS: I will tell Hon Reg Davies that it is appropriate behaviour by the commissioner and inappropriate behaviour by Mr Ayton.

Hon E.J. Charlton: It is not just about Mr Ayton but the whole system. It is about the very things for which members opposite ask.

Hon PETER FOSS: Hon Reg Davies mentioned that senior officers were leaving the force. Mr Falconer has planned on senior police officers leaving the force; that is part of operation Delta. Mr Falconer found that Western Australia had a large number of senior policemen - far in excess of an appropriate ratio - many of them from the old school, who would not adapt to the new method. He is trying to totally transform the Police Force. I say good for him! He has tackled the problems. We should give him some backing. This is not like the secret squabble that happened between Mr Bull and Mr Peters, with the most extraordinary behind the scenes behaviour in which Mr Bull was engaged; this is on the record in accordance with proper investigatory and disciplinary procedures. I would not normally see that a person who has been found liable for disciplinary procedure and behaves in the way that Mr Ayton does should be likened - in the way that Mr Davies has - to Bull and Peters.

There is a total change in the way the Police Force is being run, a total change in culture. We have added the number of police and the resources that we said we would. That has had some result. There is a lot of publicity about the 1995 Australian Bureau of Statistics' figures. Would members like to know the statistics for this year? This year there has been a drop of 37 per cent in homicide; 12.2 per cent in sexual penetration; 16 per cent in aggravated sexual penetration; 7.9 per cent in burglary; 17.2 per cent in motor vehicle thefts; 37.7 per cent in fraud; 4.4 per cent in total offences against property; and 2 per cent in the total of reported offences. The improvement in the number of offences cleared is an increase from 25.5 per cent in 1993-94 to 27.3 per cent in 1994-95 and to 29.7 per cent this year. Worthwhile changes are occurring.

Hon Reg Davies: I remember Joe Berinson trying to convince the House of similar things.

Hon E.J. Charlton: Without any facts!

Hon PETER FOSS: Unfortunately, Mr Davies is taking this opportunity to criticise an officer who has done a fantastic job and is doing things. I agree that Hon Reg Davies and I have talked on this before. First of all the Government had the guts to get somebody from outside the State, which was absolutely necessary, and he has had the guts to get on with the job. He has totally revamped the Police Force. Just because an officer - a senior officer - cannot take discipline, Hon Reg Davies sees that as a squabble. I do not. Mr Ayton has gone and appropriately so. If he cannot take the system, he should go. If a person cannot accept discipline or cannot follow the proper process to say, "I should not have been subject to discipline", he should go. A chronology was provided to Forensic Behavioural Investigative Services or the Federal Police of what had happened with the Argyle investigation. Mr Ayton said he had never seen it before. They went back to Mr Falconer who said, "He has; I have a note from him." Mr Ayton's reaction to that was, "I have been betrayed. I have been dobbed in." Interestingly enough those words go back to the old style Police Force. The mere fact that Mr Falconer referred to his notes and was able to show - not allege - that Mr Ayton was mistaken in his recollection has meant that Mr Ayton has turned this into an enormous fuss. Frankly, Mr Ayton has to grow up and behave a little more appropriately. His attitude shows a lack of self-discipline, not external discipline.

A particular fan of Mr Falconer is Argyle Diamonds' managing director, Mr Gilchrist. A press release from Argyle Diamonds states -

"Argyle Diamonds supports the actions and decisions taken by the West Australian Police Commissioner to identify inadequacies in the series of investigations into the theft of Argyle diamonds. We recognise that the co-operation of Mr Falconer was instrumental in the company finally achieving a satisfactory outcome."

It is matter of public record that Argyle was very concerned by the lack of response from the West Australian Police Force in the matter of the organised theft of diamonds from the Argyle mine. Argyle was very pleased when Mr Falconer came on board and was prepared to tackle the matter.

Hon Mark Nevill: It took him a long time to wake up.

Hon PETER FOSS: I am not saying all the ills of the Police Force have disappeared. However, at long last somebody is doing something about them. We did implement in the Anti-Corruption Commission legislation the terms of the recommendations of Mr Davies' committee.

Hon N.D. Griffiths: The ACC is a joke and the Attorney General knows it.

Hon PETER FOSS: Hon Reg Davies cared so little for his recommendations that he spoke and voted against one of his own committee's recommendations because he had forgotten it was a recommendation!

Hon Reg Davies: Which one are you talking about?

Hon PETER FOSS: I question Mr Davies' commitment to those conditions when he voted against one of them in this House and could not remember it was a condition.

HON N.D. GRIFFITHS (East Metropolitan) [3.10 pm]: I think we should return to the facts. Mr Ayton ceased to be active in the Police Force, as it is known at law, in February this year. It was clear to the public of Western Australia that Mr Ayton took leave in February 1996 and I think he made it clear that he intended to leave the Police Force when he turned 55. Two days before Mr Ayton turned 55, Mr Falconer, as we understand it, invited him to attend a place for some counselling.

Hon Peter Foss: Quite right, as he deserved.

Hon N.D. GRIFFITHS: To say that Mr Ayton resigned from the Police Force because he did not want to undergo counselling is an absolute nonsense. The second area of fact -

Hon Peter Foss: He hated counselling -

Hon N.D. GRIFFITHS: It was clear he intended to resign before he was instructed to attend counselling. The Attorney General must be the only person in Western Australia who thinks to the contrary.

Hon Peter Foss: I know that to be the fact.

Hon N.D. GRIFFITHS: The Attorney General knows it to be the case because he has a great gift of knowing everything. Hon Peter Foss tried to blind us with a version of the truth contained in some statistics. Now he is leaving the House because he does not want to know what are the true statistics.

Hon Peter Foss made reference to offences against the person decreasing by 4.4 per cent. That may well be the case, but the budget papers indicate a continuing increase in offences against the person and against property. The number of offences against the person in 1995 compared with 1994 show a rise of 10.7 per cent. I suppose we should feel a degree of relief that the rate of those offences has decreased by 4.4 per cent. The simple fact is that the crime rate is worse than it was. Similarly, with respect to offences against the person the Attorney General referred to a smaller drop. Well he might; when the statistics for 1994 are compared with those of 1995 the rise is 7.6 per cent. Therefore there should be a degree of relief.

Hon E.J. Charlton: Tell us what you will do.

Hon N.D. GRIFFITHS: I will get around to that in a few minutes.

The PRESIDENT: Order! If the Minister does not stop interjecting, I will tell him what I will do.

Hon N.D. GRIFFITHS: We should feel a degree of relief that there has been a slight drop in the rate. I am very pleased there has been. We on this side of the House hoped that there would be a greater drop. However, I regret to say that it is unlikely a substantial drop will occur because of the present policies. Regrettably, this Police Force is facing an internal crisis. That is evident from what occurred between Mr Falconer and Mr Ayton and the ongoing Argyle Diamonds saga as well as many other matters, some of which were dealt with in the report of the Select Committee on the Western Australian Police Force. Members of the public read about other matters daily in the Press.

Hon E.J. Charlton: When did Argyle happen?

Hon N.D. GRIFFITHS: The reasons for this crisis are many. The answers are not simple, but some of the reasons are within the power of Government to deal with. This Administration is not dealing with them because of the nature of this Government.

Hon E.J. Charlton: When did Argyle happen?

Hon N.D. GRIFFITHS: The first reason for this neglect is the weak Minister for Police. He is incapable of properly carrying out his duties. He is what every Police Commissioner in Western Australia, Australia and the world have referred to as a "Yes Minister". He is not what the strong Ministers for Police are referring to as a "next Minister". He is "Yes Minister, Wiese." He is a weak Minister; that is the first degree of difficulty that this Police Force faces.

Hon Mark Nevill: He is the best National Party Minister they have.

Hon N.D. GRIFFITHS: He is the best Minister the coalition is capable of putting into the job and that is a matter of great regret. The Opposition proposes to remedy that very soon.

Hon E.J. Charlton: He is that weak that he had the capacity to do something about Argyle Diamonds which your mob allowed to happen.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: The Police Force has an incapacity to deal with its internal affairs and its own serious misconduct.

Hon E.J. Charlton: You are a funny little man.

Hon N.D. GRIFFITHS: Mr Charlton is an absolute joke.

Hon E.J. Charlton: You are a joke.

Hon N.D. GRIFFITHS: That incapacity was demonstrated by the police select committee. This Police Force, with the backing of Hon Peter Foss, who knows nothing about what goes on in the real world -

Hon P.R. Lightfoot interjected.

Hon N.D. GRIFFITHS: He talks to Hon Ross Lightfoot, so he is up there somewhere.

Hon P.R. Lightfoot: He is a senior partner in one of the State's best law firms. He knows nothing about what goes on! You must be joking.

Hon N.D. GRIFFITHS: The difficulty is that this Government persists with the serious misconduct of the Police Force being dealt with by an ineffectual internal affairs unit and an ineffectual internal investigations branch.

Hon P.R. Lightfoot interjected.

Hon N.D. GRIFFITHS: When dragged yelling and screaming to some degree of accountability the Government said that it will rename the Official Corruption Commission the Anti-Corruption Commission and that it will provide it with the capacity to employ only external investigators.

Hon E.J. Charlton: If it were not for your mob we would not have one at all.

Hon N.D. GRIFFITHS: This is where we return to the facts. I did not leave them but I regret that Hon Peter Foss has a misunderstanding of what has taken place and of the police select committee report. This Government refuses to accept that what is required is a police anti-corruption commission which targets the police, not an ineffectual hybrid. When the select committee handed down its report Mr Falconer said words to the effect, "I agree with some of it. I do not agree with a lot of it, but where I particularly disagree with it is that there is no need for a police anti-corruption commission. We do not have to go down the path recommended by the select committee. We must accept what the government is proposing." Frankly, that is not good enough. Of course he would say that because he is a servant of the Government. He is obliged to say things in accord with what the Government suggests. It is an absolute nonsense to carry on as the Minister for Transport is.

Hon E.J. Charlton: He does it all the time, doesn't he?

Hon N.D. GRIFFITHS: It is a further nonsense to suggest that the police anti-corruption commission recommended by the police select committee is the same thing as this little potential branch of the renamed Official Corruption Commission. This Police Force is in crisis also because it fails to be properly accountable to Parliament. The evidence for that is the standard of answers to questions asked about police matters and the overuse of the shield, "It is an operational matter." There comes a time when matters cease to be operational matters.

Several members interjected.

The PRESIDENT: Order! I draw the attention of honourable members to one of the rules of this place which says that members who wilfully disregard the authority of this Chair may find themselves being punished by the House. I have put up with many interjections during this debate and from time to time I have called for members to stop their unruly behaviour. However, some of them are persisting in it. If we want to have a practice shot at putting into effect Standing Order No 116, they should do it again. I can assure them we will have a shot this afternoon.

Hon N.D. GRIFFITHS: The problem is not only the standing of answers and the overuse of the "operational" shield but also the fact that many questions are unanswered and that last year the Commissioner of Police complained that he was being asked to provide too many answers. He also complained about the expense. Frankly that is not good enough.

We lack a standing committee of this Parliament. I have suggested, as have my colleagues on the select committee, that the standing committee come from this House, but at least there should be a standing committee of this Parliament to oversee the police.

HON DERRICK TOMLINSON (East Metropolitan) [3.20 pm]: It is a pity that whenever the Police Service is discussed in Parliament the language becomes inflammatory and the facts distorted. We have had from every speaker, with the exception, I think, of Hon Nick Griffiths, some distortion of the facts. I will not say that the language used by Hon Nick Griffiths was not inflammatory.

I want to return to some of the events which led to what Hon Reg Davies calls an internal crisis facing the WA Police Service. Of course there are problems in the Police Service. The report of the Select Committee on Western Australian Police Service, I hope, has clearly stated that. The Police Service has accepted that fact; the Police Service has initiated the reform process which has come to be called the Delta transformation; and before Commissioner

Falconer was appointed, the Police Service had accepted the need for change, and had set up a task force to commence the process of change. I will come to that later if I have time.

I turn now to the investigation of the Argyle Diamonds affair and the appointment of Forensic Behavioural Investigative Services. That service was not appointed by the Commissioner of Police. It was not engaged by the WA Police Service to look at the Argyle Diamonds affair. FBIS was engaged by Argyle Diamonds to undertake two tasks: First, it was to advise Argyle Diamonds on its internal security procedures because Argyle Diamonds was concerned about the volume of loss of diamonds in its operations.

Hon Reg Davies: Did it employ Western Australian police?

Hon DERRICK TOMLINSON: The second term of reference for FBIS was to advise Argyle Diamonds on its relationship with the WA Police Service, because the three investigations into the theft of diamonds had led to a significant deterioration in the relationships between the two organisations, and that was of concern to Argyle Diamonds because it requires the support of the Police Service if it is to have a secure operation. FBIS was engaged by Argyle Diamonds to investigate that aspect.

Concurrently with the FBIS investigation on behalf of Argyle Diamonds, another matter was developing - again, arising from the Argyle Diamonds theft investigation. That was a formal complaint laid by Sergeant Robin Thoy with the Ombudsman against the behaviour of the person who at that time was Deputy Commissioner of Police. At the time of the incident that caused Sergeant Thoy to complain, I think Mr Ayton may have been the Assistant Commissioner Crime - although I may stand corrected.

Hon E.J. Charlton: What year was that?

Hon DERRICK TOMLINSON: It was 1995. At the time the formal complaint was made to the Ombudsman, Mr Ayton was Deputy Commissioner of Police. Under the terms of the Ombudsman Act, if the Ombudsman receives a complaint about a police officer the Ombudsman is obliged to advise the Commissioner of Police who, in turn, is obliged to investigate and report within 42 days; or alternatively to seek an extension for a further 42 days. When the formal complaint was received from Sergeant Robin Thoy, the Ombudsman advised the Commissioner of Police. The Commissioner of Police, therefore, had a complaint against his deputy. The problem which then confronted the commissioner was whom he should appoint to investigate the Deputy Commissioner of Police. The procedure generally adopted within the Police Service is that a task force investigating an officer should be of superior rank. Therefore, the only person who could investigate the Deputy Commissioner of Police was the Commissioner of Police. There are two alternatives available under the Ombudsman Act. There was no alternative about an investigation. Under the Act the investigation is obligatory. The alternatives were that the Commissioner of Police conduct the investigation or the Ombudsman may on his own motion have conducted his own investigation.

At that time Sergeant Thoy appeared in a Four Corners program. I think Hon Reg Davies may have featured in the program, which was not broadcast in Western Australia. An injunction or some legal ban was imposed on that broadcast in this State. Kel Glare, the former Commissioner of Police in Victoria and the senior officer of FBIS, saw the program and reported to the Commissioner of Police that it contained matters of serious concern. Putting together what he had seen in the program and the specific allegations by Sergeant Thoy, with the information he had already gleaned from his work with Argyle Diamonds, he advised the Commissioner of Police that there existed matters of serious concern. At that stage the Commissioner of Police offered FBIS full support in its investigation. I understand that full support entailed access to all relevant records and background, and to all police officers involved.

It was the report of FBIS which occasioned the Commissioner of Police to seek an external investigation. It was not an investigation by the Federal Police. It was a task force, I think comprising six officers, led by a person of commander rank, who were seconded to the WA Police Service - the very thing that was recommended in the report of the Select Committee on Western Australian Police Service; that is, officers of other jurisdictions investigating complaints against police officers in the Western Australian jurisdiction. That is what happened. It was not a federal police report. It was a state police report. The officers were seconded from the Federal Police. I look forward to reading that report. So far, I have seen other reports which have been presented by the officers seconded from the Federal Police to the WA Police Service. I have not seen the report on Argyle Diamonds, but I look forward to it because I agree with Hon Reg Davies -

[Resolved, that debate be continued.]

Hon DERRICK TOMLINSON: I agree with Hon Reg Davies that the Argyle Diamonds matter will expose the seriousness of misconduct by some police officers in the Western Australia Police Service. Before we jump to conclusions about the crisis in the Western Australia Police Service, which is occasioned by the falling out of Commissioner Falconer and former Deputy Commissioner Les Ayton, I strongly recommend that we base our judgment on the facts, not on the distortion of the facts that we have heard so far today.

HON MARK NEVILL (Mining and Pastoral) [3.30 pm]: I believe there are serious problems and also a lack of public confidence in the Police Force. Therefore, I support Hon Reg Davies' motion. There is goodwill towards the

new Commissioner of Police; however, some problems are involved in that. While trying to sort out the problems in the Police Force, the new commissioner has tried to hose down and cover up some real problems that exist in the force. Senior officers have been promoted who in my view have serious clouds over their behaviour in the past.

This commissioner has not been open and accountable to the public as the Attorney General claimed. It is now some 15 months since I asked questions about the Brennan case. They have not been answered. Two police officers were seriously involved in that case. Steve Robbins and Commander Jack MacKaay have since been promoted to much higher positions in the Police Force. Until a little sunlight is put on that case and the disinfecting properties of sunlight are brought to bear on the facts surrounding these cases, there will be disquiet about what is happening at the top of the Police Force. I think Falconer is renewing the Police Force, but at the same time he is hosing down the problems that exist; he is not confronting those problems. In my view he has been doing the former deputy commissioner too many favours. The deputy commissioner's role in the Brennan case needs to be exposed and publicly aired. He was the subject of a complaint to the Director of Public Prosecutions by Detective Inspector Thoy. The DPP rather flippantly - and very unwisely - dismissed that. I am sure many people, including the commissioner and the Government, do not want that case investigated. That is why we do not get answers. However, until it is investigated the Police Force cannot march forward.

When the inquiry into illegal activities in the Fisheries Department took place, who supervised the investigation but the two people who were at the centre of it! Deputy Commissioner Ayton oversaw the activities of the internal affairs branch of the Police Department during that time and the former director of operations of fisheries, Mr Little, was involved. I failed to get any answers about that.

In a serious case a Fisheries officer pursuing a debt against his father kidnapped a woman and took her to the police station. He used his Fisheries Department powers to get information from a bank against a third party. That matter had nothing to do with the Fisheries Department. No investigation was conducted into that; it was completely overlooked. Tracking devices went from the Police Department to the Fisheries Department. A plane was broken into. Tracking devices were attached to people's vehicles illegally when they were broken into and wired under the dashboard. That was not inquired into. Until those matters are examined and a little disinfecting sunlight is thrown on them, there will be grave suspicions over the Police Force.

No-one is complaining about the ordinary rank and file officers to whom I spoke in Halls Creek a few weeks ago. They are battling to do their best. For the past four or five years they have been looking over their shoulder.

HON REG DAVIES (North Metropolitan) [3.34 pm]: I thank members who participated in the debate. It is important that these issues are aired in Parliament openly and frankly. I admit that I was a little disappointed with Hon Peter Foss' comments that I was using this motion for political purposes as the start of a campaign. The campaign I have been waging against the Police Service for a full and open inquiry has been longer than many of the campaigns of the Middle East, and almost as long as the Vietnam campaign. What I am doing today is nothing new. All I am doing is reinforcing what I believe. Apart from the political aspects, we have seen how either side when in government strongly supports its Police Service. That is fair enough: The Police Force should have the full support of the Government; however, not if things are going wrong, not if things are not what they should be, and not if the Police Service is not serving the public in the best way it should.

I will continue to wage this campaign until we get to the bottom of the difficulties and until a full, open, and well resourced commission of inquiry or royal commission is held in which everybody can have their say in public and through which can be laid charges, if necessary, against police officers who have committed crimes against the system. Until that is done, members will continue hearing from me, no matter what position I hold in society. There is no way I am using this motion for political purposes. I believe strongly that the Police Force should have the confidence of the Government, the Parliament and the people, and should have high morale, proper funding and personnel, and the will to ensure that our citizens are safe. I thank members for allowing my indulgence.

[The motion lapsed, pursuant to Standing Order No 72.]

NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA) BILL

Second Reading

Resumed from 1 May.

HON J.A. COWDELL (South West) [3.38 pm]: The Opposition supports the passage of the Bill that is before the House on the principle that at the very least it is better late than never. Yesterday the Minister kindly distributed an explanatory paper entitled "Introducing the National Environment Protection Council". Unfortunately, the Minister did not distribute it to me -

Hon Peter Foss: I gave it to your leader to distribute to the appropriate person.

Hon J.A. COWDELL: - however, I managed to obtain a copy.

The Opposition is supportive of the National Environment Protection Council and particularly of its goals as enunciated. They are set out as follows -

The Council's objectives are to:

give all Australians the benefit of equivalent environment protection wherever they live

ensure that business decisions are not distorted and markets are not fragmented by variations in major environment protection measures between Australian jurisdictions.

The NEPC will make national environment protection measures (NEPMs) which must be implemented by each member - unless the member has more stringent environment protection standards already in place. NEPMs will be developed through the extensive public process set out in the NEPC legislation. The process guarantees the involvement of key stakeholders and interest groups in carrying out a rigorous public assessment of the scientific, social and economic basis of the proposed measure.

NEPMs, which may consist of goals, standards, protocols and guidelines, will be broad framework setting instruments directed to improving national consistency in environment protection outcomes. Subject to their not being disallowed by the Commonwealth Parliament, they will become law in each participating jurisdiction. It will remain the responsibility of each NEPC member to adopt, implement, enforce and report annually on achievement of NEPMs.

As I say, the Opposition is supportive of the stated goals of such a national council and of the community involvement as outlined in some of the procedures adopted by the national council. We welcome the ambit of coverage, which includes ambient air quality; ambient marine, estuarine and fresh water quality; noise where it affects national markets; general guidelines for the assessment of site contamination; environmental impacts associated with hazardous wastes; the re-use and recycling of used materials; and motor vehicle noise and emissions, in conjunction with the National Road Transport Commission. We are supportive of these goals and of Western Australia's joining the council. As I say, better late than never.

In respect of the Minister's second reading speech when introducing this Bill, I will take up a couple of points. The Minister stated that the upshot of commonwealth interest was that the Commonwealth insisted on new standards - this is for the environment - and intended to use the facility of the Foreign Investment Review Board or the capability of not approving an export licence to influence industry. This was an unsatisfactory means of doing business. However, it demonstrated very clearly that there needed to be a truly national cooperative arrangement to enable environmental standards to be set. We welcome the commonwealth initiative in the environmental field. We agree with the Minister that a national and cooperative federal council is the way to proceed rather than the Commonwealth Government having to use other federal powers.

Sitting suspended from 3.45 to 4.00 pm

Hon J.A. COWDELL: In his second reading speech, the Minister said -

The Western Australian coalition Government was cautious about entering into legislation for the council. As the standards were to be mandatory on the decision of a two-thirds majority of Ministers of the council, Western Australia's interests might be circumscribed by positions adopted by the Commonwealth in combination with some other States. Moreover, there was no certainty that the regional differences which were alluded to in the IGAE would be adequately addressed in the legislation.

I understand the Minister's concern that the Commonwealth and a combination of States may raise a standard that is significantly higher than that to which the Western Australian coalition Government would be willing to accede.

Hon Peter Foss: What about the inappropriateness of our differences?

Hon J.A. COWDELL: I will get onto that now. The Minister said -

These environmental protection measures are still to be adopted by a two-thirds majority vote. However, their implementation in the State will have to be by a state law.

Perhaps the Minister could explain whether he meant to imply their implementation in the State will have to be by state law or whether there will be an option of non-implementation if the State chooses not to abide by the two-thirds decision? The Minister continued -

. . . this Bill contains a small, but significant, modification from the uniform legislation to enable the Parliament to disallow a national environmental protection measure where the Western Australian member of the NEPC is of the opinion that that measure does not take into account Western Australian regional differences.

I will ask the Minister in his response to point out whether our legislation is unique in this respect and differs from the legislation passed by other state Parliaments. The Minister said that the NEPC now provides an opportunity for commonwealth agencies to uphold the same legal obligations as Western Australian industry and agencies. That should be the case. I question if this was not the case before. It has been acknowledged that the States retain the ability to maintain or introduce more stringent environmental protections than those adopted through the NEPC process. That is to be commended. Whether this exemption clause will have much significance for Western Australia, given our environmental record, I am not sure.

Hon Peter Foss: We have many written standards.

Hon J.A. COWDELL: I presume that the NEPC has not thus far adopted many sets of standards. Therefore, there can be no measure in that regard.

The Bill requires the NEPC member to report annually on the implementation of measures during that year, and upon their effectiveness. Additionally, the council itself will prepare an annual report to each Australian Parliament. This process will make council members accountable to the Parliaments and the Australian community for their environmental performance. The Opposition cannot but welcome that procedure and looks forward to receiving such reports from the council, which indicate progress on the guidelines that are laid down.

The Minister concluded his speech by saying that he is satisfied that the Bill deals adequately with the Western Australian Government's earlier concerns about the NEPC concept. He said that all other Australian Parliaments have now passed similar legislation and it is appropriate for Western Australia to do likewise. We hope that this sudden newfound community of interest is not based on the slackness of the new Federal Government's policies on the environment. To date, we have seen the destruction of greenhouse emission policies, which not even our great and powerful ally the United States could condone, and regrettable woodchip licensing determinations.

To proceed on the point on which the Minister left off - that is, that Western Australia could now agree to be involved - we hope this will indicate some greater commitment to national guidelines and national standards and will lead to an improvement in the environmental and conservation policies that have been pursued to date by this Government. The Minister put out a press release in May of this year indicating that he would be introducing legislation into this Chamber and that the council had been established in September last year.

He pointed out that he hoped to have the environment protection council Bill passed to coincide with the NEPC's first scheduled meeting in Perth on 20 June. It was no want of cooperation from non-government members of this Chamber that prevented that happening, but rather the failure of the Government to accord a priority to this legislation. In one of his press releases which appeared late last year the Minister claimed credit for acting promptly. He said Western Australia had acted remarkably quickly to produce council membership legislation a month after announcing its intention to join the council. Of course, there was considerable delay before that. The stance of the Western Australian Government on this whole issue is disappointing. I refer to the commentary that appeared in *The West Australian* on 20 October 1995 when the Minister referred to Western Australia becoming a captive to unsuitable standards set by a majority of other State Governments.

Hon Peter Foss: Who said that?

Hon J.A. COWDELL: It is attributed to the Minister. I refer also to the sentiments expressed by the Premier the year before. I quote -

Western Australia has always co-operated in the establishment of national environmental standards. That does not mean we support the creation of another level of bureaucracy in Canberra. Our State is about managing the environment, not building another Canberra bureaucracy.

It was all critical of the concept so lately embraced. The Premier also said -

The bulk of the environmental expertise within the public sector rests with the States as they have the prime responsibility to protect each State's environment.

The National Environment Protection Authority (NEPA) proposal is symptomatic of ever-increasing Commonwealth intrusions into environmental issues on which it often has little expertise or practical experience.

The Western Australian Government is deeply concerned about the inefficiencies, costs and unnecessary duplications caused by such Commonwealth efforts. They often bring no benefit to the environment, but confusion, uncertainty and cost to the community.

We welcome the fact that the State has moved on from these sentiments and seen value with respect to the council and the contribution it can make to environmental controls across the Commonwealth of Australia.

I will not go into some of the more lamentable statements of Minister Minson in denigrating all commonwealth efforts with respect to environmental protection or, indeed, particular commonwealth initiatives with respect to this council. They are numerous and the Press reported them at the time under headings such as "WA goes it alone on pollution" with appropriately derogatory comments about initiatives from elsewhere.

The Opposition looks forward to the introduction of national standards, particularly in the light of the efforts of this Government in the environmental sector. Members will be aware of some of the lamentable aspects of that record in splitting the Environmental Protection Authority and sacking its chairman; lack of environmental assessment of the Northbridge tunnel; not providing the level of attention to wetlands and remnant bushland promised in the pre-election policy of the Liberal Party; spending \$600 000 of CALM money pursuing environmental activists through the courts; and the funding arrangements of CALM which very much put the emphasis on business enterprise, particularly with respect to forest products, rather than the nature conservation side of things.

I have read the Minister's full and wholesome 17 page report on his visit to Brazil, Argentina, the Netherlands and the United Kingdom. Vivid prose. I noted that the Minister found many fine examples in the Argentine and Brazil to which this State can look. I trust it was not the military nature of their forms of government from time to time.

Hon Peter Foss: You are out of date, they do not have a military Government.

Hon J.A. COWDELL: I said "from time to time" and it is only a matter of time.

Hon Peter Foss: It is not a polite thing to say about a nation with which we have relations and which currently has a democratic Government.

Hon J.A. COWDELL: I am sure my comments will not obstruct sister-ministerial visits.

Hon Peter Foss: I think it is against standing orders.

Hon A.J.G. MacTiernan: We have the Neville Chamberlain of the Legislative Council here!

Hon J.A. COWDELL: If such provisions are not applicable to Alexander Downer, they are not applicable to me in this regard. Of course, the Minister has seen opportunities for initiatives, but I hope not with respect to the Amazonia forest conservation efforts.

Hon Peter Foss: Some of the things they are doing with clearing and reforestation leave us for dead.

Hon J.A. COWDELL: Indeed the Brazilian example leaves us for dead, which is an indictment from the Minister's own mouth.

Hon Peter Foss: We have cleared the wheatbelt in a manner which is totally unconscionable.

Hon Kim Chance: I agree.

Hon J.A. COWDELL: I notice that the Minister managed to find the appropriate justification for almost all his policies, such as charging for entry to national parks. He also managed to acquaint the Brazilians of his excellent initiatives in this regard. Of course, the conservation initiatives could not be communicated because they were not in advance of the Brazilian and Argentine examples.

Hon Peter Foss: There was reference to the fact that they had national parks principally as no go areas.

Hon J.A. COWDELL: I observed the complimentary comments made about their parks. The Minister said we could learn a great deal from those countries. I trust we can learn a great deal from the ministerial visit as well as have a cooperative commonwealth involvement and an involvement of other Australian States to improve the performance of the Government. I will not go into the Lake Jasper episode and other brilliant contributions, including the latest planning legislation, to environmental protection.

I must mention in passing that I did take note of questions asked in this Chamber by Hon Jim Scott, particularly with regard to national parks. I trust that the Minister has in mind, and that the council will remind him, that Tasmania has 14.6 per cent of its land area reserved in national parks, whereas Western Australia has 1.9 per cent.

Hon Peter Foss: We happen to be above the national average.

Hon J.A. COWDELL: Hon Jim Scott asked: How many new national parks have been created since the coalition parties came to office in February 1993? The answer was: None. The reduction in hectares was explained by virtue of mapping exercises -

Hon Peter Foss: One has been proclaimed, but it does not have a name yet.

Hon J.A. COWDELL: Let us hope it balances out any excisions from other national parks. The claim that we are above the national average is interesting, because the Minister said in an answer to the House that Australia had 3.6 per cent of its land area in national parks and Western Australia had 1.9 per cent. There was also the addition of the

nature reserves category, but when we add the nature reserves category to the greater protection provided by national parks -

Hon Peter Foss: It is not greater protection. Some people are claiming there is less protection.

Hon J.A. COWDELL: We will add the two together.

Hon Peter Foss: I think you had better, because otherwise it would be inconsistent with the attitude being taken by the conservation movement.

Hon J.A. COWDELL: If we add the two together, the Australian land area covered by parks is 4.1 per cent and the Western Australian land area covered by parks is 6.1 per cent. This is by virtue of the addition of a large area in nature reserves, the coverage of which must be uncertain in many regards -

Hon Peter Foss: What do you mean by "coverage"?

Hon J.A. COWDELL: "Protection afforded by". Our 1.9 per cent is still far short of Tasmania's figure of 14.6 per cent.

Hon Peter Foss: But Tasmania has been categorised almost entirely as a world heritage area. That was done by the Federal Government, not because Tasmania wanted it done.

Hon J.A. COWDELL: Indeed, which is why I welcome a greater federal role -

Hon J.A. Scott interjected.

Hon J.A. COWDELL: There is a sneaking suspicion that despite the final signature to and passage of this legislation, we will not see a significant improvement in the environmental efforts of this Government. I use the example in my own backyard, so to speak, of the Peel Regional Park and the Creery wetlands, where only the intervention of the Commonwealth and the threat of a big stick led to an agreement with the developer to set aside all of areas B and C of the Creery wetlands for a conservation zone. This Government had agreed previously to allow the developer to develop half of area B, and it was only pressure at a national level that brought the developer to the negotiating table and led to a far better outcome than the accord that had been reached by the State Government.

Hon Peter Foss interjected.

Hon J.A. COWDELL: Is the Minister trying to avoid the Creery example? Another example is the Peel Regional Park, where we look around the Peel-Harvey estuary and try to find the bits of green on the map that are to be included - when we get away from the Pt Grey development and every subdivision in sight.

Hon Peter Foss: Are you saying you do not support the Peel Regional Park?

Hon J.A. COWDELL: I support the Peel Regional Park in a much enhanced form than contemplated by this Government; but in the manner of Hon Reg Davies we will, no doubt, read about that in an election announcement.

The Opposition supports the establishment of the National Environment Protection Council, and we hope sincerely that the Government will be able, by participation in the meetings of this council and through the adoption of particular plans and protocols, to improve its performance, as it would be rather easy for it to improve its performance over its current lamentable effort.

HON J.A. SCOTT(South Metropolitan) [4.27 pm]: I too am pleased that the State Government has now seen fit to join the rest of the nation in a National Environment Protection Council. We have already had explained to us the tardiness of the Government, and the second reading speech points out a number of reasons, and also gives the history of the establishment of this authority. It refers to the Wesley Vale pulp mill proposal in Tasmania and states -

... the States were concerned at the implied commonwealth role in standards setting as a result of the Wesley Vale pulp mill proposal in Tasmania. In that case the Tasmanian Government had set certain standards for the expanded mill to enable it to discharge additional waste above its already approved emissions. The upshot of the Commonwealth's interest was that the Commonwealth insisted on new standards and intended to use the facility of the Foreign Investment Review Board, or the capability of not approving an export licence, to influence the industry. This was an unsatisfactory means of doing business from all perspectives.

It states also that the Western Australian coalition Government was cautious about entering into legislation for the council as the standards were to be mandatory on the decision of a two-thirds majority vote of Ministers of the council.

The second reading speech explains the regional differences that can exist and gives as an example the high levels of the poison 10,80 that occur naturally in Western Australia's native vegetation but would cause acceptable damage in the Eastern States.

Hon Peter Foss: In another State they are saying that sewerage water should be disposed of on the soil, as close as possible to the place from which it is derived.

Hon J.A. SCOTT: On the downside, the State Government raised emission levels in Kalgoorlie above healthy standards. Hon Colin Barnett said that certain areas could be set aside where dirtier air would be allowed.

Hon Peter Foss: Western Mining Corporation will put in an acid plant. I am sure you are aware of that.

Hon J.A. SCOTT: I am very pleased about that. I had a great interest in that matter and pursued it very heavily. It was not correct to allow the level to be raised so that those companies could pollute at that level for that time. Stronger action should have been taken earlier. Had that occurred, that plant might have been in place earlier; however, I am glad it is operating.

Hon Peter Foss: That may be the case, not just in recent times.

Hon J.A. SCOTT: I am concerned about the comments of Hon Colin Barnett when he said that we should allow higher levels of pollution in remote areas.

Hon Peter Foss: They are not my comments.

Hon J.A. SCOTT: I am glad the Minister does not agree with those comments. I just hope he will stick up for this point of view. People in the environment movement are concerned when one State brings in standards for air pollution that are somewhat below that of others. States will do that to attract industry to an area. In doing so, they force other States to let their environmental standards slip.

Hon Peter Foss: I take it you wouldn't support having stricter control levels in areas where there was an existing problem, where there was already an envelope that had reached its full extent. You have to be very tight in those instances.

Hon J.A. SCOTT: Certain envelopes have already reached their full extent at the moment, such as in Kwinana. We are still allowing the buffer zones between there and the populations on the other side of the buffer zone to be eroded.

Hon Peter Foss: Light industry is a good buffer zone.

Hon J.A. SCOTT: Green belts are probably better buffer zones than light industry. The people of Wattelup are already suffering from pollutants in the underground water.

Hon Peter Foss: That is not light industry.

Hon J.A. SCOTT: It is industry. It has not been proved totally where it comes from, as I understand. Because of its colour, most people have a fair idea; in fact, they know precisely where it comes from. The point is - I do not know whether the Minister is arguing that it is an incorrect supposition - that if one State allows lower standards, it will force others to lower their standards to compete to pick up industries.

Hon Peter Foss: That is one of the reasons it is important that we do not have competition.

Hon J.A. SCOTT: I am very pleased to hear the Minister say that he does not agree with Hon Colin Barnett about dropping the standards in remote areas. People in those areas are just as much in need of clean air as those living in the City of Perth.

There is one shame about the National Environment Protection Council. Early in the speech it says that the concept was first put forward in 1990. We are now well into 1996 and only just now are we getting around to putting that in place. It is a pity it was not done much quicker.

Hon Peter Foss: What does it say?

Hon J.A. SCOTT: It said that the concept of a national authority for environmental protection was put forward to the 1990 Special Premiers' Conference.

Hon Peter Foss: The present Prime Minister is not as enamoured of federalism as the previous one.

Hon J.A. SCOTT: I get worried about these petty state jealousies.

Hon Peter Foss: It wasn't between the States; it was to do with the changing of Prime Ministers.

Hon J.A. SCOTT: I probably would like to see a certain amount of autonomy in regional areas, and that we do not have a centralist control. I do not see the State Governments being any less centralist than the Federal Government.

Hon Peter Foss: That is arguable.

Hon J.A. Cowdell: The dictatorship in Perth!

Hon Peter Foss: I am glad you support the idea of decentralisation.

Hon J.A. SCOTT: The only way decentralisation will occur is when we break down the centralist structures.

Hon J.A. Cowdell: Like the Legislative Council.

Hon J.A. SCOTT: That is getting off the point. The point about these petty jealousies is that we have had some very famous examples of people wanting different gauge train lines all over the State in the early days. We have seen how farcical that idea would have been. I am glad we have now come to see that we should have some sort of consistency in our environmental standards and laws around the country. Of course, that is happening in other areas outside the environment.

The downside is that environmental protection occurs first at the grassroots level and at that level sometimes we are seeing, certainly in this State, a total attack on people who work in that area; sometimes it is a disregard for their work. I refer to people like land care groups, voluntary conservation organisations, the Greening Australia and the Conservation Council of Western Australia (Inc), the National Parks and Nature Conservation Authority, and so on. In this State it seems to be a position of the Government that these very valuable people are not worth listening to. It goes further than those groups. It even goes to the average person in the community.

I have spoken with some of the people who helped formulate the original Environmental Protection Act. They were very concerned that there should be a very large scope for public input; that the community would be the eyes, ears and nose of the Environmental Protection Authority. That was the only way it could work without costing the State an absolute fortune or, conversely, resulting in large spread degradation of our natural heritage and air and water qualities.

The Government has slipped up in allowing changes to the planning Act, where the voice of ordinary citizens has now been cut out of the process. If people do not get in at the zoning stage, that is it. The only person who can have a say after that is the Minister, although the proponent of the scheme has an ability to argue against the assessments that have been done and the level of compliance that is required. There seems to be a disregard for those groups I mentioned earlier, such as the Conservation Council and other voluntary groups. I can remember in 1994, I think it was, I asked questions of the Minister - I cannot remember which Minister it was or even whether it was the previous Minister - about whether the Government would -

Hon Peter Foss: If you wanted to ask the right person, it would have been Mr Minson.

Hon J.A. SCOTT: I asked whether those organisations would be given the grant that appeared in the Budget. Previously when they applied for the grants towards the end of the year - after they had already expended funds - the funds would become available before Christmas. Since this Government has come to office, that payment has slipped, first to March the next year, then June and this year it still has not been paid. The payments are almost a year late, which represents two years of non-funding. This Government expects those agencies to operate without those grants until it sees fit to provide them. I do not know whether it will pay the money at all. It is a disgrace that the Minister has not honoured this commitment. I know that a promise has been made to at least one agency that its grant will be paid, but it has not been forthcoming. These agencies must operate with a budget that is very much less than they thought they would have. They are now in a very invidious position. I am concerned that perhaps there may be some political motivation. I do not know whether the Government wants compliance prior to the election or whether it is punishing these organisations for things they might have said against the Government. If the money has been budgeted, why has it not been paid?

I understand that the Conservation Council applied for funds and was told that all was well. However, it was then asked to apply again. I do not know what happened to the first application; it must have disappeared into the ether. I do not know why the Minister is refusing to pay the grants.

Hon Sam Piantadosi: He needs more time to assess the situation.

Hon J.A. SCOTT: I wonder how many government departments could actually -

Hon Peter Foss interjected.

Hon Sam Piantadosi interjected.

Hon J.A. SCOTT: That is right. The Conservation Council gets \$20 000 from the Government. The Minister's trip represents two and a half years of grants.

Hon Reg Davies interjected.

Hon Peter Foss interjected.

Hon J.A. SCOTT: His trip will not benefit Western Australia as much as the work of those voluntary agencies, which have not been paid. Hon Reg Davies must have been absent from the House -

Several members interjected.

Hon J.A. SCOTT: Members can look at mine, but they will not find very much.

Several members interjected.

Hon J.A. SCOTT: I can quite happily say that my imprest account, for the whole time that I have been here, includes one trip to the Burrup Peninsula.

Hon Peter Foss interjected.

Hon J.A. SCOTT: The Minister is making certain reflections. It does not mean that I have not been out of the country in that time; I just did not put it on my imprest account.

I am very concerned that there is an undermining of the grassroots of the environmental protection movement. Land care groups are saying that the funding is not going to the people who matter; the whole process has been turned into another bureaucracy. If we are to get really good environmental protection, the money must go to the grassroots - to the people doing the work.

Hon Peter Foss: I could not agree more. That is what the new environmental grants are all about. I am sure you support that.

Hon J.A. SCOTT: I support its going to the grassroots. I wonder why the Minister is withholding this money from people -

Hon Peter Foss: I am not.

Hon J.A. SCOTT: Under the previous Government, the applications were submitted in October or November and the grants were paid soon after that - in the same year. As I said, under this Government the payment has slipped to March the next year.

Hon Peter Foss interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon J.A. SCOTT: That will be good. It is a very important point - we need this balance between the overall national perspective and keeping the grassroots organisations functioning so that those eyes, ears and noses of the environment -

Hon Sam Piantadosi: That would cause pain to the Minister.

Hon J.A. SCOTT: It may well do. The Minister is correct: I have questions to ask him about that matter. It will be interesting to hear his answer.

The reality is that if we do not look after those people - those volunteers who work very hard - we will find that they will become disgusted and throw up their hands, and we will lose a valuable resource. While we are moving towards this overall blanket of the National Environmental Protection Council, we must also look after the other end of the scale.

I have some queries about the proposals. I refer the Minister to his second reading explanation, which states -

Presently commonwealth agencies do not have to comply with state environment and planning laws or policies. For example, the Federal Airports Corporation constructed accommodation facilities over the Jandakot ground water mound at a time when the Select Committee on Metropolitan Development and Groundwater Supplies was making recommendations against urban development over these resources.

That site also did not have deep sewerage, which was an absolute disgrace. The speech goes on to state -

Similarly the State has no control on aircraft noise, the siting of telecommunications towers and telecommunications routes, and no control over the sale by the Commonwealth of land containing unexploded ordnance for urban development.

One of the areas about which I have been concerned is the recent federal government legislation controlling federal agencies - groups such as the Federal Airports Corporation. I know that Senator Margetts tried to have a public interest clause included in the legislation to deal with environmental protection and other issues - for example, airport noise affecting residents and so on. However, that was knocked back. I do not suppose it was supported by the Liberal Party, because the Labor Party enacted that piece of legislation. Of course, the problem is that people like those at Jandakot have nowhere to go when the FAC does not want to listen to their concerns.

Hon Peter Foss: The problem is that there is not a general public referral and no right - even for the proponents - to refer issues to the commonwealth environmental impact process. For instance, if you go to the State to get a project assessed, you cannot insist on its being assessed by the Commonwealth. That leaves a gap that is not satisfactory to the public or the proponents.

Hon J.A. SCOTT: It becomes even more complicated with the sale of government agencies. For example, when Telecom became Telstra and Optus Communications and Vodafone Pty Limited were established they all insisted on having the same advantages as government agencies. Now those three organisations want to dig up the streets to put in their own cables!

Hon Peter Foss: The Commonwealth Government promised the State that it would amend its legislation to make it subject to the State's laws.

The DEPUTY PRESIDENT (Hon Barry House): Order! Some of these points can be covered by the Minister in his reply to the second reading debate or in Committee.

Hon J.A. SCOTT: The point is that when the agencies are sold and the powers they had are transferred to private organisations, who controls them with respect to environmental protection? It is a very dangerous area. It appears we are setting up private organisations which basically can do whatever they like.

Hon Peter Foss: I lobbied the Federal Government over that issue.

Hon J.A. SCOTT: It creates a huge problem for the environment and I am pleased that something will be done about it.

I welcome the establishment of a National Environmental Protection Council and hope that the States will cooperate with the Commonwealth. I am sure that now the State and Commonwealth Government are of the same political ilk, this State will be successful in its dealings with the Commonwealth Government.

Hon Peter Foss: History has shown that is not always correct.

Hon J.A. SCOTT: I realise that. In many cases the arguments between the two Governments are not genuine, but are merely a form of posturing.

This is an important Bill and it raises matters of national interest; for example, air pollution. A State could allow the importation of radioactive waste and its action could have dire consequences for the rest of Australia. I am pleased that this body will finally be established. I urge the Minister not to forget the grass roots organisations and the ordinary environmentalists in this State because they are very annoyed about this Government's attitude towards the environment. They believe that the Government is committed towards combatting any move towards a better environmental standard in this State.

HON KIM CHANCE(Agricultural) [4.54 pm]: I join with my colleagues in their support of this Bill. I thank the Minister for making available the explanatory document pertaining to the National Environment Protection Council.

The explanation of this Bill, which has been given principally by Hon John Cowdell, does not need repeating. I will sum up the effect of the legislation as I understand it - I acknowledge that each member brings his own understanding to any piece of legislation. Two things which will result from this legislation are worthy of support. Firstly, the organisation will have the capacity to establish national environmental protection measures which can be applied across the State in cooperation with state agencies and, secondly, national environmental protection standards can be established. Without these we cannot address what is a national problem.

I am concerned that there is a danger in localising the effort in environmental issues. It is possible that we will fragment the degree to which we tackle problems, and will do so in a piecemeal way.

Hon Peter Foss: You had better have a fight with Mr Scott.

Hon KIM CHANCE: I was about to say that my comments should not take away from the importance of tackling environmental problems locally.

Hon Peter Foss: It is Suzuki's idea.

Hon KIM CHANCE: Exactly, and I would not attempt to put it any better than did Dr Suzuki. It is what needs to be done. While environmental problems are essentially local issues and are best dealt with locally, that must be done within a broad framework of a national program and, at least, a national understanding. It is the question of national understanding that is referred to under the national environmental protection standards.

Hon Peter Foss: And international standards.

Hon KIM CHANCE: I will come to that. However, we should know what we are talking about when we refer to a particular aim. One of the examples which is given in the explanatory handbook which the Minister made available to the Opposition, refers to how we would define what a desirable pH range should be in water quality and what variation we would expect over time in water quality standards. It referred also to things as fundamental as the index of diversity which we find in the environment. That is particularly relevant to those parts of the State, including most of the environment within the electorate I represent, which are challenged in the sense of their diversity. There is

such massive clearing in the wheatbelt that its diversity is probably as challenged as any environment on earth other than the strictly desert regions.

Hon Peter Foss: Deserts are often quite the reverse because there has been more clearing.

Hon KIM CHANCE: By referring to desert regions I was referring to the disaster regions like the sub-Sahara. There are disturbing similarities between the wheatbelt and sub-Sahara. It is valuable to note that much of the good work which has been done in the sub-Sahara has been done with Australian know-how and, more importantly, with Australian species. The Australian eucalypt and acacia varieties have been used to very considerable effect. Not as much as could be done has been done in the sub-Sahara with Australian varieties, but nonetheless the potential for the use of those varieties has been amply demonstrated. I fear that the solution for the sub-Sahara and large regions of the old Soviet Union will need more effort if we are to achieve our aim.

[Questions without notice taken.]

Hon KIM CHANCE: We travelled a little off the subject when debating this Bill prior to question time. However, I think it was necessary to do that because there is no doubt that there is international significance in anything we do in our management of the environment. One of the things this Bill will achieve - in my view and, I believe from his comment, in the Minister's view - is that it will make it at least administratively easier for Australia and the state jurisdictions within Australia to comply with undertakings made in international conventions. We should not lose sight of the fact that while we talk about acting locally and thinking globally, the global sense is as much our responsibility as it is anyone else's. In a moment I will talk about what happened in Brazil because I was interested in another comment the Minister made.

With apologies to the anticentralists, I believe this legislation is an excellent example of the value of having a means of centrally and cooperatively planning a viable and enforceable environmental program, both within Australia and in recognising our part in the world. In making that comment it is necessary to give an example. The first that springs to mind is the commitment Australia made under the greenhouse principles that were determined last year in Rio de Janeiro. It has been an issue of some controversy because the United States is still not a signatory to the greenhouse agreement.

Hon Peter Foss: Some people do not agree there is any such effect, which is a problem.

Hon KIM CHANCE: There is also scientific dispute. The Minister for the Environment has made some controversial statements - which is not to say that I necessarily disagree with him - about Australia's contribution to reducing greenhouse emissions. Essentially they are that as a large exporter of gas for industrial purposes, Australia - Western Australia in particular - is contributing to a net reduction in greenhouse emissions in other parts of the world that otherwise would have occurred, and that credit must be given to Australia's part in world energy production and world greenhouse gas emission reduction.

Hon Peter Foss: By having a filthy current large industrial base it is very easy to look good just by cleaning up your act.

Hon KIM CHANCE: Yes, and with Australia's industry being relatively new - secondary industry in Western Australia is probably a good example of that - Australia has significant environmental advantages over an industrialised nation that is based on immediate postwar or prewar technology. However, it is more difficult to demonstrate that we have cleaned up our act when our act was relatively clean to begin with. I understand that.

Hon Peter Foss: If an inefficient industry in New South Wales, which a lot of it is, closes down and an efficient substitute opens up in Western Australia, they get a greenhouse credit and we get a greenhouse debit, notwithstanding that the net result is better for the environment.

Hon KIM CHANCE: I agree with the comment the Minister has made by an unruly interjection! I hope that in his response to the second reading debate the Minister will point to ways those anomalies might be measured within the standards that can be produced nationally.

Hon Peter Foss: Just today I instructed the Department of Environmental Protection on the basis of some of the conclusions I formulated in the report I gave.

Hon KIM CHANCE: I am pleased to hear that, because it is necessary to overcome those anomalies. If we rely simply on empirical data designed to measure factors that contribute to emissions or the specific emission of greenhouse gases, we can be led astray by simply relying on the statistical data rather than weighing that data by those other important factors, such as the replacement of one industry in one part of the world by a cleaner industry in another part of the world. I repeat: With apologies to the anticentralists, I think this legislation is a good example of how central and united cooperation can bring about a highly beneficial effect. In many ways, if the compulsion element is taken away, centralism is no more than cooperation between the various jurisdictions that may be interested - in this case in Australia, but also on a regional or global basis.

I was extremely interested in the Minister's observations about the environmental protection situation in Brazil that he made during Hon John Coddell's speech. Unless I misunderstood the Minister's comments, he suggested that what was in place in Brazil for controls over land clearing was possibly better than what existed in Australia.

Hon Peter Foss: It is needed; it is not necessarily practically better.

Hon KIM CHANCE: I take that point. I would like to hear more about that aspect of the Minister's recent visit to Brazil. A conventional view not only in Australia but across the world is that the eastern half of the Amazon Basin in Brazil is a disaster area. As recently as a month ago I watched a television program that included some satellite telemetry that indicated that the eastern half of the Amazon Basin and even beyond that is in serious trouble. It is an environmental problem that will not be fixed simply by leaving well enough alone. I am concerned about what is happening in that part of Brazil. I am concerned also that it is too easy for people in countries that have already committed their environmental sins to criticise the Brazilians for doing what we did a couple of hundred years ago, or even much more recently. As a person who has in his own right cleared land of some scale in the Western Australian wheatbelt, I am probably the last to be critical in that matter.

Hon Peter Foss: You probably don't feel as good about it now as you did at the time you did it.

Hon KIM CHANCE: Perhaps not, but I still argue the case for doing it. The Brazilians have the right to argue their case; however, they also have a responsibility to show the world that they are doing it in a sensible way.

Hon Peter Foss: You've probably stated their position.

Hon KIM CHANCE: I probably have.

Another factor that we have to consider is that much of the development in Brazil is being carried out under the auspices and with the assistance of the World Bank; I am thinking particularly of the World Bank's funding of the large iron ore project, the name of which escapes me.

Hon Peter Foss: It is CVRD.

Hon KIM CHANCE: Yes.

Hon Peter Foss interjected.

Hon KIM CHANCE: The Minister's Portuguese leaves mine for dead. I believe that the intentions have been good but the manner in which they have been honoured leaves something to be desired. The iron ore industry in Brazil is by any standards a modern and highly efficient industry and a formidable competitor to our own, which we like to think of as the best in the world. However, one of the offshoots has been the small steel making industry based on charcoal fuel which is harvested from trees directly out of the rain forest.

Hon Peter Foss: There is also a large amount of Australian eucalypts.

Hon KIM CHANCE: Quite, but there is huge degradation of the forest to produce charcoal for this very low quality pig iron. The impact it has had and which is spreading on either side of the main railway line which services the main iron ore line is quite horrific. The land is not being used for a specific purpose after clearing, but it is simply being clear cut and effectively wasted.

Hon Peter Foss: What we did in Kalgoorlie at the turn of the century was almost identical.

Hon KIM CHANCE: Yes, but Kalgoorlie recovered. I hope we can have the same confidence about that part of Brazil.

Hon Peter Foss: I do not think we can; that is the problem.

Hon KIM CHANCE: Western Australia has similarities to Brazil, which is why I feel no embarrassment about raising the issue in the context of this Bill. Our similarities to Brazil are not immediately apparent, but Brazil is also a very big country; indeed, it is some 1.5m square kilometres larger than Australia. Its people's interest in their land is highly localised. Since the very early settlement of Brazil, which I believe began in about 1492 in the Bahia-Pernambuco area and, not much later, the settlement at Rio de Janeiro, its people have been concentrated both in population and interest on that narrow coastal littoral and, with the exception of Minas Gerais province, which the Minister has just visited, and its capital Sao Paulo -

Hon Peter Foss: Belo Horizonte is the capital of Minas Gerais.

Hon KIM CHANCE: Its major city is Sao Paulo.

Hon Peter Foss: The city of Sao Paulo is in the province of Sao Paulo.

Hon KIM CHANCE: I will leave that with the Minister, but it is certainly in that region.

Hon Peter Foss: The south east is where all the population is. It enjoys a western European standard of living and everything happens in that region.

Hon KIM CHANCE: Sao Paulo is essentially the springboard for the development of that region.

Hon Peter Foss: There is a three way area there, which is called the triangle. It consists of Belo Horizonte, Sao Paulo and Rio de Janeiro. The internal development was caused by exactly the same situation as occurred in Kalgoorlie; it was the discovery of gold inland which led to Belo Horizonte being settled. That has been driven entirely by mining. The situation is very similar to that of Western Australia, except the mining area is much closer to the population centres.

Hon KIM CHANCE: Yes, but I think my point is made. With the exception of that region, the Brazilians showed very little interest in the development of their hinterland; only the Minas Gerais region, which literally translated means general mines. The mining interests in that region drew people out and attracted a different type of Brazilian, and they are still a different type of person from those whom we find in other parts of the country.

Hon Peter Foss: That happened in the late 1600s.

Hon KIM CHANCE: Similarities to Western Australia occur to me, although perhaps not to everybody else. Any part of the land beyond the coastal littoral is referred to by the general term Sertao, which means in our vernacular the outback or somewhere beyond the black stump. I still have connections in Brazil, and the Brazilians to this day express no interest whatsoever in what happened in the Sertao. I see that Hon Ross Lightfoot understands what I am talking about. In Australia - which is a similar country where the bulk of our population, apart from the mining regions, is concentrated on the coast - it is hard to interest the rest of the population in what happens in our "Sertao" or outback.

Hon Peter Foss: Apparently it is quite extraordinary when one gets to talk to them.

Hon KIM CHANCE: A recent occurrence about the development of inland Brazil has been the revelation to me - which I have not been able to check to any great extent simply because so little is known about Brazil's agricultural potential even after 500 years of settlement - that it contains potentially the biggest undeveloped wheatbelt in the world. It is an area which is still less than 10 per cent developed. It has performance statistics as a wheat growing area which literally made my mouth water. It is an area of high fertility with reliable, moderate rainfalls and internal reserves of phosphate and limestone, which are the only two elements land needs for wheat production, and yet it is still less than 10 per cent developed.

Hon Peter Foss: The soil is so rich it is amazing.

Hon KIM CHANCE: Yes. When I asked Brazilians about this area they did not know where it was, even though I had the correct name, and they did not seem all that interested. The Sertao is for the people in the Sertao, and middle class, city dwelling citizens have no interest in agriculture. The similarities between Brazil and Australia in that regard are alarming. I am sure that Australians are more interested in what happens in their hinterland, but nonetheless the similarities are striking.

Hon Peter Foss: It is developing hugely in the area of agriculture. I met there the equivalent of the country cockies that we have here. They are very rich but again perhaps not very interested in the city.

Hon KIM CHANCE: Quite, because there is the feudal attitude.

Hon Peter Foss: They are like our cockies.

Hon KIM CHANCE: That is even more apparent in Uruguay. Did the Minister travel to Uruguay?

Hon Peter Foss: No.

Hon KIM CHANCE: Uruguay has less agriculture than pastoral stations. Its huge sheep stations still operate on a feudal system, under which one land owner may have 2 000 to 3 000 tenant farmers and shepherds living on his property.

Hon Peter Foss: In the south of the Sertao you will find that.

Hon KIM CHANCE: Perhaps we have strayed a little from the question, Mr President, but the preoccupation that Australians have with their own environment, rather than the environment which exists as close as the other side of the hills which are visible from the city, is understandable because it is where people live.

We had a question in question time today on air quality in Perth, and the shadow Minister for the Environment has recently raised the issue. Of course we should be interested in air quality in Perth, because a large number, in fact the majority, of Western Australians live there.

This Bill is important because it forces us to put the matter in balance. It may be of huge electoral significance and health significance that we address air quality problems in Perth - I will certainly be the last to dispute that - but a system of national standards and measures will assist us to place that problem in balance with the huge environmental problems in inland Australia. It is significant that nationally it is accepted that our biggest environmental inland problem is in the Darling-Murray basin.

Hon Peter Foss: I think it is in the Swan-Avon basin.

Hon KIM CHANCE: Indeed. The impact of the Darling-Murray basin, as significant as it is, pales into insignificance in comparison with the scale of problems we face in a number of areas which can be conveniently classed as catchment areas; that is, the vast, man-made savanna which exists in Western Australia and every other State in mainland Australia.

Hon Peter Foss: Seventy per cent of the dry land and salinity problems in Australia are probably in Western Australia.

Hon KIM CHANCE: Yes. It would be a danger to assume that salinity is our major problem in the vast, man made savanna, which was once entirely light forest. Salinity is an obvious problem which contributes to the eutrophication of the waterways. That is not the only problem as we have a creeping problem which is not so easily noticed, yet is serious in soil acidification which threatens to reduce the productive capacity, if not the viability, of vast areas of farm land in Western Australia. As a result of their ancient soil structure, these areas have a moderate to acid top soil and a severely acidic subsoil, typically the wodgil soils.

It is not necessarily the type of soil which is facing the worst of the degradation problem as these are occurring in the neutral soil, typically referred to as jam or York gum soils found in the highly productive valleys in the central wheatbelt, best recognised in the Avon Valley in the York, Northam, Beverley and Brookton areas. These were once among the most productive soils in Australia, yet the pH balance in many of those soils now has deteriorated to the point that they can grow no form of subclover, which makes them unviable in the sense that we have known them. In 100 years of farming in the Avon Valley, those soils have gone from highly productive at the day they were cleared to virtually marginal soils now.

Hon Peter Foss: It is a faster rate than that in Libya and Nigeria.

Hon KIM CHANCE: Yes. Farmers today are monitoring the movement of pH levels simply to keep themselves informed of the rate of acidification. Although it has not been going on for long enough to say it is a reliable trend pattern, the rate of acidification is alarming. I will not cite the figure here because it has not been registered over a sufficient time span to give us a reliable guide. However, in one instance in the eastern wheatbelt at Kellerberrin a farmer indicated that over 12 years his pH factor had fallen by 0.5 of a point. Again, this is with a typically neutral pH jam soil.

Hon Peter Foss: The average is 7 to 6.5 per cent.

Hon KIM CHANCE: Yes. It is a problem which must be considered along with salinity and the growing problems of water resistant soils, particularly in the great southern region.

I thank you, Mr President, for allowing me to stray a little in this debate, but it was important to mention those factors on this global matter. We cannot have an adequate response to a global issue without the capacity to measure and standardise our environmental performance. We have an enormous distance to go in this area. I sometimes fear that the issues might be hijacked and be taken in the wrong direction.

Another matter which epitomises the Western Australian, indeed, I suspect Australia-wide, problem is that eutrophication, salinity, acidification and water resistance are all lumped under the umbrella of land care problems. That disturbs me. As long as those problems are considered to be land care problems, there is an excuse for the bulk of Australians living on the coastal littoral to dismiss them as economic problems belonging to farmers. Land care problems are part of our total environmental problem. If members of Parliament can do anything to assist public understanding of this issue, they should try to remove the misunderstanding that these are not environmental issues.

Hon Peter Foss: I have already said that.

Hon KIM CHANCE: Yes. I have said that the division between land care and environmental problems needs to be corrected. Members should lend support to that view so that salinity, for one, is not marginalised as an economic problem; it is a problem for all of us.

HON TOM HELM(Mining and Pastoral) [5.58 pm]: I support the Bill, and I take this opportunity to advise the House of a meeting I attended in Canberra last Friday representing the Joint Standing Committee on Delegated Legislation. How aspects of uniform legislation relate to the unique nature of this Bill needs to be emphasised to the House. This was the final meeting of a group of people representing every committee in the nation relating to

legislation committees. We addressed the issue which the Minister has attempted to address in this Bill; that is, to recognise the unique nature of each State and Territory in the nation.

On certain Bills it may be a good idea for ministerial councils or for the Council of Australian Governments to decide matters which need to be dealt with federally, as has occurred for some time. A meeting was held in Perth recently in which we nearly completed our work to meet the different aspirations of the States and Territories represented. The meeting in Canberra was missing two representatives, including one member from the Senate. A report will be released shortly by this group which I strongly advise the Executive to consider. Upon reading the report, I am sure Ministers will feel a little uneasy about attending ministerial conferences and making decisions on behalf of our State which for the most part will be irrevocable.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM HELM: I attended a meeting in Canberra last Friday at which we discussed the implications of uniform legislation and the inability of various Houses to look at uniform legislation either going from Canberra with it not using its external powers or through the Queensland Parliament in the form of template legislation. A report will be published soon that will represent the views of the committees that looked at legislation in their own Legislatures and uniform legislation in other Legislatures. The committee was of the view that there should be some form of scrutiny of legislation, not necessarily by a committee that can disallow parts of a proposed Bill, but that a proposed Bill should be run past representative bodies in the States and Territories before it is passed in the Parliaments that are being used to promulgate that legislation. It was agreed by the committee that it would be inappropriate for the States' representatives, other than the Minister, to have a view on how a Bill should be drafted. However, it might be appropriate to look at two things - that is, the primary legislation and the delegated legislation contained in the Bills. As people have said, this Bill in its uniqueness deals with uniform national legislation that we all agree is a good idea, but it provides our State with the ability to comment on and make appropriate amendments to legislation that affects the well-being of the environment in this State.

A report will be presented very soon. It will go to every State, Territory and the Federal Parliament in this nation for comment. It will also go to ministerial councils for their comments, as well as to the Council of Australian Governments and the Standing Committee of Attorneys General and all other representative groups that will put into place the national thrust towards appropriate uniform legislation. The Minister should be congratulated for pre-empting the report of the committee and hopefully in the future there will not be as much need for a Bill to contain the relevant changes that apply to this State and there will be some responsibility for the national committee to do what the Minister has done; that is, provide us with the ability to be part of a national scheme while still being able to put into place those things that are relevant to our State. I support the Bill.

HON P.R. LIGHTFOOT(North Metropolitan) [7.36 pm]: I significantly support the Bill. I say "significantly" because I want to leave a back door for myself. The Bill which has the long title of the "National Environment Protection Council (Western Australia) Bill" is rather unusual from my perspective. It is unusual because I am supporting it significantly as I said. However, it is largely uniform legislation with the other States, the Territory and the Commonwealth. Unless we give assent to it, this Bill will not become law. In other words, we will not be bound by it. This, in itself, regardless of the ramifications and the future manifestations of the Bill, is a step in the right direction. The Commonwealth Government, representing various types of politics, has been only too keen to unilaterally sign declarations on behalf of the States and international treaties on behalf of the States in which the States have to comply.

Hon Kim Chance: "Multilaterally" would be more correct than "unilaterally".

Hon P.R. LIGHTFOOT: It signed them unilaterally. It did not consult the States. It signed as a separate, single entity. Multilaterally may be the effect; however, it signed unilaterally.

Hon Reg Davies: It probably thinks we are one country.

Hon P.R. LIGHTFOOT: It probably does. Who knows a single Western Australian federal politician who goes to the worldly city of Canberra and, after a couple of sessions, remains a states' righter? Somehow, in the reverse of evolution, the metamorphosis seems to go from a butterfly to a grub! I use the lingua franca that is so familiar to the environment. Not one member said, "Excuse me, Hon Ross Lightfoot, I know so and so." I am rather sceptical about legislation that purports to be that which the State controls, but the effect of it is that we come under the veto of section 109 of the commonwealth Constitution. That section applies to the conflict between federal and state law in so far as in the conflict, federal law shall prevail. Perhaps at the Committee stage the Minister for the Environment will be kind enough to explain why the federal law will not have the same effect with respect to the National Environment Protection Council (Western Australia) Bill if some conflict arises.

The National Environment Protection Council will be responsible for the standards set in the Bill, which is in seven major parts. The council is responsible for the administration of the standards of water, air and noise. We may be subject to that in this Chamber from time to time, but one of the great contributors to pollution of the air - and

indirectly water - is coal. Australia, as the biggest exporter of coal in the world, is obviously responsible to varying degrees - depending on one's perspective - for a large amount of noxious emissions, including carbon dioxide, into the atmosphere. Western Australia is breaching the declarations and treaties signed on its behalf by the Hawke Government with respect to carbon dioxide and other greenhouse emissions into the atmosphere by agreeing to build a coal fired base load power station at Collie. I am on record as saying I disagree with that government initiative. I do not know which dominates in the intertwining imperatives of politics and economics. I assume they are inseparable. However, I do not know how this State will manage if a Bill is passed through this Parliament that will result in the Collie coal fired base load power station, currently under construction at a cost of \$0.75b, being in breach of its own provisions. How shall we rectify that breach? I am sure the carbon dioxide and other emissions from the chimneys of the power station will abrogate the undertaking by this proposed protection council.

Of greater concern to me is the proposal by one of Australia's - in a broad international sense - greatest companies, CRA. It is the owner of the process known as HIs melt which uses the Midrex process at a pilot plant in Kwinana for the smelting of iron ore into steel or downstream processed iron, such as pellets or hot briquettes. I am not sure which it will use. The Midrex process uses coal as a heat medium. As much as I enjoyed the contribution to the debate by Hon Kim Chance, I noted that he wandered off the subject on a couple of occasions, but his comments were quite entertaining as indeed most of his speeches are. Having set the pace for tonight, I will try not to wander off the subject, but perhaps you, Mr President, will indulge me if I do.

Hon N.F. Moore: If you go at 200 miles an hour, we will not be unhappy.

Hon P.R. LIGHTFOOT: Perhaps I should speak quickly for 45 minutes and time will go quickly.

Hon Kim Chance: It is funny, that.

Hon P.R. LIGHTFOOT: It is the old question of which is the heaviest, a tonne of feathers or a tonne of bricks. What worries me about this process and the inevitable emissions that will follow, is not that it will use Collie coal, because it cannot do so. Collie coal is much lower in gigajoules of energy per tonne, and it has some nasties that other coals do not have, such as arsenic. If this State were able to obtain coal at the same export price from the large coal belts of New South Wales and Queensland, it would be cheaper to import it because that coal contains higher energy per gigajoule and it has fewer nasties. I know it will not use the Collie coal in the Midrex process as the heat medium for smelting the iron ore. I also fail to see how it can bring iron ore, with 63 per cent Fe, from the Pilbara to Kwinana, import coal, either from the Eastern States or overseas, and send it back to the import nations in Asia that require these upgraded iron ore products. I am concerned, not just that this State may be in breach of its legislation, but that it will also be in breach of the international undertaking that former Australian Prime Minister Bob Hawke, with some temerity and without reference to the States, signed on behalf of the States. I am told the coal to be used in the HIs melt process will come from Indonesia. The Indonesian coal has, by its geographical nature because of the high rainfall, an excess of water. Water is a big problem and when it comes to the surface the coal is often very friable, and the water, or large amounts of it, must be dissipated from the coal. If my information is correct - I have no reason to disbelieve it - that HIs melt Midrex proposal could be feasible. I am not worried about that. If RTZ-CRA wants to spend its money in Western Australia and the process fails, that will be a tragedy. Nonetheless, it is an ill wind that blows nobody any good. We may well benefit from it because often it is important to know what not to do, as well as know what to do. There is a direct nexus between coal and unacceptable emissions and I am concerned specifically about this matter.

Industry should take cognisance of both the international obligations that Australia and, by implication, the States have with respect to emissions. It should also take notice of the effect of this Bill on industries such as HIs melt, BHP Direct Reduce Iron Pty Ltd with its \$1.5b manufacturing plant in the Pilbara for hot briquettes, the Mineralogy company soon to set up in the Pilbara to manufacture pellets or hot briquettes, and AUSI Ltd headed by the chairman Mr Madigan, Sir Roderick Carnegie and the former head of BankWest, Dr Ross Garnaut. These obligations may affect the economies of those companies. If they need to install scrubbers and clean the emissions it could add tens of millions, if not hundreds of millions, of dollars in capital to the process of steel smelting or the upgrading of raw iron ore to a more acceptable product. That may be the difference between profit and loss for those companies. It may come as no surprise to you, Mr President, and my colleagues, that there are areas that can utilise other heat mediums that do not have the problems associated with imported coal from Indonesia or, indeed, any coal. Why it should come from Indonesia instead of from the east coast I am not sure, but it must get down to price.

I refer now to nuclear power. Why sovereign States - and I still refer to Western Australia at times as a sovereign State, in generic terms - do not consider nuclear power for the future, is beyond me.

Hon Reg Davies: Western Australia is the jewel in the crown.

Hon P.R. LIGHTFOOT: Absolutely. Western Australia is the biggest of the six jewels in Australia's crown.

Hon Derrick Tomlinson: And the Swan Valley is the jewel in the jewel in the crown.

Hon P.R. LIGHTFOOT: We could perhaps add another jewel, but we could go on all night. It might even become a duel -

Hon Reg Davies: And Balga is the head on which the crown sits.

Hon P.R. LIGHTFOOT: Ultimately coal will be unacceptable as a CO₂ belching medium of heat or energy for the production of iron ore into steel or for the production of electricity. Ultimately it will become unacceptable. Whether coal is converted to gas and the gas is then used in turbines to produce electricity and thereby reduce emissions that follow from the direct production of electricity or energy from coal, I do not know. All I say is that it will be unacceptable, and the sooner we face that the better. The situation can be rectified only if we have an alternative. I try through my contributions in this place, and during the time I served in the other place, not to make negative suggestions without offering alternatives. This State Government and the Federal Government should consider nuclear power.

Hon J.A. Scott: It is too expensive!

Hon P.R. LIGHTFOOT: After Hon Jim Scott's contribution and some of the things he says in this House from time to time, no-one will believe him. It is not expensive. Hon Jim Scott said, out of hand, that it is too expensive. He says that without hearing from me how many megawatts of electricity we can produce that equals coal; and without telling me about the scrubbers and the other additions and fiscal imposts relating to coal fired power stations. He just says vacuously, nuclear power is too expensive. There are no greenhouse gases with nuclear power. How could that be too expensive? Let us consider tidal and solar power! Let us consider perhaps 50 000 people sitting on bicycles with chains attached to small generators feeding electricity into the main grid! I wonder whether Hon Jim Scott would be one of those fellows sitting on a bicycle.

Hon Peter Foss: It would create too much methane.

Hon P.R. LIGHTFOOT: I am not sure whether Hon Peter Foss is referring to Hon Jim Scott. However, if I were pedalling a bike next to Hon Jim Scott, I would want a canary in a cage beside me.

This is a serious subject. On the one hand, we are using a non-reusable source of coal in, say, a 1 000 megawatt power station. That equates to about two million tonnes of black coal per annum - much more if it were brown coal - and that brings the consequential pile of ash with it. If it is an oil-fired station, it equates to 10 million barrels of oil, and in U308 yellow cake it equates to about 150 tonnes. We could put the uranium in a fraction of this Chamber. We should try putting two million tonnes of coal or 10 millions barrels of oil in here! Nuclear power does not have the consequential emissions. The Federal Government has agreed we will not have any greater emissions this year than we had in 1990. However, we have already exceeded that by something like 25 per cent -

Hon Kim Chance: The emissions from Chernobyl went all the way to Scotland. That is a long way from the Ukraine.

Hon P.R. LIGHTFOOT: It was the tenth anniversary of the Chernobyl disaster in March this year. Of course that was a disaster, and of course there was loss of life, but we should not forget that there have been about 6 800 years of successful operation of the 430 nuclear power stations that exist throughout the world, without any loss of life -

Hon Kim Chance: Just like Three Mile Island; it was a disaster!

Hon P.R. LIGHTFOOT: There was no loss of life there, or anywhere else in nuclear power plants. About 10 000 Chinese lose their lives every year in small coal mines in China! Is this Bill then something that will negate the expansion of coal-fired power stations? What is the alternative? Will we be in breach of this legislation when it becomes an Act? We are already in breach of the international undertaking signed on our behalf by the former Labor Prime Minister, Mr Hawke. We must consider something. Of course I would like solar and tidal power, and any other form of renewable power such as wind power -

Hon Peter Foss: There are still environmental problems.

Hon P.R. LIGHTFOOT: Of course there are environmental problems, and there are noise problems. For instance, if we had wind power, we may be in breach of this legislation because of the noise that wind-power generation makes -

Hon Graham Edwards: If we could harness the wind power that comes out of this place, we would have enough power to generate all the electricity required for the State.

Hon P.R. LIGHTFOOT: Yes, and probably enough methane as well.

Anyone who believes that he can use coal as a heat or energy medium either for the smelting or upgrading of iron ore, must seriously question that commodity or mineral. Anyone who believes that we can continue to build coal-fired power stations, base load or otherwise, and use coal to generate electricity, must seriously consider that proposition. The statistic I recall is that all the nuclear power stations that operate today generate as much electricity as existed in the world in 1958. If the world increased its electricity use per capita to the same level as the OECD

countries - that is, the 20 or so in Europe and the five outside; United States, Canada, Australia, New Zealand and Japan - the use of electricity by the year 2023 would increase by 500 per cent. There would be a five-fold increase in the use of electricity!

I suggest that other countries are well aware - Indonesia, China, Japan and North America, and most of the northern countries of Europe - that they cannot keep producing the CO₂ belching coal fired power stations. Yet, electricity is so necessary for our standard of living and our balance of trade figures. Anything that is to be upgraded in Australia, from a raw commodity, will use some form of energy. We can rule out oil because it is too expensive. We can rule out coal because it is not environmentally acceptable on the basis of this Bill, and the international undertakings that Mr Hawke unilaterally gave at one time when he was not crying in an international forum.

Although I said at the beginning that I endorse and support this Bill, I do so with some reservations. It is about time that the industries that will be affected by the Bill - I say this for pro bono publico reasons; I do not necessarily say it because I want to see companies successful; I do, but not for that reason - realise that if there is to be a lowering of the unemployment rate, we must continue to encourage secondary industries. If we get secondary industry going here, we must have an acceptable form of energy to produce those secondary products instead of digging bigger holes and sending away bigger tonnages of our raw materials. One of those we must consider is nuclear energy.

HON PETER FOSS(East Metropolitan - Minister for the Environment) [8.00 pm]: I thank all members present for their valuable contributions. I will deal with the questions that were raised by members. The first question by Hon John Cowdell was: What if the State does not abide by a national environment protection measure? The best way to describe this legislation is that it is a treaty between sovereign States. It has the same consequence as when any sovereign State does not abide by any treaty; that is, it fails to gain the benefits of the treaty. If a State went into a treaty for a good reason and did not carry it out, it would wonder why it went into it in the first instance. The idea of comity between sovereign States would shortly be lost. There are no sanctions for not abiding by the measure, other than the sanction of depriving oneself of the benefit of being a member. Clause 7 states -

It is the intention of the Parliament of this State -

In other words, it is beyond an executive decision; it will be a parliamentary decision.

- that the State will, in compliance with its obligations under the Agreement, implement, by such laws and other arrangements as are necessary, each national environment protection measure in respect of activities that are subject to State law (including activities of the State and its instrumentalities).

As the representation of the sovereign power in this State, Parliament is saying that that is what the State intends to do. Because we are sovereign, we have the right not to do it. However, if we did not do it, why would we bother to say in the first instance that that was our intention? That leads to the next question: How do we bind the Commonwealth to also observe through its instrumentalities the laws of the State? An equivalent section in the commonwealth Act deals with that. It is in slightly different terms from ours. It states that it is the intention of the Parliament that the Commonwealth will, in compliance with its obligation under the agreement, implement by such laws and other arrangements as are necessary, each national environment protection measure in respect of activities that are subject to commonwealth law. The Commonwealth goes further than the State to say that it will bind itself in its activities in a participating jurisdiction. Subsection (2) of the relevant federal Act states that without limiting the generality of subsection (1), the Commonwealth will apply as commonwealth law designated laws to implement each such measure in a participating jurisdiction to the extent necessary to achieve the effect referred to in subsection (1). The Commonwealth binds itself to pass a commonwealth law by applying a commonwealth law to the designated state law in the jurisdiction.

Hon J.A. Cowdell: Is that passed?

Hon PETER FOSS: Yes, that Act is passed. However, it will require a further Act of the Commonwealth Parliament to do that, in the same way as to implement a NEPM in Western Australia requires a further Act, regulation or other measure of this State. It does not apply automatically; it applies by Acts of Parliament or an act of the Executive, depending on what is the appropriate way to apply it. This legislation is a treaty between sovereign States by which they say what they intend to do; however, they then must do it.

Hon J.A. Cowdell: Or a treaty between non-sovereign States.

Hon PETER FOSS: I am sorry if Hon John Cowdell does not agree with that: We are sovereign States. Hon Tom Helm says that this is unique uniform legislation because it is neither template legislation nor conforming legislation. It provides a process by which we as a State say that we intend to honour it, but as a sovereign State we then do it. That is the difference between sovereigns and non-sovereigns. We say we will do it and we do it because we carry out our obligations as a sovereign, not because we are under a penalty at law or because there is another way it is brought into force. That is appropriate. It is an important move by the States and the Commonwealth to recognise that we have sovereign responsibilities. The States will carry out their responsibilities. They do not have to ensure

that occurs by reason of a law, but because they are bound by honour and good sense to do it. Having come to this conclusion, the States might as well carry it out.

Some of Hon John Cowdell's speech contained the member's common tendency to throw out the odd provocative statement, without any basis. As has been my wont, I merely say that I disagree entirely with the remarks made by Hon John Cowdell, but I will not allow myself to be provoked by his remarks, purely because they are only provocative - they are certainly not accurate - and also do not bear much relationship to the matter directly under discussion in the Bill.

Hon Jim Scott correctly raised the question of the relationship between doing things centrally and nationally and doing things locally. I will postpone dealing with that point until I come to Hon Kim Chance's comments. Interestingly, many of the points that were made in the speeches of those members are related. Hon Jim Scott raises also the problem with Vodafone Pty Limited and Optus Communications having the same exclusionary principles applied to them that used to apply to the postmaster general's department and Telecom. That has been a significant problem for the State. This Government has raised it with the Federal Government. I have received from the Federal Government an assurance that it will move to change that situation so that those companies are subject to environmental laws. I hope they will also be subject to some other laws.

Hon Kim Chance raised the international concept. Parts of this Bill have not been given much attention. People consider that the schedule is not important. However, the schedule is an important part of this Bill, not because it has any legal effect, but because it says that it is pursuant to that agreement that this legislation will be passed, and it sets the principles that are followed. I draw the attention of the House to those. Schedule 1 deals with the points raised by Hon Kim Chance and Hon Jim Scott. It recites an agreement to develop an intergovernmental agreement on the environment to provide a mechanism by which to facilitate -

- a cooperative national approach to the environment;
- a better definition of the roles of the respective governments;
- a reduction in the number of disputes between the Commonwealth and the States and Territories and environment issues;
- greater certainty of Government and business decision making; and
- better environment protection;

The schedule states further -

AND WHEREAS the Parties to this Agreement . . . RECOGNISE that environmental concerns and impacts respect neither physical nor political boundaries and are increasingly taking on interjurisdictional, international and global significance in a way that was not contemplated by those who framed the Australian Constitution;

It then deals with accommodation of interests and recognises that there are interests of the Commonwealth, the States and local government. The use of the term local government contemplates not only the question of government as a local government, but local interests because it is a matter of perspective. When considering the environment we must consider it from a number of perspectives. It is like using different scale maps, binoculars or a zoom lens: It is necessary to stand above the world and look at our globe from a perspective of outside the planet. That is not the only perspective. If we looked at the environment from only that perspective, we would not deal with it adequately. We must look also at closer and closer degrees of perspective. At each of those levels we must make an appropriate judgment on how to deal with it at that level.

We must be conscious of the higher and lower levels, so that when we are operating such a perspective, obviously our primary responsibility is to look after the interests of the State. When doing so we must be conscious that there is a national and a local interest and we must promote them. That is why the rules we have to define here are so important. If the environment were run from Canberra, New York or any small place around the country it would be a disaster. It must be run on every level and everybody must recognise and carry out his own role. That accommodation of interests is dealt with at page 41, which reads -

- 2.5.1 Between the States and the Commonwealth
 - 2.5.1.1 Where there is a Commonwealth interest in an environmental matter which involves one or more States, that interest will be accommodated as follows:
 - (i) the Commonwealth and the affected States will cooperatively set outcomes or standards and periodically review progress in meeting those standards or achieving those outcomes;

It goes on with a few more details and then deals specifically with international agreements. Page 42 reads -

- 2.5.2.1 The parties recognise that the Commonwealth has responsibility for negotiating and entering into international agreements concerning the environment. The Commonwealth agrees to exercise that responsibility having regard to this Agreement and the Principles and Procedures for the Commonwealth-State Consultation on Treaties as agreed from time to time. In particular, the Commonwealth will consult with the States in accordance with the Principles and Procedures, prior to entering into any such international agreements.
- 2.5.2.2 The Commonwealth will, where a State interest has become apparent pursuant to the Principles and Procedures and subject to the following provisions not being allowed to result in unreasonable delays in the negotiation, joining or implementation of international agreements:
- (i) notify and consult with the States at the earliest opportunity . . .
 - (ii) when requested, include in appropriate cases, a representative or representatives of the States on Australian delegations negotiating international agreements related to the environment. . . .
 - (iii) prior to ratifying or acceding to, approving or accepting any international agreement with environmental significance, consult the States in an effort to secure agreement on the manner in which the obligations incurred should be implemented in Australia, . . .

That is a very positive way of dealing with it. On page 44, dealing with that duplication of interest, it reads -

- 2.5.4.1 With a view to eliminating functional duplication, wherever the interests of a level of Government have been accommodation, the relevant levels of Government will review the need and justification for retaining any comparable processes or institutions. . . .

That is say, "Let us get rid of all the duplication of processes." I think the principles set out there are ideal. They pick up the point made by Hon Kim Chance. I am tempted to talk at length on Brazil.

Hon J.A. Cowdell: You have already.

Hon PETER FOSS: Of the points raised by Hon Kim Chance about the remarkable, almost uncanny similarities, the really interesting one was when Brazil was beginning to be settled. It is at least 300 years ahead of us and in many ways 400 years ahead of us. It is interesting to see what they have done in that time and what we have done. The devastation we have wrought in 100 years is unbelievable. Similar mistakes have been made in Brazil, but I do not believe they have been as bad as ours. I did not see anything which had the razor effect on vegetation in the wheatbelt of Brazil that we have managed. I certainly saw areas cleared for farming and for the use of charcoal for mining. Usually I saw a far greater quantity of remnant vegetation than we ever have, and, more importantly, a real effort to replace it. As I mentioned in my report, not only have they planted three million hectares of eucalypts, which will repair a lot of environmental damage, but also many of the pulp companies are planting 1 ha of native vegetation for every 2 ha to 2.5 ha of eucalypts. We can learn a bit from that.

In Australia we tend to be very complacent because we think we are better than other people. There is no doubt that the Amazon should be of concern to us, but the reason that we talk about large areas of it being cleared is that it does not take a large percentage of the Amazon to represent a large area of land, because it covers an enormous area of land. I applaud the Brazilian Government's decision to say that 80 per cent of it is to be retained. There are not too many places in Western Australia where we could pass that sort of law and not allow anything to happen in the future. The Brazilians have a great realisation of what they must do, as opposed to what they can achieve by passing laws. We have recently made the area 20 per cent. We said that with at least some hesitation, because to say nothing less than 20 per cent was seen to be a fairly brave move by this Government. We must recognise, however, that we cannot be expected to allow this sort of thing to happen.

One of the major contributions to the greenhouse gases of Western Australia is the removal of vegetation. The clearing of land has a significant effect on greenhouse gases, particularly in farmlands. One of the biggest sinks of greenhouse gases is mallee roots. They lock up enormous amounts of carbon. Mallee roots are probably one of the longest living organisms in Australia. It is suggested they may survive below the ground for 1 000 years. They are also very substantial. As anybody who has mallee stumps knows, there is an almost endless number of stumps, because someone can clear them out and they come back for the next 10 years.

Hon Kim Chance: I think they grow.

Hon PETER FOSS: Yes, even though someone has removed them. The other aspect is that when we put stock on the land, the methane production is very significant. We probably get a greater contribution from animals carrying out their normal consumption process than we get from our cities.

Hon Kim Chance: Nitrogenous fertilizers, too.

Hon PETER FOSS: Yes, that is very true. In all these things we are concentrating on fossil fuel, but we should concentrate on the long term removal of vegetation and on stock. We have an awful lot of sheep in Australia and they are all producing methane.

Hon Kim Chance: Around 140 million of them.

Hon P.R. Lightfoot: The figure is 125 million.

Hon PETER FOSS: That means an awful lot of methane. Understanding the problem is not always easy. We have to start thinking in these terms: Whereas sulphur dioxide in a concentrated and localised form may do little harm in the middle of the Tanami Desert and will probably not have much effect on the world scale, the sheep producing methane anywhere in Australia have a world effect. I think we have to see the difference between some substances where their concentration has a significant environmental effect and other substances where the cumulative effect worldwide is believed to have an effect. It is not absolutely agreed by everybody that the greenhouse gas effect exists. It is a matter of considerable scientific debate even to this day. What comes out of the aspects Hon Kim Chance mentioned is that we are all contributing one way or another to the predicament in which we find ourselves.

For many years we have had no concept of how big or small the problem is. To give an example, one of the ideas I have promoted is a world taxonomic register based in Western Australia. With the Internet it could be done. Why? One of the most important things we have to consider is biodiversity. There is no concept of how many species we have in the world.

Estimates regarding how many different species of insects exist vary a thousand-fold, and one finds massive differences in estimates regarding the number of species of animals in existence further up the food chain. Therefore, we do not know what biodiversity is. We find a little area and claim we now know it, but biodiversity is known only in the places where we shine the spotlight. A classic case was when Hamersley Iron was told that it could not mine in an area because a rare animal was found there.

Hon Tom Helm: It was the pebble mouse at Marandoo.

Hon PETER FOSS: Right. The company carried out an environmental investigation and found the mice absolutely everywhere! Until one conducts the scientific investigation, one does not know. The fascinating aspect of this issue is that even on a global basis - where one thinks one could form an idea of the magnitude of the problem with which we are dealing - people do not have a clue. It is very much a matter of global and local approaches, because global information can be obtained only through local research. Marandoo is a classic example of that.

This is a complex problem. One cannot afford non-cooperation and duplication. Little enough resource is available as it is, so duplication is a total waste of time. Really, this is an example of cooperative federalism. If it is properly run, this process could increase the value of efforts made in this regard. I am very optimistic about this process. Essentially, Western Australians do not want secession; they want to be recognised as part of Australia. It gets up the nose of Tasmanians to see a map of Australia without Tasmania on it; they say, "Hang on, we are part of Australia." Western Australians are upset by a failure to recognise that we exist and to take us into account when making decisions, and that is why the regional differences in this measure are important. Phenomenal differences exist between Western Australia and the Eastern States environmentally. In some ways, I found bigger differences between us and the Eastern States than between us and Brazil!

We face problems when decisions are made in Canberra without recognition of our environment. I mentioned the national policy for the eradication of weeds. The suggestion was that federal money should follow federal policy, but only one of the weeds in the federal policy is found in Western Australia - the rest of the weeds in that policy do not exist here.

Hon Kim Chance: That is why we had to import three from New Zealand!

Hon PETER FOSS: Exactly. In that way, we could catch up and might receive some federal money. The Eastern States has given up on eradicating sparrows and starlings, so one will not obtain federal money to deal with that problem. How can one possibly get rid of them - it is vital for us to do so environmentally and for agricultural reasons in Western Australia - when a decision is made purely from the Canberra perspective? Canberra gets it wrong.

Our western shield program had world environmental people jumping off their seats in interest as they were keen to participate. The former acting director of the United Nations' primary conservation body - a German who was in Brasilia working with the Brazilian Government - could hardly wait for the meeting to end when he heard about western shield so he could say, "We want to be involved." These people know of nowhere else that a genuine possibility of eliminating introduced animals can be found. Generally speaking, people have given up on that goal. We hardly recognise the importance of the western shield program. I was reading an Australian Museum publication referring to attempts to get rid of foxes, yet no mention was made of what is being done in Western Australia even though an operation of world significance is taking place here.

We need to build cooperation. Its only through such organisations that we will achieve the exchange and understanding necessary to deal with some of the environmental problems we face.

Hon Kim Chance: I spoke to Bob Collins two weeks ago and I was gratified that he knew about the western shield program.

Hon PETER FOSS: We are getting the message out. I thought the program was good but, upon mentioning it in passing, overseas people said, "What! We want to be involved. It sounds fantastic. We want to see it and put money into it." Australia has not been the recipient of very much of that money until now.

It is a complex area and we need this sort of organisation. Another question was asked by Hon John Cowdell regarding the change made relating to disallowing a measure not recognising regional differences. Queensland has gone much further than we have in this regard; that is, that State has given its Parliament an absolute power to disallow any matters as though they were regulations. In other words, that State has taken the commonwealth power and translated it into the Queensland Parliament. It is not appropriate. We should be bound. Its only when we believe a failure to recognise regional differences has occurred that we can act, and even then the Minister must inform the Parliament, which will ultimately make a decision on the matter. I would not want to go to the extreme Queensland situation. Some people say that the commonwealth position is a little extreme also, because the Commonwealth can get out of the arrangement by stating that it does not agree with the matter, and it can be knocked on the head in the Federal Parliament. I can understand that somebody needs to oversee the issue, as it is like delegated legislation, but this is inconsistent with the Sovereign State agreement. However, I would not agree with the Queensland approach.

I thank members for a thoughtful and good debate, apart from Hon J.A. Cowdell's comments, from which I dissociate myself.

Hon J.A. Cowdell: I thought it was Hon Ross Lightfoot's speech you were referring to.

The PRESIDENT: Order!

Hon PETER FOSS: The member has reminded me that I have not replied to a comment made by Hon P.R. Lightfoot.

Hon Graham Edwards: A well-known centralist!

Hon PETER FOSS: He raised an important point. Everything we do affects the environment. A classic example is that people ask why we do not have tidal power. Tides provide energy which is vital for the life of those creatures living on the fringe of our shore where that tide ebbs and flows. Serious concerns are involved with tidal power. Unless one is prepared to destroy an area of coast by changing the environment and removing the tide, one cannot have tidal power. Tidal power is as much an environmental concern as any other issue.

Wind power produces huge amounts of noise, and if one takes out too much of that energy it does not pass inland. It may be that we do not want wind at Kalgoorlie, so Esperance could be lined with wind propellers, but some people at Kalgoorlie might object to that. Energy taken in sufficient quantities has the capacity to affect places inland. Solar power requires huge quantities of metal and energy to produce. Nothing comes without cost. It is a matter of balance.

As a solution to the greenhouse gas credit situation, Australia has argued that we should gain credit for the beneficial effect of the gas we produce and its use to supply coal. As I mentioned in my report, we have some serious difficulty in methods of calculating. If the product is sent to Brazil as a supply of charcoal, one produces more greenhouse gas by replacing it with gas. If on the other hand it is replaced with coal we are producing less. I have suggested we promote on a national basis the notion that any energy form takes with it its negatives. For instance, if when we export gas we add to it the debits that come from the gas that was released in its production; that represents the true greenhouse cost of that item. Similarly, we add the true cost in greenhouse gas terms of producing coal. One has a lower cost in production, but a higher cost in use; the other a higher cost in production, but a lower cost in use. If we transfer that rather like value added tax we will have a better system of dealing with it. The person who uses that product must decide which product to use, based on the true cost of that product. That is a true balance of energy production.

The way it is applied in Australia makes it almost an anticompetitive practice. It prevents an industry from moving from one State to another. It affects the capacity of a State like Western Australia, which has a highly efficient industry, to compete with a less efficient industry in New South Wales. I do not have an answer to that problem yet. We have to work on it. Until we address that, through something like the National Environment Protection Council, we will not be properly tackling the question of greenhouse gas. I commend the Bill to the House.

Question put and passed.

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

SANDALWOOD AMENDMENT BILL

Second Reading

Resumed from 20 June.

HON A.J.G. MacTIERNAN(East Metropolitan) [8.34 pm]: The sandalwood industry has a long history in Western Australia. My reading on the subject suggests that it commenced prior to 1845. The native sandalwood found in Western Australia provided a vital economic supplement to the other agricultural activities of the early Western Australian farmers. It was an industry that thrived in the first century of European settlement in this State.

The Bill is a fairly simple proposition. I find the second reading speech somewhat misleading as it suggests that the legislation which we are now seeking to amend, which was first put into place in 1929, was motivated by conservation concerns.

Hon Peter Foss: I do not think it says that.

Hon A.J.G. MacTIERNAN: It certainly implies it, and if I can go on I will explain why and how it is implied. The second reading speech states -

At the time, the provision contained in the section has assumed a greater significance to maintain controls on the harvesting of naturally occurring sandalwood to ensure that it is harvested only in a manner that will ensure the conservation of the species.

In discussing this with my colleagues in the Assembly I found there was a general understanding, based on what they had read in the second reading speech given in this Chamber, that the 1929 Act was aimed primarily at conservation matters. One does not have to read very deeply into the industry and the text of the legislation to realise that was not the case. Fundamentally, the 1929 Act was a simple piece of legislation aimed at establishing an orderly marketing regime. By 1920 there had been a massive overproduction of sandalwood, considering the demand in the major markets of China and India. Consequently, various committees were set up and junkets embarked upon to try to find a solution to that problem. A proposal was developed for a single marketing authority. This 1929 legislation imposed limits on the amount of sandalwood that could be exported in any one year; it established quotas and the mechanisms for those quotas.

The particular provision being dealt with today is that aspect of the quota that restricted the take from private landholdings to 10 per cent of the overall quota. For example, if the quota was 2 000 tonne, as it is roughly today, only 10 per cent of that could come from land that was alienated or in private possession; the rest would come from crown land.

From looking at the history, it was a desire for an orderly market, not conservation measures, that led to this legislation. That inference is supported clearly by the definition of sandalwood in this legislation; that is, sandalwood includes the wood of any tree of the genera *Santalum* or *Fusanus* and any other species of aromatic wood which is or may be a substitute for sandalwood. Not all of the many varieties of sandalwood are native to Australia. There is, for example, the introduced species of *album*, which is the Indian sandalwood that the latest proponents of sandalwood plantations are proposing to use. I go into this not simply as a history lesson, but because it is important to understand that although the proposal does not seem to have negative environmental consequences, it has the potential to intervene in the orderly marketing system and to reduce the value of sandalwood as currently extracted. It is no exaggeration to say that Australia, and Western Australia in particular, are in much the same position as South Africa with respect to diamonds. They control the majority of the market and through that control have been able to ensure a fairly handsome price for the product. That was the aim of the legislation in the first place. The proposal is that the timber currently grown in plantations shall no longer be included in the quota system. I cannot see that it would be an environmental negative and, indeed, it may be argued that it would take pressure off the naturally occurring sandalwood which I understand is somewhat depleted in the southern areas of Western Australia. I understand 16 000 tonnes of stock remains, which is approximately 130 years' supply. It is important to understand that the proposal may have the effect of reducing the value of sandalwood. If the Government proposes to take this route, we may question the need for the principal Act; that is, the Sandalwood Act of 1929, as amended. Fundamentally, this Bill will pull the rug from under the orderly marketing system once the product is up and running. That is likely to take 20 years. If the industry is to move to a free market situation, that should be perhaps the decision and the environmental protection should be provided by specifically targeted legislation.

The principal Act was not designed for environmental purposes. It was designed to create an orderly marketing system, control and a cartel in relation to sandalwood. This amendment will fundamentally undermine that cartel. That being the case, it is hard to understand the purpose of this legislation. The need to protect local sandalwood and the native species in its natural habitat will not be properly achieved by this legislation which captures a species of product that does not even originate in Western Australia. The Government is fiddling with this legislation when perhaps it wants to totally get out of the non-environmental aspects of regulating sandalwood. I discussed the likely

impact of this earlier with Hon Jim Scott. It certainly is the case that at the end of the day sandalwood is likely to be cheaper and more available, and that probably is a good thing.

Hon Peter Foss: It will take some of the pressure off the native species.

Hon A.J.G. MacTIERNAN: That is right, but there is more return from the Indian species and most of the sandalwood being pulled in this State is not Western Australian. The environmental arguments in this area are somewhat thin. It may well be that the Government is doing the right thing. I have some residual concern because of the long history of this industry and because it has always been seen important to protect the roles of those sandalwood pullers who have been colourful characters in our history. I understand that the 10 per cent private landholding restriction had nothing to do with conservation or the environment; it was an attempt to preserve the position of those non-landed sandalwood pullers and to protect government revenue because it was able to extract a royalty from the product taken from its holdings.

A long way down the track I envisage that sandalwood will have a reduced value and the historical role for the non-landed sandalwood pullers will eventually disappear. I guess that is progress and it is one of the areas that is probably heading in the right direction, although the disappearance from the landscape of a colourful group of people is regrettable. It seems the Government is fiddling with legislation whose day is done. If it is not done today, it will be done as a result of this amendment. Once plantation timber is excluded the legislation will serve no marketing purpose because any volume can be exported. This legislation will no longer serve the role that it has in the past of ensuring the maintenance of a reasonable price for sandalwood.

HON PETER FOSS(East Metropolitan - Minister for the Environment) [8.48 pm]: Hon Alannah MacTiernan is quite right in saying that the legislation was originally introduced for marketing purposes. I looked again at the second reading speech and noted the unusual use of mismatched tenses. The line to which the member referred is -

At the time, the provision contained in the section has assumed a greater significance . . .

It should have read: At this time, the provision contained in the section has assumed a greater significance to maintain controls on the harvesting of naturally occurring sandalwood to ensure that it is harvested only in a manner that will ensure the conservation of the species . . . The split tense should not have been in the speech. The member was correct in saying the legislation was originally introduced for marketing purposes. It has now been the method by which access to the market has been maintained as well as regulation of the market. It goes a little further in that it provides some control over that access. Section 3(3) states -

The granting of licenses under paragraph (b) of subsection (1) of this section shall be in the order of priority of application, and the allocation to each licensee of the quantity of sandalwood to be pulled or removed under license shall be determined by the Minister.

It provides a cue for the capacity for people to have access to those licences. The member is correct in saying that it will eventually totally remove the capacity to control that market, but it will be 25 years before the effect is seen. The reason for this amendment is to allow people some confidence at this stage to invest in a 25 year project. They know that when they reach that stage, the law will already have been amended and there will be no limitation. The Government would like to encourage people to establish sandalwood plantations because it will take pressure off the native species. It will probably lead to a lower price than would otherwise have been the case, because of the increased supply. There will also be a higher return for the plantation sandalwood for the native sandalwood. We all know that one of the things that causes degradation through the illegal use of these trees is the degree of return. We see that particularly with native birds, where the huge amounts of money that can be made by selling native birds overseas is a great incentive for people to smuggle them out of the country. We have been trying to persuade the Federal Government to allow a degree of export of native birds which are not threatened, to try to take off some of that pressure, but without success in the last 20 years, so far as I know, with any Federal Government.

We hope this Bill will lead to investment in sandalwood. The possibilities are very interesting, because sandalwood is a parasite. The Department of Conservation and Land Management has been doing research on the hosts that can be parasitised, and it is clear that some very promising hosts can be used in Western Australia, which will provide in themselves a brand new industry. In particular, some of the timbers which are under threat in other parts of the world because they have been overexploited, such as teak, Brazilian rosewood and ebony, appear to grow well in Western Australia - in fact, better than in the countries from which they come - and are suitable hosts for sandalwood

Hon A.J.G. MacTiernan: Apropos your remarks about the last Bill, what effect will having one of these products as a host have on the quality of the wood in the host?

Hon PETER FOSS: Research to date shows a better result in Western Australia. I do not think it is caused by anything we do; Western Australia just happens to be a good place to grow these timbers. The use of these timbers as a host does not appear to be a major problem for the parasitised plant. I do not think it is a bloodsucking parasitism. The parasite needs the host to provide certain things, but it does not depend solely on the host for its survival.

Hon A.J.G. MacTiernan: I was interested in your comments on regeneration, and I thought the same principle would apply with these parasitic plants, given that virtually all their nutrients were taken from the host.

Hon PETER FOSS: I do not think the parasitism extends to that. It needs the host for some purposes, but it is not a parasite like mistletoe, which has no access to nutrients other than through the host. The sandalwood is planted independently, it grows, and it then goes across to the host. It gets nutrients directly from the ground, but it also needs to get nutrients from the host. I must confess I do not understand the scientific detail, but I know the parasite can survive without the host. It graduates from various hosts. In fact, it needs three parasitic hosts during the growth period. It starts from the seed host, goes to the medium host, and then goes to the final host. The host that has promise is the third host, which can be some of the major tropical timbers, where the result is often better in the new country than it is in the old.

This industry has the potential to be very important for Western Australia 25 years from now. The Act has served us fairly well. It is understood by the industry, and people know what they have to do. However, I am sure that within the next 25 years, we will need to amend the Act further to provide for the process of marketing and dealing with sandalwood.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Minister for the Environment) in charge of the Bill.

Clause 1: Short title -

Hon A.J.G. MacTIERNAN: In 1988, a Labor Government put in place a \$1m research and regeneration project to deal with the conservation of sandalwood. It is important that we always look at the two aspects of sandalwood because, as the Minister said, it is both a very interesting botanical specimen and an important part of Western Australia's floral heritage. I want to ensure that in discussing this Bill, which we may not discuss again for another 25 years, and which we have not discussed in this place since 1934, that important development is put on record.

Hon PETER FOSS: The member is quite right, and that process is being continued. A further 15 to 20 hectares per year is being added to the research areas, and the matters I raised about hosts have arisen out of that research and the current research. Obviously, we want to ensure that we get the best growth of sandalwood by matching it with the appropriate host, and that we get a host which will give growers the best possible value. That ongoing research will put Western Australia in a very good position, because we know that India is not carrying out any research into sandalwood. We believe that although Indian sandalwood has a better yield of oil than Australian sandalwood, there is a strong possibility that we can improve on that, because this will be the first time that this species has been put into an improvement program.

We have been spending quite a bit of money on acquiring land for reserves, specifically for the growing of sandalwood, so that we can bring the quantity of sandalwood in our bush back to the quantity that we achieved before extensive sandalwood pulling commenced.

Hon A.J.G. MacTIERNAN: Does the Minister have any information on the use of sandalwood within Western Australia as a fine timber? I have seen it in various places in the south west, in very small quantities. That has a lot of potential. Are we putting any effort into using it, not just for chipping, or by chopping it up for joss sticks, to ensure that we preserve a certain percentage of this wood, particularly the Western Australian species, for fine timber? Is any furniture being made from sandalwood, or is it used just for small wooden objects?

Hon PETER FOSS: No. We certainly maximise the return from sandalwood so that that which can be turned into artefacts is turned into artefacts. They tend to be just artefacts because of the size of the Western Australian sandalwood. One reason I asked about the Indian sandalwood is that, as the member may know, in some cultures sandalwood coffins are considered to be the ultimate in burial attire, and the amount of money that people might pay for a sandalwood coffin is phenomenal. The possibility, with our experience with Indian sandalwood, may be that we will get larger planks. Value adding would be contemplated under those circumstances. In some of the places where we might sell that wood, there are some very wealthy people. Many of the Moslem nations now have extremely wealthy people. Those sorts of people may be looking to buy furniture, sandalwood coffins and things of that nature. In 25 years that would be a new market we will have through the larger trees that we will get from Indian sandalwood.

Hon J.A. SCOTT: From what I have read, the Bill is a very good move. I have a few queries, not so much about the plantation timber but about how this Bill might affect the native timber outside those plantations; whether there are limits to ensure there is a sustainable use of non-plantation timber and there is no local extinction of the sandalwood in any areas.

Hon PETER FOSS: I think it will have a very positive impact on sandalwood. As I was saying earlier to Hon Alannah MacTiernan, when these plantations come on stream, because of the greater yield of oil, the wider variety of timber and the capacity to be unlimited, as well as the other benefits of the post timbers that can be grown, the greater money in plantation timber will make it uneconomical to pull native varieties. For next year we are planning a change in licensing provisions to put more emphasis on dead sandalwood. As the member knows, both dead and green sandalwood can be pulled. It can be licensed on a sustainable basis; however, we are hoping to put more emphasis not only on the dead wood but also on the recovery of a greater quantity of twigs. The twigs are particularly useful for jossticks, usually of a lower quality but nevertheless still finding a market. We will have to find some incentives. First, we will give greater encouragement by allowing a specific quota for dead sandalwood. Secondly, we will provide some incentive for the harvesting of the twigs. I forgot to mention that the market for sandalwood is expanding enormously. Asia is getting increasingly large and increasingly wealthy. We believe there is a strong possibility that even with massive plantations here, we may not satisfy the demand from Asia.

Hon J.A. Scott: Would that put some pressure outside the plantations?

Hon PETER FOSS: Yes. That is one reason it is essential that we start these plantations now. If there is pressure even with the plantations, the member can imagine what the pressure will be without them. It could very well become so rewarding that an illegal trade in sandalwood could crop up. It is very important to start encouraging people to put in these plantations and give them the assurance now by amending the legislation so that in 25 years the wood can be exported.

Clause put and passed.

Clauses 2 to 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Peter Foss (Minister for the Environment), and transmitted to the Assembly.

GOVERNMENT RAILWAYS AMENDMENT BILL

Second Reading

Resumed from 22 August.

HON KIM CHANCE(Agricultural) [9.05 pm]: This is a Bill which I advised the Minister yesterday we would be opposing. He may, or may not, be gratified to learn that the Opposition has now stepped back from that position a little. Very largely our future response both in this place and the other place depends upon the answers we receive in the Minister's response to the second reading stage. This is a critical stage. The deliberations of the Opposition on this Bill are in a state of flux, depending on the Minister's response.

Two things can be read into the legislation. I will get to that later. I am sure the Minister understands very well what they are, although I will make them more clear. It is a matter of which form of understanding of the nature and outcome of the Bill is the one anticipated and desired by the Government. I would have preferred to deal with the second reading speech tonight and to move on to the Committee stage next week when things become a little clearer. As I said, much of the Opposition's future response will depend upon the response the Minister gives to the questions raised during the second reading stage.

This is a very short and simple Bill. It consists of just two clauses; the short title is the first, and the second relates to the amendment of section 61 of the principal Act. The second reading speech quite clearly explains the function of the Bill; that is, to allow third parties to operate their own trains and to employ their own train crews on the government railway network. In this context "third party" means any person who enters into a contract or arrangement with the railways commissioner for the right to operate trains over a Westrail track. Another part of amended section 61 deals with the power of the commissioner to sell, lease and otherwise assign railway property, real or otherwise. Some questions may be occurring in the minds of some members about whether this is already a practice. On Westrail permanent way, owned by the WA Government Railways Commission, we already have locomotives operated by a different rail corporation from Westrail; to wit, the National Rail Corporation. That is also the employer of the crews who operate the NRC locomotives and rolling stock.

Additionally, with respect to the use of government railway property, people may or may not be aware - certainly most country members would be aware - that rail property is commonly used by other parties. Obviously, the largest user of government railway properties is Cooperative Bulk Handling Ltd, a private company that has established many of its grain handling facilities on government railway property. However, the use of government railway

property is clearly not limited to Cooperative Bulk Handling. I can recall that, until a train derailed and went through its establishment, Coventrys, the motor vehicle parts supplier in Merredin, had its facility established on railway reserve property. It has since been relocated. It was not such a tragedy; no-one was injured and Coventrys now has an excellent establishment in the industrial part of Merredin. However, it is quite common for private use of railway property to be permitted under the current legislation. I would like the Minister to explain that particular change. It is also obviously a question going to the NRC's use of the railway line.

The second reading speech explains that the Government Railways Act as it now stands does not have the explicit provisions that would allow for what is said to be a grant of access to Westrail property. I understand that Westrail has legal advice to the effect that some of the current provisions would inhibit access by other parties.

The other reason that the Government has put forward this change revolves around the competition principles agreement. That agreement does not have legal effect in Western Australia at this stage. We are a jurisdiction signatories to a national competition policy agreement with the other States and the Commonwealth. However, at this time we do not have legislation - although I understand legislation exists in discussion in another place - to enforce the competition principles agreement. I wonder about the propriety of forming our legislative response -

Hon E.J. Charlton: We will be quite happy if it does not ever come.

Hon KIM CHANCE: We might both be happy, but we also might be in a minority. I wonder how proper it is to be forming a legislative response to legislation that might be passed in this State. It could be argued that this is a response to the fact that we are signatories to the national competition policy agreement.

Hon E.J. Charlton: Not really. That is mentioned only as a consequence of what might happen in the future, and we would then be required to change the Act.

Hon KIM CHANCE: We might be. We could both argue that.

Hon E.J. Charlton: The driving reason is the other issue.

Hon KIM CHANCE: I will leave that question of the competition policy to one side for a moment, except to say that when it comes to that time I will argue very strongly that a change of this nature will not, and certainly should not, be required, at least in terms of the spirit if not the letter of the national competition policy agreement.

Rail, and Westrail as a rail corporation, operates in one of the most competitive markets in Australia; the transport market is immensely competitive. There are now virtually no commodities - certainly no major commodities - still regulated to rail. The major bulks have gone. Everything Westrail carries, it carries only because it wins in the bidding war with the consigners of that freight - the owners or buyers of the commodity as the case may be. On some of the larger hauls - and sometimes in a distantly removed manner - it must also compete against the shipping industry. When a decision is made by a shipper of iron ore, for example, to take iron ore from Geraldton or Esperance, in giving a quote that is competitive to move the commodity, rail is in a peculiar position in that it is competing with the shipping industry in relation to the difference in the blue water distance between Geraldton and Esperance. That all comes into the equation if the shipper decides to use road transport to move the iron ore to Geraldton in order to take advantage of the lower blue water freight rate. It becomes a very complex equation. In some instances air freight is a competitor, but only in a minor way.

Freight is an intensely competitive industry and the interface between road and rail transport provides the most fierce of that competition. I would feel uncomfortable about making major changes to legislation facilitating Westrail's operation given the degree of competition it already faces. I certainly find it difficult to accept the argument that to be consistent with the national competition policy it would be necessary to have two or more rail operators operating on the publicly owned permanent way.

This is getting to the nub of the Opposition's concerns. The second reading speech outlines the effective operation that is proposed by Bill. The Bill provides for the Railways Commission to enter into agreements with those third parties to use either a whole railway or a portion of the railway for the purpose of operating a railway service using its own rolling stock and crews. Those agreements would require in each case the approval of the Transport Minister - in this case the Minister for the Western Australian Government Railways - and they must be commercially based operations. I can take some comfort from all of that. In other words, the Minister for Transport would retain ultimate control over any arrangement that might be made with a potential third operator.

The Opposition's concern is how one reads that. Is this to be read as being a means of facilitating a particular operation? The Hotham Valley Railway is mentioned later, and I understand the significance of that. Is the purpose of the Bill to provide conditions that can ease the obvious problems that exist for the Hotham Valley Railway, or is it to convert the Western Australian Government Railways Commission as we know it from a freight operator to a freight regulator without any operations at all? I will not address the question of MetroBus being in a process of conversion through that phase, but already about 50 per cent of passenger bus operations in the metropolitan area are carried out by companies other than MetroBus, even though it remains the principal provider of passenger

services. Other people are providing 50 per cent of those operations under the supervision of MetroBus as the regulator. The Opposition's concern is that this Bill has the potential to convert Westrail from a freight operator to a freight regulator, with other persons undertaking the operations side. This occurred to me because 15 or 16 years ago, as a grain industry representative, I proposed this very course. One must confess his sins.

Hon E.J. Charlton: That is the second public confession we have had from you.

Hon KIM CHANCE: It was the proper thing for me to do at the time. I was representing the interests of grain growers, nobody else. Specifically, I was representing the interests of grain growers in the eastern wheatbelt who were, and still are, served by the standard gauge railway line. Grain is important to the whole of Westrail's operations and the standard gauge railway is important to the grain industry. The grain industry is the reason for Westrail's existence. If the work provided by the grain industry was taken from Westrail, there would be no reason for it to exist.

Grain is still the largest customer in terms of tonne kilometres, although it is not the largest in terms of outright tonnes. Tonne kilometres is the way in which transport tasks are measured. For many years that was the case, but it may no longer be the case. There would be a small margin between it and whatever other industry is able to beat it. Grain has always been the reason for the existence of the vast bulk of Westrail's operations and that remains the case. If grain were no longer carried by Westrail the Government could safely take away a very large proportion of the Westrail network. I was going to hazard a guess at what percentage it might be, but I decided against it. It would be the vast majority of the rail network. The only complicating factor is the Koolyanobbing iron ore haul from just out of Southern Cross to Esperance. In any event, it is a fairly short term operation.

The grain operation essentially hinges on the standard gauge railway line which runs between Southern Cross and Kwinana. It carries a huge quantity of grain very efficiently. The balance of the grain network is through a series of branch lines, some connected to the standard gauge line at Merredin and Avon yards at Northam. Some lines operate a separate function through to other ports. With a few exceptions, the other lines, which are universally narrow gauge lines, do not operate very efficiently. One exception is the Goomalling line which has been extensively overhauled and I imagine it is a good profit earner.

In terms of the sheer dollars which are earned from the grain haul in relation to the cost of the operation, the standard gauge operations are extremely efficient and earn a significant profit. The good economics of the standard gauge line do not accrue benefits to people using the standard gauge line. They are shared in a cross subsidy arrangement across the board. All Westrail grain users have their freight calculated on a shared basis which does not take into account the relative efficiencies of the line they are delivering to. In addition, within the grain freight contract there is a fairly complex mechanism to ensure that the system remains in place and there is a form of equalisation. The distances are certainly reflected in the costs charged.

As a grain industry representative I was proposing 15 years ago that Cooperative Bulk Handling Ltd or some other operator, including transport operators, should be allowed to compete with Westrail on the standard gauge line. If my proposal had been accepted - I concede that we were flying a kite at the time - given the dynamics of pricing in 1980 and 1981 we would have been able to qualify, at least ex-Merredin, for grain freight rates at about one-third of the going rate. That one-third indicated there was a working profit margin of in the order of 200 per cent after costs. We had evidence that it was about what the grain haul was making. That amount of money could not have been shared between the industry. Obviously, the industry rejected our bid because the whole industry would have had to pay additional money.

The Minister for Transport, as a Tammin grain grower, and I, as a Doodlakine grain grower, would have been infinitely better off. Ultimately, the rest of the grain industry decided that we would be entirely altruistic and selfless about it. Therefore, we complied and we were entirely altruistic and selfless!

Hon E.J. Charlton: Speak for yourself. I am a good socialist.

Hon KIM CHANCE: I have outlined the danger which is inherent in this Bill. A demand is placed on people to achieve what suits them out of a deregulated system. There is no reason for a deregulated system unless people can achieve the best they can for themselves out of it. Deregulation, without being inflammatory, is ultimately a greed driven process, and that is the nature of business. I do not mean to be insulting, but that is what one must do in business to survive.

It concerns me that this Bill has the potential to open up a deregulated and line route pricing system, and I do not think the Minister would disagree with me.

Hon E.J. Charlton: Even though I am just a farmer, I think I will be able to convince you that that is not the case.

Hon KIM CHANCE: I hope the Minister will be able to do that. Clause 2 of this Bill is wide open to allowing that to occur. Unless a clear definition is provided, the Opposition would find it extremely difficult to support the Bill.

The Minister referred, in his second reading speech, to the Hotham Valley Tourist Railway, and it is the second view that can be taken of the Bill. The amendment Bill will benefit tourist train operators. I fully understand how that will come about. The Hotham Valley Tourist Railway is given as an example by the Minister because the Bill has the capacity to provide it with autonomy in operating its services. The Hotham Valley Tourist Railway is finding it difficult to meet the costs imposed on it by the manner in which it was established. It is my understanding of the Minister's second reading speech that the Bill will give the Hotham Valley Tourist Railway the opportunity to obtain efficiency in the way its operations are run. Currently, it is compelled to use Westrail crews which are licenced to operate locomotives on the Westrail network. If that is all this Bill is about, the Opposition will enthusiastically support it, because it understands the difficulties that the Hotham Valley Railway is facing. If that is all it is about, we will be happy to support it. However, the Minister said in the second reading speech -

Existing provisions of the Government Railway Act that may prohibit or inhibit the operation of such an agreement will not apply, and this is consistent with the legislation that was passed to allow the National Rail Corporation access to the Westrail network.

I have referred already to the NRC and its current access to Westrail permanent way. Why was that not an option for the Hotham Valley Railway? Why could we not have had a Hotham Valley Railway Act as we have a National Rail Corporation Act?

I have defined the Opposition's concerns. I have outlined that there are two ways of reading the legislation. There is nothing in the cold, hard legislation which gives one a guide about which way it should be read.

Hon E.J. Charlton: Just my track record!

Hon KIM CHANCE: The Minister should not worry me! It is open wording and can legitimately be read either way. When we consider this matter in Committee, which I understand will be later tonight, and when our colleagues consider the matter in another place, we and they will need to be satisfied by the answer to the questions I have asked.

HON N.F. MOORE(Mining and Pastoral - Minister for Tourism) [9.32 pm]: I will put my Tourism Minister's hat on for a few moments and say something about this Bill. The Hotham Valley Railway has been to see me on numerous occasions about the problems it is encountering with the costs of running its operation. A large proportion of those costs relate to the compliance costs with Westrail requirements and, as Hon Kim Chance said, the requirement to use Westrail crew. It could make significant savings if it could run its operation without having to comply with all of Westrail's requirements that have been in place since this operation was set up. I have been in touch with the Minister for Transport on numerous occasions. I am delighted that the Bill is here tonight. I hope it is a result of my arm twisting that we have reached this stage of sorting out the problems of the Hotham Valley Railway.

The Hotham Valley Railway, which was privately established, required new rolling stock some years ago and purchased carriages from South Africa at a cost of about \$1.4m, which was loaned to it by the previous Government. It was then unable to repay the interest on the loan and the repayments and the previous Government agreed to pay those on its behalf. In effect, the Government now owns a tourist railway. Even under those conditions it is having significant trouble in remaining viable. Recently I was put in a position of having to assist it financially. However, in exchange it will be required to restructure its operation and operate on a more commercial basis. Part of that restructuring will be assisted by the passage of this Bill, which will allow it to make significant savings in its operational costs. That will help it to become a viable operation in the future and the Government might be able to get out of it, because no Government wants to own a tourist railway if it can be run by the private sector profitably. We want to maintain the operation as part of our tourism infrastructure. It is a popular tourist activity. However, the way it is going, it will become totally unviable financially and will have to close unless we can change the way in which it operates. The Bill will go a long way towards sorting it out. I am delighted the Minister has brought it here. As far as I know, that is the only reason the Bill is here.

HON E.J. CHARLTON(Agricultural - Minister for Transport) [9.34 pm]: I assure Hon Kim Chance and the Opposition generally that there is no hidden agenda in this exercise. I suppose there are a number of reasons for establishing that. First, we could have introduced legislation to enable the Hotham Valley Tourist Railway to operate. If the Hotham Valley Tourist Railway had gone broke, it would have been messy. However, we do not want that to happen. That is why the Minister for Tourism, the Minister for Finance and I have been working together to try to resolve this issue. That is the reason we did not introduce an agreement Bill like the National Rail Corporation Bill to allow the Hotham Valley Tourist Railway to operate. In future, as well as the Hotham Valley operation, there could be smaller ventures that want to become involved in tourist railway operations. That is why we should keep the railway reserves around country Western Australia. We could have that sort of request 50 years down the track.

Hon Kim Chance: There is a tram that runs north from Northcliffe.

Hon E.J. CHARLTON: That is right. I think it is in Pemberton. There will be opportunities for people to run that sort of operation. They might only want to run one for a very small distance; it might only involve a kilometre or

two. That is why the second reading speech refers to part or all of the network. Even in that sort of small operation, the operators would have to comply with Westrail's crewing requirements and the other associated costs that go with it. Short times and the penalties that go with that make it costly. That is why we made the legislation open-ended.

I will attempt to alleviate the Opposition's concerns. If we wanted to do something about this with Westrail, we would not have gone down the modernisation path. It has been put to me, as it has to the Opposition over the years, that we should corporatise Westrail and privatise or sell it. That is not our agenda and we do not want that to happen. It is our ambition to see Westrail running in competition with other train operations around Australia. We believe it has the capacity to do that. It is now the most efficiently managed and operated rail operation in Australia, bar none. We have been approached by private enterprise to go the other way; that is, to help it run its operations. Westrail has an opportunity to sell its expertise in South East Asia. We are looking at it from the opposite point of view. In addition to the NRC, there are special container services that run a train from Melbourne to Perth weekly. However, they are required to put on Westrail crews in WA. That is a privately operated interstate service. We look forward to the day we can run services interstate. I have told the previous Federal Government and the current Federal Government that if it is good enough for it to run on our railway line, it is good enough for Westrail to run on its railway lines.

The points raised about other facilities is part and parcel of the legislation. Old stations and other buildings are part of the existing infrastructure. A number of stations are not being used by Westrail. However, they could be used by a tourist railway or some passenger operation in the future. That is why we talk about the whole area of Westrail's operations. As the member said, other people are using the land and other services. Fuel distributors also use it. That is not the essence of this Bill. It is for a railway operator such as the Hotham Valley Tourist Railway to use the facilities. The only reason for including the competition policy is to show honesty and openness. If competition occurs in the future, this legislation will meet that requirement. That will be the time to implement this provision and have complementary legislation to meet the challenge of that competition.

Hon Kim Chance: It may occur.

Hon E.J. CHARLTON: That is the intention.

There are no ifs or buts about Westrail being commercial. Any borrowings from government are on a commercial basis in the form of loans and must be repaid. No gratis funding is made available. All the rolling stock Westrail is buying, such as the new locos, and major upgrades are paid commercially out of Westrail's year to year operations.

Hon Kim Chance: That is all you need to do to meet the Hilmer requirements as far as I am concerned, although we all read it differently.

Hon E.J. CHARLTON: We have been told that time and time again. This Government has not been shouting from the roof tops what a wonderful thing it is. We would like to see people demonstrate their commerciality rather than be forced by legislation into it.

MetroBus is a different scenario. The Department of Transport still owns all the buses just as Westrail owns the rolling stock. The only difference is that the private operators can drive the buses, manage the schedules and administer the operation. I think there is a significant difference with what could be orchestrated in the future. We are simply not going down that line.

As the member will know, freight rates are significantly less than they were 20 years ago. They have reduced by about 15 per cent in real terms since the coalition came to government and grain growers can expect further reductions. This is occurring when the price of everything else is increasing. Even fuel has increased with the excise imposed by the previous Federal Government. As I have acknowledged before, the changes within Westrail began with Julian Grill.

Hon Kim Chance: Cyril Rushton started it, but he was not able to put much of it into place. Julian did that, but Cyril did much of the groundwork.

Hon E.J. CHARLTON: I was about to acknowledge that. It started with the Commissioner of Westrail at the time, Macka, as he is known to some. That was when the major change started, but significant changes have occurred in the past couple of years. The most important thing about the last couple of years is the modernisation that has enabled it to take place. In the future Westrail will have a modern outfit compared with what it has had in the past. It will have more powerful locomotives which will draw the longest trains and therefore carry greater capacity.

Grain cartage is a profitable operation overall. It is important to acknowledge that Westrail needs all the grain it can get even though some lines are more profitable than others, as the member quite rightly pointed out. However, as is the case with the throughput of supermarkets, if the volume goes down, we lose the critical mass. There is no way in the world that Westrail, I or the Government want to see any opportunity lost for attracting that amount of business. As the member correctly said, we can only gain that if we are competitive, because the industry has been deregulated for some time.

Anything the Opposition quite properly wants to be sure could be read into this change is not on our agenda. We do not want to see someone take over Westrail, not because we are anticompetitive but because we think we have a very good organisation that we want to see withstand any of those challenges. We are proving that because people keep inviting Westrail to compete against other people. That is why I continually support the management of Westrail doing what it is doing. If we had not done this over the past couple of years, both this Government, and the Opposition when it is in government next, would be told that Westrail was not competitive; therefore, we would have to bring in a private operator which would run a railway operation competitively in this State. Westrail's best defence was to make the changes, as tough and as unhappy as they have been for a number of people. The alternative to not doing that was ultimately to have the operation taken over by someone else.

Hon Kim Chance: I still have the view that had the grain growers not done what they did from 1979 to 1982, there would not have been a Westrail anyway.

Hon E.J. CHARLTON: That is right. We have a good system and we want to see this legislation proceed. It will be of enormous benefit to the Hotham Valley Tourist Railway. That is why we brought on the legislation at this stage. We did not have to bring it on for any other reason. We can enable those things to take place and we can stand up strong in the world. We are continually being challenged by National Rail Corporation Ltd that we are in a protected situation and NRC is allowed to participate only because we have an agreement. We are accused of making it pay more than its share and of not being open to anyone else using our line. We can now quite properly say that we have opened up our operation. If an operator is good enough, there will be no legislative restriction on it.

The legislation will also encourage Westrail management to be in front of the game and ensure that it is not threatened by Governments or by other people with a vested interest in destroying the capacity of Westrail to meet the challenges. Whichever way we look at it, this is a good move, particularly for Hotham Valley.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clause 1: Short title -

Hon KIM CHANCE: I thank the Minister for his explanation. It has certainly made my mind somewhat easier, although I will not be the one who makes the decision in the other place. I am sure his comments will be helpful to the shadow Minister for Transport. I suppose I felt uneasy - I am probably only partly reassured now - because whenever any Government is placed in a difficult position financially and looks to its assets and expenditure, the classic case being the diesel fuel rebate which stands up like a \$1.3b beacon to which every Treasurer is attracted like a moth to a light -

Hon E.J. Charlton: Westrail moves about 30m tonnes of freight.

Hon KIM CHANCE: Yes. The question that people must answer from time to time is why should the Government continue to own this asset. I imagine it is a question that the Minister and his colleagues have had to ask themselves on a number of occasions.

Hon Max Evans: I agree with Hon Eric Charlton.

Hon E.J. Charlton: It has not been asked since I have been a Minister in this Government.

Hon KIM CHANCE: It was asked in the former Labor Cabinet of the Federal Government on a number of occasions. I wish the question had been asked in respect of the Commonwealth Bank - just as the Minister as a Cabinet member, and his party, must have asked the question regarding BankWest. Why should a Government go on owning a bank? What relevance does state ownership have in banking? Is it the Government's business to operate a bank? The Keating Government asked: Why should we continue to operate a bank or an airline company? Why should we continue to own Qantas? I am concerned that some time in the future - possibly not in the future of this Government - a Cabinet will be put in the invidious situation of asking: Why should Western Australian taxpayers go on operating a transport company? When we have the legislation we need to remain the regulator of transport and the owner of the fixed asset, but why should we go on being the locomotive driver?

Hon E.J. Charlton: The one thing I am opposed to more than a government monopoly is a private monopoly. If we had six railway operators, we would have an argument, but not when we have only one.

Hon KIM CHANCE: This is the caution I want to leave this debate with: I feel sure that at some time in the future a Government will have to ask itself: What relevance is there for the Western Australian taxpayers to go on operating a railroad corporation?

Clause put and passed.

Clause 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and transmitted to the Assembly.

[Resolved, that the House continue to sit beyond 11.00 pm.]

CENSORSHIP BILL

Second Reading

Resumed from 20 August.

HON N.D. GRIFFITHS(East Metropolitan) [9.53 pm]: I gather that some members wish to censor my remarks but they may be premature. This Bill has the support of the Australian Labor Party in this House. The comments I am about to make about the general principles of censorship are not necessarily the views of each of my colleagues in this House, nor do I think they are the views of every member opposite. I am aware that, as with the umbrella coalition of views that comprises the Australian Labor Party there is in the Liberal Party a variety of views on the subject. It is a matter of striking a balance, a matter of reflecting community views as legislators. Therefore, the comments I am about to make in respect of matters of general principle are mine, although I understand a number of my colleagues are in substantial accord with them. I note in particular my colleagues the members for Nollamara and Mitchell, in the other place, will have and should have - unless they have changed their views entirely - no great difficulty with what I am about to say.

Censorship applied properly is a good thing. It is a proper role of the Government in this activity to be involved in protecting children from being exposed to material likely to harm or disturb them. It is also a proper matter for the Government to seek to prevent people from being exposed to unsolicited material they find offensive. It is also proper for the Government to involve itself in regulating, to the extent of seeking to prevent, exposure to matters referred to as being beyond the pale. Such are matters of judgment, and involve consideration as to whether exposure to them causes the behaviour of people to be affected to the ultimate detriment of society. When a considered view of those matters is taken, when those matters are achieved to a reasonable extent, it is appropriate to proceed - and only then - on the basis that adults should be able to read, hear and see what they want.

In summary, I am on the side of the censors, not on the side of the libertarians; but in saying that I wish to see the maximum amount of freedom consistent with those areas of safeguard in which I think the community should be involved. It is proper to regulate, not just in social matters but also in economic matters. It is a proper role of the Government to protect and uphold the standards of civilisation. I am aware these are matters of judgment. I have mentioned matters of general principle. I turn now to the Bill, and trust that an examination of the Bill will reveal it, more or less in some areas, not to a satisfactory degree, and in other areas perhaps with a greater degree of exuberance than is required by regulation; but the Bill more or less on balance - given the nature of our society in 1996 - meets a reasonable degree of regulation, as I read it.

The Bill's coming before us is timely. It was introduced in the other place last year. It came to this place after an interesting passage through the other place involving a greater degree of scrutiny than usually occurs. This occurred in a prior session, so I can refer to those debates. However, I do not propose to do so, other than to mention that it was the first occasion on which the Legislative Assembly had a Committee sitting separately and dealing with legislation in the way we deal with legislation in the Committee as a Whole. That is, as I read the debates, it was not subject to the guillotine. As far as Legislative Assembly debates go, it was a fairly extensive and wholesome debate where points of view from both sides were expressed. As I read it, Labor members expressed points of view similar to those of Liberal Party members, and vice versa. That is not to say that there was agreement between the Government and the Opposition on some matters. However, those matters have been dealt with in the Legislative Assembly and I do not think it is appropriate that I go through them again.

I will deal first with the timing of the Bill and in general terms with the scheme of the Bill. I will then address some matters of arguable concern which could properly be dealt with by the Standing Committee on Legislation of this House. I am aware that that is most unlikely to occur; however, I raise those issues as the sorts of matters with which the Legislation Committee could deal. They are also matters that may resonate when we reach the Committee stage of this Bill. The timing of the Bill is significant. The new commonwealth scheme came into operation on 1 January. I note that the Minister in his second reading speech deals with how this Bill will enable the State to participate in

the new commonwealth scheme; however, the Bill contains transition clauses. The history of the matter is dealt with adequately in the second reading speech. Therefore, it is not necessary to go through that again.

If one were to refer to the starting point of the Bill, one would turn to the last clause; it relates what exists. That in itself is timely because this legislation will replace the Indecent Publications and Articles Act 1902. It is interesting that in 1902 people were talking about indecent publications and articles. This Bill will repeal also the Censorship of Films Act 1947 and the Video Tapes Classification and Control Act 1987. Those Acts will be part of history when this Bill is enacted; when the transition proceedings cease to have effect and when the State actively enters into the new commonwealth arrangements. The Bill in substance re-enacts much of what is contained in those three Acts. However, it goes further - and appropriately so. Just as in 1902 we dealt with indecent publications and articles -

Hon Max Evans: You dealt with them in 1902?

Hon N.D. GRIFFITHS: I did; I have formed a retrospective view of the relevance of the Liberal Party and I thought we should dwell on 1902 for a considerable time. However, I will pass on that, as I think history will pass on quickly when it deals with the Liberal Party.

The Censorship Bill 1995 deals with more recent technology than those Acts deal with and addresses issues involved in computer technology, including video games and the Internet, under divisions 4 and 6 of part 7. I refer briefly to the scheme of the Bill. My words will disclose that it is a substantive re-enactment of what has taken place, with a few add-ons and modifications. I will make reference to some of those modifications in dealing with matters of arguable concern; that is, concern raised by others. The fact that I raise them does not necessarily mean that I have a concern. I raise them so the House can note that consideration has been given to them. Subject to the state of the world when we meet again on the matter, I may raise them in Committee in another context.

The scheme of the Bill is friendly. The Bill is readable. It is set out in a relatively easy way for the interested person to follow. It deals with questions of classification; first, that of publication. There is a resonance of the 1902 matters. It deals with the classification of films and computer games, the approval of advertisements, and advertising for unclassified films. That is appropriate. It addresses also the reclassification of films and computer games, the review of decisions on films and computer games, and offences. In dealing with offences it addresses separately publications, films, computer games, advertisements and computer services. It makes provision for exemptions and exceptions and contains enforcement provisions. It then deals with questions of administration, particularly with reference to the Censorship Advisory Committee and the staff of the committee, and the relevance of the censor and the appeal censor. In that context the proposed arrangements with the Commonwealth are relevant.

The Bill deals with the registration of persons and premises. The relevance of the registration of persons and premises is that one cannot engage in the trade of selling certain classified items unless it is done on registered premises and the sellers are registered persons. That is an appropriate degree of regulation. If a person were to do otherwise, he would commit an offence. The Bill deals also with transitional matters and the normal sorts of matters that one finds in legislation.

The Bill raises a number of areas of arguable controversy, some of which are new and some of which are particularly welcome. For example, it extends the definition of child pornography. That extension is reasonable. It is analogous to an extension of the limitation on showing in tobacco advertisements on television people who were seen to be children in the days when tobacco advertisements on television were permitted. The Bill continues with what are for the most part subjective considerations dressed up as objective considerations by using phrases such as "a reasonable adult". The reality is that the legislation is subjective. It is a matter of judgment, but it is dressed up using language of objectivity. I do not kid myself that it is anything other than subjective; however, that is the way the world is.

The role of the Minister is interesting. I refer to clauses 9 and 10 and note the importance of the Minister's opinion. The role of Ministers is referred to in other contexts. They have significant powers in this matter. The proposed interplay between the role of the Minister and the Censorship Advisory Committee is dealt with, as are appeals. The proposition that the appellant process gives itself the opportunity of substituting the opinion of a District Court judge with that of a Minister is not particularly satisfying. A Minister is answerable politically, whereas a District Court judge is answerable to no-one. The questions of form and process are another matter. Those are the sorts of things that, if the matter were to go to the Legislation Committee - and I know this is not going to the Legislation Committee -

Hon Max Evans: It was looked at and discussed in the other House.

Hon N.D. GRIFFITHS: Their Legislation Committee is nothing like ours. It deals with the end of the Committee stage of Bills without the guillotine. That is a great advance but I do not think it quite does what our Legislation Committee, functioning at its best, is capable of doing.

Hon Max Evans: It reviews the evidence.

Hon N.D. GRIFFITHS: It may be for a variety of reasons, but I know the Minister and I are too modest to tell it. I make these points briefly, because I am not concerned to deal with matters that have been dealt with by others elsewhere. In making these points, I hope that I am not putting a particular perspective on them. It is appropriate that the House consider whether the system of classifications is properly reflective of community values. A Legislation Committee of this House may be able to find that out to a greater extent than I can by listening to people or, frankly, by the Minister who is dealing with the industry. The industry itself by the way it deals with matters may be reflective of community values, but I do not know. It is appropriate to consider whether the mechanics of classification are effective and do the job we ask them to do. In that context we are talking about essentially a national scheme, but we are a State, and this is a State Parliament legislating for the people of Western Australia. It is appropriate to raise the question of whether in some instances the question of regulation has gone overboard, if I may put it in that way, and whether there is a proper adherence to the notion of freedom of speech, notwithstanding the qualifications that I put on that notion at the beginning of my comments.

Some areas of the Bill go too far in making some matters of behaviour an offence. Those matters do not really involve the protection of children or people from unsolicited material and do not really involve matters so beyond the pale that anyone can reasonably argue that they will affect human behaviour so as to cause a detriment to society. There is a tinge of wowsersism, as it were, with some offences. I do not go along with those parts of the Bill which go too far in that respect. I am content with regulation but do not want overregulation. Some aspects do overregulate. I have a concern about some clauses which rely on evidentiary presumptions. The penalty regime in some instances seems a little high. The scope of the enforcement provisions, it could be argued, may go a little too far. I raise those points by way of consideration rather than endorsing them as necessarily being the case.

I propose to conclude my remarks. I am aware that some of my colleagues have different views from mine with respect to questions of philosophy. However, just as with members on the other side, when the views of all of us are taken together we probably represent a significant proportion of the mainstream of people in Western Australia who want to lead normal, happy lives.

HON CHERYL DAVENPORT(South Metropolitan) [10.15 pm]: My contribution to this Bill will not be lengthy, but I feel that it is incumbent on me to say something. I do not claim to be an expert in this area, but I certainly have some concerns about the course upon which we are embarked. Like Hon Nick Griffiths, I support the legislation but wonder just what will be the actual outcome. I congratulate those members in the other place who have participated in the debates. From my reading of them, they were very constructive. They all admit that nobody is a particular expert in this field.

Hon Max Evans: I thought it was quite enlightening.

Hon CHERYL DAVENPORT: In particular, I congratulate the member for Perth, who managed the carriage of the legislation on behalf of the Opposition in the other place. She has had a long career as a journalist and obviously has had to deal with the question of censorship in her daily working life over a long period. Given that, she is probably one of the best choices to take the Bill before us through the process.

The Bill obviously deals with moral and ethical issues, which concern most of us at some time during our private as well as our public lives. As Hon Nick Griffiths has observed, it repeals three Acts which have regulated what the State's population has been able to read or view over a lengthy period. It consolidates and updates the old legislation. I hope that it will bring us into the twentieth century and make us ready for the challenges of the twenty-first century. However, argument still goes on today about how much control the State should have over what its citizens read, hear and see. Of course, around the world there is disagreement on how far a State should go in preventing its citizens from reading certain books or from seeing things on film or videos or in magazines. We have now the additional complication of the Internet. I know very little about the Internet. I suppose I am one of many in that position, but given the computer literacy of young children and young people, our community must grapple with this problem, given the material of a deviant nature that can be activated by this kind of technology. I have no doubt that the inventors of the Internet gave very little thought to the potential of this technical innovation. As a parent, it concerns me that children with very open minds can be exposed to the medium. Although there is great potential for increased knowledge, there are also grave risks that those young minds can be exposed to pretty horrific violence and all types of deviant sexual practices. Having highlighted such concerns, I am not convinced that it is possible to prevent a lot of that exposure. Parental control must obviously be exerted, but with so many computer illiterate parents I wonder how it is possible.

Hon Max Evans: I am one.

Hon CHERYL DAVENPORT: Exactly, as I am. I learnt basic computer skills before I was elected to this place. Given that we do not get a lot of time to continue with such skills, I have never been exposed to the Internet and so I do not know about it. One of the things that really worries me is our computer illiteracy. We are trying to prevent danger to young people. I am not sure that we will be able to do it, but I think we must try.

Of course, the whole question of the right to free speech comes into play, particularly in relation to adults. I am certainly a subscriber to free speech. I remember back in the early 1960s the debate around "bad" novels such as *Lady Chatterley's Lover* and *Portnoy's Complaint*, which I did not read. I do not remember much about it. I remember being a little worried when I found a copy of *Lady Chatterley's Lover* in my mother's bookcase, as I thought a policeman would knock on the door and take her away! I was too scared to mention it. I went to the bookcase and had a read, and I thought I had better not say anything because I thought I would be in trouble either way. When one looks back at the story, one wonders why it was ever banned. Again, it was the influence of the church on the State to protect the morals of the flock, so to speak, which led to such a ban. We must understand that the church had greater influence on our moral wellbeing at that time than it does today.

The argument is still considered in the media and from time to time in the courts about what is obscene and what is indecent. We hear argument about the effect of such material on people. I am not equipped to argue one way or the other in relation to what is obscene or indecent, but I know that I will choose whether to read, watch or listen to something with obscene and indecent content. I am not sure what effect the exposure to such material has on people; I have no evidence to back up the view that the violent or obscene material might have a detrimental effect on people, particularly children.

Another area relating to this measure is pornography, one of the most complex areas in the legislation. I have read the debate in the other place, and I draw members' attention to the observation made by my colleague the member for Perth in relation to pornography. Page 1128 of *Hansard* reads -

I would like to add a word of caution; that is, that we do not go overboard in a legitimate desire, which is shared by every member in this House, to protect children and to punish genuine pornographers. We all agree that must be done. Although there is some doubt, and I will be interested to hear what my colleagues say, the arguments should always be about whether any damage or harm is likely to be caused to children. We must be very careful not to cause unintended consequences to flow from these very well-meaning measures. It is perfectly proper that we should seek to discourage genuine child pornographers.

We all genuinely believe that. I am sure that government members, like opposition members, have been approached by individual lawyers and the Law Society indicating grave reservations about the legislation. Time will tell whether many of those reservations are valid. We will see whether their fears will materialise.

Before concluding my remarks, I refer to an article in last Saturday's *The West Australian* Big Weekend section about the dangers of the legislation, which was written by Barry Ebedes. I have read this article and I intend to deal with a couple of the observations contained within it. I do not claim to have expertise to refute or agree with the observations. Nevertheless, it is worth mentioning the points to allow members to make their own judgments on them. Firstly, Barry Ebedes writes that he is yet to find anyone who can define pornography. He then refers to a number of court judgments from the United States, in particular, and from South Africa. In relation to a case from the Supreme Court in California, he made the following observation -

If Supreme Court judges have such problems, how can a poor policeman be expected to carry out properly the objective test referred to in the Bill? We can only imagine what hell his probable innate subjectivity in enforcing law might cause the defendant.

That is an interesting observation. We will see whether that concern will be founded in the enforcement of the charges in the legislation. The other observation he makes on the first page of the article reads -

This legislation graduates WA to the US pre-1969 and South Africa from 1967 to 1996. In 1967, a South African minister said in the House of Assembly that it was time "for the cloak of non-interference in the personal and private affairs of people to be cast off, and for the problem we have to contend with to be tackled without gloves."

He then claims that this is effectively what the Minister for Family and Children's Services is saying in Western Australia. The article continues-

South Africa, with its deep Calvinistic mores, used censorship to sustain apartheid by suppressing freedom of ideas. The country also had one of the highest sex crime rates in the world despite strict censorship - or more likely because of it.

That is an interesting observation to make. He continues -

In Denmark, where "pornography" was legalised in the 60s, the porn shops suddenly wished it was again illegal because they found that they could not sell the stuff anymore - it was easily available, so few wanted it. And the sexual and general assault rate fell by nearly 66 per cent.

Again, an interesting observation. The final comment from the article refers to the Minister in the other place, as follows -

Her comments typify the smokescreen that has been raised before the public's eyes all along. Mrs Edwardes and the religious Right say they want to protect children. The problem is that they want adults to read, think and converse like children too - when they say so. The Bill clearly exemplifies the myth as the great enemy of truth referred to by President Kennedy.

He refers to that reference by President Kennedy at the end of the article. It continues -

If that is not the case, how on earth can she justify the Bill with its draconian penalties which takes away the right to private possession prevailing under existing laws?

I do not know whether the author is right but the Opposition has grave reservations about what this Bill might achieve. As I said earlier, like my opposition colleagues, I support the legislation; however, although the Legislative Assembly dealt with this reference in the sitting of its Legislation Committee, as Hon Nick Griffiths said earlier, this Bill could usefully be sent for consideration to our Legislation Committee were it constituted; it is in suspension at the moment. The complexity of this legislation is one reason to refer it to the Legislation Committee. If we could give voice to the grave concerns that have been put forward by a range of people, we might end up with a better piece of legislation that might not have as many unknowns in it as currently exist. I support the Bill.

HON M.J. CRIDDLE(Agricultural) [10.30 pm]: I support the Bill for the amalgamation of the three Acts which deal with censorship. In some cases it is the lack of censorship which impacts on mental health, and on children and people who view scenes such as that which occurred in the Port Arthur massacre. The ramifications of censorship and the gun debate is also an important issue which should not be overlooked in the context of this Bill. Certainly people are allowed their fantasies, and those people who view some of the videos and television programs that are seen around the world and in this nation have reacted to that material in a way that is not complimentary of the way we would like citizens of this nation to act. I wanted to raise that point, bearing in mind the tremendous reaction to the gun debate and the ramifications that will have right throughout the nation. We must not forget that some other industries have a greater impact on society than do guns. It is not just the weapon that inflicts the damage, it is the person behind the weapon and the pressures society places upon them.

Another point I want to raise is entry inspection and seizure without warrant. People in my electorate have pointed out that this is an invasion of their privacy. Although I realise it is a provision in the Bill, I am a little concerned that a person can be authorised by the Minister to gain entry to a person's property without a warrant. People have expressed their doubts to me. I am sure we will see in the ensuing years ramifications within the community.

Hon N.D. Griffiths: It relates to a place of business.

Hon M.J. CRIDDLE: Still and all, a question mark exists over the way that will be carried out. Hon Nick Griffiths is correct in saying that it relates to a place of business; however, it is seen in some parts of business as an invasion of privacy. It is something that should be watched. We must ensure that the individual's rights are always observed. I support the Bill.

HON MARK NEVILL(Mining and Pastoral) [10.33 pm]: I also support the Bill. At the moment we have a number of Acts, including the Indecent Publications and Articles Act, the Censorship of Films Act and the Video Tapes Classification and Control Act. This Bill also deals with the Criminal Code as it relates to classification and control of some of these films and materials. Sometime prior to the Bill being drafted the Minister for Family and Children's Services, Hon Cheryl Edwardes, made a big fuss about this legislation and announced that the Government would bring in strict new laws and generally clean up this area to protect everyone and do wonderful things for families. On my examination of the Bill, the truth of the matter is that not a lot has changed. It is pretty much similar to what went before this Bill. It is sensible legislation, and it is a good move to consolidate legislation in this area. The Bill contains some new provisions which obviously relate to changes in technology; that is, the Internet.

I have read in the Press over the past few years many rather amusing comments about control of the Internet. It is ludicrous to think that Governments can control the Internet to any great extent. I am one of those people who does not want to see Governments controlling the Internet. Although there are some downsides to the Internet, the positive side far outweighs any of the negative impacts. The Internet was probably the precursor to the Soviet Union's collapse in 1991, simply because the Communist Government could not shut down communication with the rest of the world. Normally, disturbances in the street were not reported and the Government had the capacity to virtually close off a city if there was trouble. However, with modern communications and computers people were reporting around the world via modems what was happening on the street as it was happening. The powers to be there could not suppress that information. As the word spread around, the Russian people railed against the tyranny under which they were living. The same will apply to Governments on the extreme right or the extreme left.

Hon Max Evans: Were you aware of this contact in the Internet?

Hon MARK NEVILL: I was in Leningrad five days after the putsch. I missed out by only five days being on the ramparts leading the charge!

Hon Max Evans: Were the people you were mixing with picking up information from computers?

Hon MARK NEVILL: Not then, but it was a source of information for the western Press which was then broadcast by radio. Its value was mainly in the information that was coming out about what was happening in the streets.

The amount of information on the Internet is mind boggling. One can find out anything on the Internet. The sharing of information is a great benefit to third world countries. The technology that people can access on the Internet is incredible. The downside is the rubbish that is on the Internet. Access to that sort of material must be paid for; it is not free access. Normally one must pay to download that sort of material. If one has seen some of it, one has seen all of it, although some people obviously cannot get enough of it.

It will be an offence under clause 99 of this Bill only if a person downloads material classified as objectionable. Listed in the clause is the material classified as objectionable. Clause 101 deals with the offence relating to objectionable material and provides severe penalties. In the case of an individual the penalty is a \$15 000 fine or imprisonment for 18 months. In any other case, presumably one involving a corporation, the fine is \$75 000. That is fairly savage. The penalties for transmitting restricted material are much lower, ranging from a fine of \$5 000 or six months' imprisonment to a fine of \$25 000 in any other case. The reason for the lower penalties is that when using a computer to transmit objectionable material there must be actual knowledge. I am not sure knowledge is a requirement when a person transmits restricted material to a minor through a computer service.

The amendment proposed by Hon Nick Griffiths is a good one and I shall be surprised if the Government does not support it. I strongly recommend that the Minister accept it, unless he has very good reason for not doing so. The Minister should make the final decision rather than judges dictating to the Minister.

This is a good Bill, but it does not contain anything dramatically new. The penalties have been increased. I do not think it matches the rhetoric of the Minister for Family and Children's Services. It is sensible legislation. There are puritans in the community who would have drafted this Bill in a different form but, fortunately, they are in a minority and to a large extent adults can read and watch what interests them. We must be very careful when censoring material because at the end of the day judgment on these matters is very subjective. Although restricted material may mean one thing to the legal profession, the definition of restricted material in clause 99 can be widely interpreted. I gather it will be the basis of much legal argument when charges are brought against individuals or companies. I support the Bill.

HON TOM HELM(Mining and Pastoral) [10.44 pm]: I agree with my colleagues that this Bill combining the three Acts of Parliament is most welcome. It has been handled reasonably well. I have one concern that I will develop in Committee, which relates to the amendment proposed by Hon Nick Griffiths. In that connection I refer the House to the sixteenth report of the Joint Standing Committee on Delegated Legislation relating to codes of practice. The committee feels very strongly that codes of practice and codes of conduct can be, have been and are being used to a large extent to sidestep the scrutiny of this Parliament and the Delegated Legislation Committee. The whole thrust of this Bill could be undermined by Governments of either persuasion and by unwelcome publicity if these codes of conduct were not open to scrutiny. Some codes of conduct could be regarded as ultra vires and we, as parliamentarians, would have no say in the matter. The Government would be wise to accept the amendment proposed by Hon Nick Griffiths. I am sure the chairman of the Delegated Legislation Committee, Hon Bruce Donaldson, will argue strongly that the codes of conduct in this case should be subject to the same scrutiny as the regulations and the same disallowance provisions. I support the Bill.

HON MAX EVANS(North Metropolitan - Minister for Finance) [10.46 pm]: I thank opposition members for their support and contributions to the debate. This is unique legislation. As Hon Nick Griffiths said, it was the first legislation to be referred to the Legislation Committee in the other place. That committee spent hours debating the subject, because it was able to meet while the House was sitting. Its comments were most interesting. I understand that the committee would like a television next time so that it can follow debate in the House at the same time. I understand it was an intensive debate, although I have not read the *Hansard* report. The second reading debate in the House lasted from 4.00 pm to 11.00 pm. I was both enlightened and educated by it. It is not a subject I have studied during my life - I am a figures man - but I found the debate interesting. The overhaul of this legislation is long overdue. It was the subject of a report from the Australian Law Reform Commission which recommended these changes in 1991. It was difficult to tie in the legislation with similar legislation in other States in Australia, but that has been achieved.

I discussed this matter with Hon Nick Griffiths earlier today, and I advise Hon Mark Nevill and Hon Tom Helm that the Government has agreed to support the amendment proposed by Hon Nick Griffiths. Members may see the Minister for Family and Children's Services walking around the place with a broken arm, but the Attorney General and I have fixed the matter. Hon Peter Foss and I agree with the comments of members opposite. We believe that this should be in regulated form, and should not be a code of conduct which no-one knows the contents of or has access to. We told the Minister for Family and Children's Services that this House believed that should be changed. The Minister's adviser looked at different aspects of the issue. Hon Peter Foss and I were strong in our support of the amendment proposed by Hon Nick Griffiths. We put forward the argument that the code of conduct would be

agreed to by the community at large and, therefore, it should be included. We pointed out that the Minister may change the code of conduct or cancel it, as the regulations are changed, but at least someone will be aware of what has happened and can report on it. It is a good amendment.

I will speak to a small amendment which is necessary because of recent changes to the Broadcasting Services Act 1992. It will involve the inclusion of two words. The Minister has consulted, and will continue to consult, with industry on this matter. This has been a most interesting debate and even more interesting is the variation in views from members on both sides of politics. Internet comes up often in discussion and I will comment on that aspect later. With regard to the article referred to by Hon Cheryl Davenport, relating to the article by Mr Ebedes in *The West Australian*, I have been handed a note which reads as follows -

Much of that article is incorrect in relation to the Bill. In addition the article is based in large part on American and South African law which is simply irrelevant to Western Australia.

Mr Ebedes did not seek any comment from the Minister or the Censorship Office before writing the article - had he done so many of the factual errors could have been corrected.

The Bill will provide a degree of certainty in interpretation because we will have to deal with only one Bill rather than many Acts.

Hon Murray Criddle talked about guns and violence and raised concerns about powers of entry into people's places of business without a warrant. Those powers exist already under the Indecent Publications and Articles Act and the Video Tapes Classification and Control Act and have operated without any great concern. Entry into private homes not being used as business premises will still require the police to obtain a search warrant in accordance with standard procedures.

Hon Mark Nevill raised concerns about whether the regulation of the Internet will damage the benefits of research and free speech. The provisions of the Bill are targeted at the worst cases involving misuse of the Internet and will not affect the beneficial uses of the Internet. The Internet is interesting because we are concerned about whether gambling overseas will affect our market or the revenue from Lotto and the Totalisator Agency Board. The Internet has opened up a challenge, because although there will be huge benefits, there will be some disadvantages. A question was asked in the other House about whether the V chip was available. It is said that as soon as the V chip is available, there will be a counter for it. I thank the Opposition for its support and comments and commend the Bill to the House.

Question put and passed.

Bill read a second time.

House adjourned at 10.52 pm

QUESTIONS ON NOTICE**WATER SUPPLY - COST**

188. Hon TOM STEPHENS to the Leader of the House representing the Minister for Police:

For each department or agency within the Minister's portfolio area -

- (1) What was the cost for the supply of water for each of the following years -
 - (a) 1994-95; and
 - (b) 1995-96 (Budget estimate)?
- (2) What part of this expenditure in each of the years above was for water bills other than from the Western Australian Water Corporation?

Hon N.F. MOORE replied:

The following figures include usage, rates and sewerage.

WA Police Service:

- (1)
 - (a) \$523,477.34
 - (b) \$484,500
- (2) It is not possible to readily identify payments made to specific creditors. However, the vast majority of the above expenditure represents payments to the Western Australian Water Corporation.

WA Fire Brigades Board:

- (1)
 - (a) \$274,000
 - (b) \$242,000
- (2)

1994-95 Busselton Water Board	\$4,000 (actual)
1995-96 Busselton Water Board	\$3,900

Bush Fires Board:

The Bush Fires Board is unable to provide the information requested as no separate accounting records are kept for water consumption.

WA State Emergency Service:

- (1)
 - (a) \$5,608
 - (b) \$5,667
- (2)
 - (a) \$285 to Bunbury Water Board.
 - (b) \$285 to Bunbury Water Board.

PORT KENNEDY SCIENTIFIC PARK - ESTABLISHMENT PROMISE

378. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Does the Government still intend to honour its promise to create Australia's first Scientific National Park at Port Kennedy, near Rockingham?
- (2) If not, why not?
- (3) Will the boundaries of this scientific national park be based on advice of Drs Vic and Chris Semeniuk as promised on 14 December 1992?
- (4) If not, why not?
- (5) Will all of stage 2 of Port Kennedy be included in the scientific park as promised by Mr Pandal on behalf of the Coalition Parties on 14 December 1992?
- (6) If not, why not?
- (7) Is the Government proposing to make the Port Kennedy Land Conservation District Committee the managers of the Port Kennedy Scientific Park as promised on 14 December 1992?

- (8) If not, why not?
- (9) Will the Government's proposed academy of national sciences be based at Port Kennedy in the nature studies centre it has promised to build there?
- (10) If not, why not?

Hon PETER FOSS replied:

- (1) Yes. The Government intends to provide A class reserve protection for the scientific, flora and fauna conservation values at Port Kennedy. Already the first two A class reserves to this end have been created and vested in the National Parks and Nature Conservation Authority.
- (2) Not applicable.
- (3) Advice from a range of scientific, government and community sources has been obtained and taken into account in determining the reserve boundaries. Included in this has been advice from the Drs Semeniuk. The creation of further reserves is expected following advice from the developer as to which parts of stage 2 it seeks to develop. Those further development proposals will be the subject of EPA evaluation.
- (4) Not applicable.
- (5) As alluded to in my response to part (3) above, the developer still has some rights to develop a part of the stage 2 area subject to environmental evaluation as to the acceptability of any such development. I have no record of a Coalition promise of that date. The policy was released on 13 January 1993 and contains no such reference.
- (6) Not applicable.
- (7)-(8) The Department of Conservation and Land Management has statutory responsibility to manage land which is vested in the National Parks and Nature Conservation Authority.
- (9)-(10) It is not so proposed.

HEALTH DEPARTMENT - ABORIGINAL HEALTH

Asthma and Respiratory Disease in Communities

420. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

- (1) What research has been done in recent years on incidence of asthma and respiratory disease in Aboriginal communities?
- (2) Which Aboriginal communities has the highest incidence of asthma and respiratory disease?
- (3) What is considered the main cause of asthma and respiratory disease in the Aboriginal communities where the incidence of these maladies are highest?

Hon PETER FOSS replied:

- (1) The Epidemiology Branch has not conducted research into the incidence of asthma and respiratory disease in Aboriginal communities in Western Australia, but the Aboriginal Health Division is soon to finalise a comprehensive report on hospitalisation for respiratory tract diseases for Aboriginal and non-Aboriginal people in Western Australia for 1988-1993. This includes information about asthma.
- (2) The Epidemiology Branch has produced death and hospital admission rates from respiratory disease (including asthma) of state and regional Aboriginal populations in the report 'Our State of Health 1995: an overview of the health of Western Australian population'. The highest death rate of Aboriginals from respiratory disease was for the residents in the area defined as the Central Health Authority.

In the metropolitan area the Aboriginal population in the area defined by the East Metropolitan Health Authority has slightly higher death rates than those in the other metropolitan health authorities. Hospital admission rates due to respiratory disease were also the highest in the State for Aboriginal residents of the Central Health Authority. Aboriginal residents of the East Metropolitan Health Authority also had the highest hospital admission rates for the Aboriginal population of the metropolitan area.

- (3) The cause of the regional variation in respiratory disease of Aboriginal people is difficult to determine. These problems arise because of the lack of research in this area. This research would need to be focussed on linking survey, health utilisation and death data with socio-economic, environmental and behavioural factors to explain the extent of respiratory disease within the Aboriginal population.

POLICE SERVICE - FIREARMS, DISPOSAL GUIDELINES

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

- (1) What are the requirements of the guidelines that govern the disposal of firearms by the Western Australian Police Service?
- (2) When did these guidelines come into effect?
- (3) When were these guidelines last circulated to all Western Australian police stations?
- (4) Will the Minister for Police table a copy of the guidelines?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1) The procedure adopted for the disposal of firearms is set out in the Commissioner's Orders and Procedures. The requirements of disposal are dependent on the circumstances under which the Police Service came into possession of the firearm. The disposal of the firearm is governed by Regulation 12 of the Firearm Regulations 1974 (as amended).
- (2) March 1995. (Previous guidelines were contained within Routine Orders).
- (3) The guidelines are contained within the Police Service mainframe computer system which can be accessed at every police station. This information has been available since the inception of the Commissioner's Orders and Procedures and were previously contained in Routine Orders.
- (4) Yes. [See paper No 538.]

POLICE SERVICE - ARMADALE DISTRICT RAVE PARTY COMMITTEE; VON RAEDER, THOMAS, ADVISER

495. Hon J.A. SCOTT to the Attorney General:

In answer to my question on notice 365 of 1996 concerning the Government's Rave Party Committee the Attorney General answered that "it was not possible to say if any one person recommended Mr Von Raeder" as an adviser to the committee to co-ordinate large functions in public buildings.

- (1) Did the committee take notes/minutes of its recommendations, consider motions and make decisions and is it possible for those notes or minutes to be tabled in this House?
- (2) If not, is the Government satisfied with the procedures of the committee?
- (3) Who was the person who proposed Mr Von Raeder as adviser to the committee?
- (4) Did the former Attorney General propose Mr Von Raeder as a member of the committee?

Hon PETER FOSS replied:

- (1) Yes. [See paper No 539.]
- (2) Not applicable.
- (3) I refer the member to the answer to question on notice 365.
- (4) No.

FIREARMS - DISPOSAL METHODS

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

- (1) In relation to the guns that do not meet the guidelines of "banned guns", which have been voluntarily surrendered to police, how will their disposal be handled?
- (2) In the case of John Gibson who surrendered his rifle to the police at Parliament House on 10 May 1996, what disposal method has been utilised by the Police Department?
- (3) If destroyed, when was it destroyed?
- (4) If not destroyed, why not?
- (5) What guarantee does the public have that all guns surrendered to the police for disposal will be disposed of by the police, whether they meet the guidelines of banned guns or not?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1) Seized or surrendered firearms are examined to confirm their identity and the following procedures are then adopted:
 - (a) the weapons are checked against unsolved investigations.
 - (b) the weapons are checked against ballistics' firearm reference library and armoury (may be useful as a reference item).
 - (c) Approval may be given by the Commissioner of Police, in accordance with the State Supply Commission Policy 1.1 - Disposal of Public Property, for other government agencies to licence same for use in their programs, ie. Agricultural Protection Board or CALM (approximately six since 1993 - no semi-automatics).
 - (d) the weapons are disposed of by destruction.
- (2) Destruction.
- (3) 5 June 1996.
- (4) Not applicable.
- (5) The disposal of firearms by the Western Australian Police Service is undertaken in accordance with strict guidelines and subject to direct supervision by a commissioned officer and the scrutiny of audit.

HOSPITALS- FREMANTLE

Catering Services, Contracting Out

513. Hon JOHN HALDEN to the Attorney General representing the Minister for Health:

- (1) When was the catering at Fremantle Hospital contracted out, or when is it envisaged that it will be contracted out?
- (2) What was the cost of this service to the hospital in its last year of operation prior to the service being contracted out?
- (3) Under the contracted out system, who is responsible for providing equipment and consumables?
- (4) If it is not the contractor, then what is the annual cost to the hospital of providing these?
- (5) How many hours of service do the contractors have to provide in the contract?

Hon PETER FOSS replied:

- (1) Fremantle Hospital has called tenders for a catering service, which closed on 1 March 1996. Bids received are still being evaluated. It is expected that a report to the board of management will be finalised within four weeks. Given implementation time frames, a changeover date would not be envisaged until October/November 1996. At this stage, no final decision has been made to award a contract - deliberations are continuing.
- (2) Commercially sensitive negotiations are anticipated to commence with the preferred tenderer in the near future (see 1 above). Disclosure of hospital costings at this stage would be prejudicial to those discussions.
- (3) The contractor will be responsible for providing and maintaining mobile equipment and for providing all consumables.
- (4) Not applicable.
- (5) The contractors must be able to provide for breakfast, lunches and evening meals and therefore the span of hours is anticipated to be between 5.30 am to 6.30 pm, seven days a week.

HOSPITALS- KING EDWARD MEMORIAL

Catering Services, Contracting Out

514. Hon JOHN HALDEN to the Attorney General representing the Minister for Health:

- (1) When was the catering service at King Edward Memorial Hospital/Princess Margaret Hospital contracted out, or when is it envisaged that it will be contracted out?

- (2) What was the cost of this service to the hospital in its last year of operation prior to the service being contracted out?
- (3) Under the contracted out system, who is responsible for providing equipment and consumables?
- (4) If it is not the contractor, then what is the annual cost to the hospital of providing these?
- (5) How many hours of service do the contractors have to provide in the contract?

Hon PETER FOSS replied:

- (1)-(5) Tenders for the provision of catering services to King Edward Memorial Hospital/Princess Margaret Hospital are currently being evaluated by the hospitals. No decision has been made at this stage whether to contract out the services. It is expected that the KEMH/PMH Board of Management will make this decision in the next few weeks.

HOSPITALS- KING EDWARD MEMORIAL

Engineering Maintenance Services, Contracting Out

515. Hon JOHN HALDEN to the Attorney General representing the Minister for Health:

- (1) When was the engineering/maintenance service at King Edward Memorial Hospital/Princess Margaret Hospital contracted out, or when is it envisaged that it will be contracted out?
- (2) What was the cost of this service to the hospital in its last year of operation prior to the service being contracted out?
- (3) Under the contracted out system, who is responsible for providing equipment and consumables?
- (4) If it is not the contractor, then what is the annual cost to the hospital of providing these?
- (5) How many hours of service do the contractors have to provide in the contract?

Hon PETER FOSS replied:

- (1)-(5) Tenders for the provision of engineering/maintenance services to King Edward Memorial Hospital/Princess Margaret Hospital are currently being prepared for advertising. No decision has been made at this stage whether to contract out the services and this decision will be made by the hospitals board of management once it has the opportunity to evaluate the tenders received.

HEALTH DEPARTMENT- FTES EMPLOYMENT BY AWARD; WORKER'S COMPENSATION INSURANCE

517. Hon JOHN HALDEN to the Attorney General representing the Minister for Health:

- (1) How many FTEs were employed by the Western Australian Government at the following times -
 - (a) 30 June 1992;
 - (b) 30 June 1993; and
 - (c) 30 June 1994,
 pursuant to the following awards -
 - (i) Hospital Workers (Government Award);
 - (ii) Ward Assistants (Mental Health) Award; and
 - (iii) Hospital Employees (Perth Dental Hospital) Award?
- (2) How much was paid in workers compensation insurance premiums for employees covered by the awards listed in (1) above in -
 - (a) 1991-92;
 - (b) 1992-93; and
 - (c) 1993-94?
- (3) What is the total cost of workplace injuries, including insurance, training, rehabilitation and replacement costs for workers employed under the three awards listed in (1) above -
 - (a) 1991-92;
 - (b) 1992-93; and
 - (c) 1993-94?

Hon PETER FOSS replied:

- 1 Although FTE is not aggregated on award lines, estimated FTE for the awards and times in (1) are:

Award	30/6/91	30/6/95	30/6/96
Hospital Workers (Government Award)	4 677.13	4 467.17	4 399.51
Ward Assistants (Mental Health) Award	7.19	6.87	6.77
Hospital Employees (Perth Dental Hospital) Award	50.34	48.08	47.36
Total FTE Government Health Industry	2 3973	2 2896.81	2 2550

Sources: Corporate Finance Branch: Annual Reports June 94 payroll survey, Annual Approved Staffing level 1995/96

- 2 Neither the Health Department nor the SGIC is able to provide information on premiums paid by award within the government health industry, as data is not collected along award lines. In many cases a Health Service is the lowest level to which premium data can be allocated.
- 3 Information on the total cost of workplace injuries by award is not available, for the same reasons as in (2).

HIV- TRANSMITTED BY SALIVA, PROTECTION MEASURES

520. Hon P.R. LIGHTFOOT to the Attorney General representing the Minister for Health:

- (1) Is the Minister for Health aware that HIV can be passed on by saliva?
- (2) What precautionary measure(s) has the Minister taken, or proposes to take, to protect health workers and the wider public?

Hon PETER FOSS replied:

- (1) There is no scientific evidence that HIV is transmitted in saliva. There has been a reported case of transmission following a bite. Blood to blood transmission is the much more likely cause of transmission in this situation.
- (2) All education materials emphasise the need to treat all body fluids as potentially infectious and to adopt universal precautions in all situations.

SODIUM TRIPOLY PHOSPHATE- BANNED IN INDIA; REPORT

529. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

Further to question 270 of 30 April 1996 -

- (1) Is the Minister for Health aware that sodium tripoly phosphate is banned in India?
- (2) Will the Minister seek a report on the chemical and the benefits of substituting its use with zeolites?

Hon PETER FOSS replied:

- (1)-(2) No.

POLICE SERVICE- MARQUIS, ANNE, CASE

541. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of the Anne Marquis case -

- (1) On what date in 1990 did police visit her home?
- (2) Which police officer visited her house on that date?
- (3) Were they accompanied by any non-police civilians?
- (4) If yes, who were they and why did they accompany police?
- (5) What was the purpose of the visit?
- (6) Why was Anne Marquis taken to Cottesloe Police Station in a paddy wagon?
- (7) Who was on duty at the Cottesloe Police Station when Anne Marquis arrived?

- (8) Was Anne Marquis denied a request to make a phone call from the Cottesloe Police Station?
- (9) Who was the officer at Fremantle Police Station who met Anne Marquis when she arrived?
- (10) Did friends of Anne Marquis go to the Cottesloe Police Station the following day to lodge a formal complaint that Anne Marquis' house had been ransacked by her husband, his solicitor and an unidentified woman, and that property had been stolen?
- (11) Which police officers dealt with her friends?
- (12) What action was taken by police?
- (13) Which police officers were on duty that night?
- (14) Did Anne Marquis report to police at the Cottesloe Police Station the following day that her house had been ransacked by her husband, his solicitor and an unidentified woman and that property had been stolen?
- (15) To whom was the report made?
- (16) Which police dealt with the complaint?
- (17) What action was taken by these police?
- (18) Who was the Officer in Charge of the Cottesloe Police Station at the time of these events?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1) 23 November 1990.
- (2) Constables Rowe and Allen.
- (3) Yes.
- (4) Jeffrey Roy Marquis (husband), John W Butler (Solicitor) and Melinda June Misson (Law Clerk). Marquis and Butler were named in the Family Court order and it is presumed that Misson accompanied Butler in her professional capacity.
- (5) To execute Family Law Court search warrant, order No 1323/1990.
- (6) She was under arrest for wilfully obstructing the execution of a Court Order (section 151 Criminal Code) and a police van was the only vehicle available to the Cottesloe Police Station.
- (7) Sergeant First Class Cowdrey.
- (8) No.
- (9) Constable Bushell.
- (10) Yes.
- (11) Constable Allen.
- (12) Particulars were obtained from Kimberley Victor Poole for the Offence Report 90157956.
- (13) Constables Johns and Siegl commenced duty at 4.00pm.
- (14) Yes.
- (15) Constable Allen.
- (16) Unable to ascertain. About this time Offence Report system changed from Ansaphone to computerised system and no record of inquiry action can be found.
- (17) Particulars were obtained for Offence Report 90157953. No record of inquiry action can be found.
- (18) Sergeant First Class Cowdrey.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF- HARVESTING PLAN

549. Hon J.A. SCOTT to the Minister for the Environment:

Further to question 3139 of 1995 and tabled paper 1065, tabled on 14 December 1995 -

- (1) Is there a page 3 in the Department of Conservation and Land Management's "Harvesting Plan, including 1996 Contingency Coupes"?
- (2) If yes, would the Minister table page 3?

Hon PETER FOSS replied:

- (1) Yes
- (2) Yes.

[See paper No 540.]

MICKELBERG CASE- EVIDENCE OF RUBBER FINGERS

554. Hon MARK NEVILL to the Attorney General:

- (1) Does the Director of Public Prosecutions recall he advised the High Court that there was no evidence of rubber fingers being taken from Raymond Mickelberg's house?
- (2) Is the DPP aware that evidence given at the trial given by Peter and Sheryl Mickelberg claimed rubber fingers were taken?
- (3) Is the DPP aware that the evidence was not challenged?

Hon PETER FOSS replied:

- (1) Yes.
- (2) That was not the evidence.
- (3) Not necessary to answer.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF- LICENCE No 6420, CONDITION G3, FIMISTON
AND CROESUS TAILINGS DAMS, KALGOORLIE

567. Hon J.A. SCOTT to the Minister for the Environment:

In reference to licence No 6420, condition G3, which states -

"The work programme allowed under the licence is based on the licensee undertaking that work in accordance with -

Rationalisation, Fimiston I and Croesus Tailings Dam Kalgoorlie, Western Australia
authored by Golder and Associates Pty Ltd and dated April 1993

Addendum to Rationalisation, Fimiston I and Croesus Tailings Dams dated August 1995

Notice of Intent, Fimiston Project Phase II new tailings storage authored by Golder
Associates Pty Ltd and dated March 1991

Addendum to Notice of Intent - Fimiston Project - Phase II New tailings storage dated
August 1995; and

Notice of Intent Fimiston II tailings storage Expansion authored by Golder Associates Pty
Ltd and dated October 1994 (W137/88/4)

except in circumstances where these details and circumstances are inconsistent with the conditions
of this licence, in which case the latter shall prevail", and I ask -

- (1) Will the Minister or the Department of Environmental Protection supply me with a full and complete copy of all the above five documents along with any maps associated with same?
- (2) If no, why not?

Hon PETER FOSS replied:

- (1) Yes, with the exception of the Notice of intent Fimiston II tailings storage extension authored by Golder Associates Pty Ltd and dated October 1994, a copy of which I have sent directly to the member. [See paper No 541.]
- (2) Not applicable.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF- LETTER L64/86, BREACH OF
ENVIRONMENTAL PROTECTION ACT, EXTREMELY SERIOUS

568. Hon J.A. SCOTT to the Minister for the Environment:

In reference to a letter dated 21 November 1995, reference L 64/86 which states "Under section 58 of the Environmental Protection Act 1986, it is an offence to contravene a licence condition. This offence carries a penalty of up to \$50 000 with a daily penalty of up to \$10 000. The department considers that a breach of this section, or any section of the Environmental Protection Act to be extremely serious". Why does the Department of Environmental Protection consider that a breach of the section or any section of the Environmental Protection Act 1986 to be extremely serious?

Hon PETER FOSS replied:

This is either a silly question about the obvious or seeking an opinion. If the former, it does not deserve an answer, if the latter it is out of order.

NORBURY, LYN- ARREST ON WARRANT OF COMMITMENT CASE; SARINA HOLDINGS PTY LTD,
ACTION AGAINST

572. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of the Ms Lyn Norbury case and further to question on notice 415 (1) of 1996 -

- (1) Is it correct that Ms L Norbury was not named on the original warrant?
- (2) Was Sarina Holdings Pty Ltd listed on the original warrant?
- (3) Does the Industrial Relations Commission have the power to deal with companies?
- (4) Who owed the money to Bronovich?
- (5) Why was the action taken against Sarina Holdings Pty Ltd?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1) Both Ms L Norbury and Sarina Holdings Pty Ltd were named on the original warrant.
- (2) Yes. As indicated above.
- (3) Yes.
- (4) Ms Norbury.
- (5) Action was taken jointly against Ms L Norbury and Sarina Holdings Pty Ltd.

NORBURY, LYN- POLICE SEARCH, PERTH DOMESTIC AIRPORT (1991)

573. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of the Ms Lyn Norbury case and further to question on notice 414 (5) of 1996 —

- (1) Was the identity of the informant known?
- (2) Given no drugs were found, was the motive of and evidence given by the informant rechecked?
- (3) Did the police check if Ms Norbury had any previous connection with drugs?
- (4) Was Ms Norbury's travelling companion suspected of being involved in drugs?
- (5) Had Constable Wentzel been trained to do body and cavity searches?
- (6) Under what powers are police permitted to undertake body searches?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1)-(2) No.
- (3) Yes.
- (4) No.

- (5) Yes.
- (6) Sections 13 and 23 of the Misuse of Drugs Act.

FIREARMS- LETTER FROM MINISTER FOR POLICE TO LICENCE HOLDERS, COST

577. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

What is the cost of the letter from the Minister for Police purporting to have been sent to all Western Australian firearm licence holders dated 21 June 1996 and commencing with the paragraph "I am writing to all firearm licence holders to explain the real facts on the impact of the State and Federal Government's decision to restrict certain categories of firearms in this Country"?

Hon PETER FOSS replied:

The total cost for production and distribution of the letter was \$60,808. This figure comprises the following:

Printing of the letter	\$ 6,645
Insert and labelling of envelopes	\$ 7,756
Enveloping	\$ 3,219
Postage	\$43,188
TOTAL:	\$60,808

FIREARMS- MINISTER FOR COMMERCE AND TRADE'S COMMENTS

606. Hon JOHN HALDEN to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Can the Minister for Commerce and Trade confirm that in *The West Australian* newspaper of Wednesday, 10 July 1996 the Minister was quoted as supporting the provision of semi-automatic weapons for sporting and recreational shooters?
- (2) Was the Minister misquoted?
- (3) If no, does this represent a major change in this State's support for gun control measures outlined by the Prime Minister and supported by the Western Australian Premier?

Hon N.F. MOORE replied:

- (1) Yes, in certain circumstances sporting and recreational shooters could be permitted to use semi-automatic firearms.
- (2) No.
- (3) Not applicable.

FIREARMS- MINISTER FOR COMMERCE AND TRADE'S COMMENTS

607. Hon JOHN HALDEN to the Leader of the House representing the Minister for Commerce and Trade:

In relation to the Minister for Commerce and Trade's comments on some semi-automatic weapons being available to sporting shooters (*The West Australian*, 10 July 1996) -

- (1) Which particular weapons was the Minister referring to?
- (2) Does the Minister believe these weapons should be available to all sporting and recreational shooters?
- (3) What percentage of shooters currently use their guns for sport and recreation?

Hon N.F. MOORE replied:

- (1) Those firearms more commonly used by sporting and recreational shooters.
- (2) No, only those who can demonstrate a genuine need.
- (3) Accurate information is not readily available.

PLANNING LEGISLATION AMENDMENT BILL- GOVERNMENT BUILDINGS PLACED ON INTERIM LIST BY HERITAGE COUNCIL

611. Hon JOHN HALDEN to the Attorney General representing the Minister for Planning:

Does the Planning Legislation Amendment Bill affect the preselection or conservation of government owned buildings placed on the Interim List by the Western Australian Heritage Council?

Hon PETER FOSS replied:

I do not understand the question. Is the member seeking a legal opinion?

HERITAGE ACT - REWRITING OF

612. Hon JOHN HALDEN to the Attorney General representing the Minister for Heritage:

- (1) Is the Heritage Act 1987 being rewritten?
- (2) If so, what stage is the rewriting at, and which sections are being rewritten?

Hon PETER FOSS replied:

- (1) As required by section 84 of the Heritage of Western Australia Act 1990 the Minister for Heritage reported to Parliament on a review of the operation of the Act in December 1995. He concluded that the Act should be redrafted in plain English, in a format that is easy to understand, and to accord with best practice in heritage conservation. That work is in progress.
- (2) In the report to Parliament, the Minister indicated his intention to undertake a public consultative process upon possible changes as part of the redrafting of the Act. That process is now almost complete and he will shortly be seeking to proceed with drafting. All sections of the Act are being considered.

QUESTIONS WITHOUT NOTICE

CASELLA, DOMINIC - LOCAL COURT CASE RELATING TO WANNEROO INC

663. Hon SAM PIANTADOSI to the Attorney General:

I refer to the case of Domenic Casella who, on 25 July 1996, appeared in the Local Court of Western Australia, in the preliminary hearing in a corruption charge relating to Wanneroo Inc.

- (1) Does this charge of corruption relate to Wayne Bradshaw, the former Mayor of Wanneroo?
- (2) If so, why was Wayne Bradshaw not charged?
- (3) Is Wayne Bradshaw receiving preferential treatment or immunity on this matter from the Director of Public Prosecutions?
- (4) Is the DPP giving favourable treatment or immunity to any other witnesses in this case?
- (5) If not, why is Samuel John Papotto, who is a witness in this case, now receiving favourable treatment on other criminal matters?
- (6) Why does the DPP not pursue Samuel John Papotto for breaches of a good behaviour bond imposed on him by the District Court of Western Australia on 24 September 1993 after being convicted of company fraud?
- (7) Is the DPP investigating the role of the fraud squad in the preparation and gathering of evidence in this case?
- (8) If so, is the evidence of Sergeant Gage and Detectives Mills and Summers being investigated?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Not directly.
- (2) Not applicable.
- (3)-(4) No.
- (5) He is not.
- (6) This is a matter for the Commonwealth Director of Public Prosecutions. With the Australian Securities Commission legislation, matters relating to companies became a commonwealth responsibility.
- (7) No.
- (8) Not applicable.

HAMES, KIM - RAFFLE, APPLICATION APPROVAL, TABLING

664. Hon MARK NEVILL to the Minister for Finance:

- (1) Will the Minister table the application approval for the raffle operated by Dr Kim Hames MLA?

(2) If not why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

I have conducted some research on the whole procedure of raffles over the years including the number of raffles, their terms and conditions and what happened in this case. In the past year three raffles were granted to political parties: The National Party, for administrative purposes for party headquarters; the Liberal Party (WA) for funding of head office; and the ALP Ballajura sub-branch for branch running costs, including stationery and equipment. Kim Hames' application related to the Liberal Party campaign for Yokine. A number of applications are in progress including one from the Balga-Nollamara ALP for funding objectives of the ALP, and to help with social activities and public meetings and hall hire.

Hon Mark Nevill: There are no problems with parties conducting raffles.

Hon MAX EVANS: I am not saying that at all. These are the applications which have been received. The jargon on the latest application is different from the original application form. We are looking at that from a legal point of view. I do not know how this issue was raised, but a Crown Law opinion was obtained in 1995. I may table some more information on this question tomorrow.

In 1992 eight raffles were conducted by the Australian Labor Party and 13 by the Liberal Party; in 1993, six by the ALP and nine by the Liberals; in 1994, four by the ALP and nine by the Liberals; and in 1995, six by the ALP and six by the Liberals. Before 1995 the purpose of most of those raffles was to raise campaign funds. The department considered that campaign funds specifically for individual members could be seen to benefit a member personally, so now raffles are conducted under the name of the party branch or sub-branch - for example, the Ballajura subbranch or the Yokine campaign - to get around that. The difference is that the raffle is now run in the name of a campaign committee and not the individual member. That was seen as a problem before 1995. A raffle cannot be run by Joe Blow; it must be conducted for a charitable or similar organisation. Kim Hames made an application which was similar to an application that he had made in 1992 to raise campaign funds.

Hon Mark Nevill: Will the Minister table that as well? The question was whether the Minister will table the application for approval.

Hon MAX EVANS: Yes, Hon Mark Nevill should not panic.

Hon Tom Helm: What part of the question is the Minister answering?

Hon MAX EVANS: I am giving members a background to what has gone on. I have agreed to table the application and the approval in respect of Kim Hames. I may table some others.

LISTENING DEVICES ACT - SECTION 5, MINISTER FOR POLICE, REQUESTS FOR REPORTS FROM COMMISSIONER OF POLICE

665. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

Since 13 April 1994, on what dates has the Minister for Police requested reports from the Commissioner of Police pursuant to section 5 of the Listening Devices Act, and in each case when were such reports received by the Minister?

Hon PETER FOSS replied:

My notice of the question says "13 April 1996".

Hon N.D. Griffiths: That would be illogical.

Hon PETER FOSS: I can answer only with respect to 13 April 1996.

I thank the member for some notice of this question. The Minister for Police has advised that he has not requested any reports from the Commissioner of Police.

ENVIRONMENTAL GRANTS - VOLUNTARY CONSERVATION GROUPS

666. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Has the Minister paid the budgeted grants to voluntary conservation groups such as the Conservation Council and Greening Australia or other groups for the previous and present financial years?
- (2) If yes, which groups received funding; how much and when?
- (3) If no, does the Minister still intend to pay these grants, and, if yes, when?

- (4) Is the Minister concerned that the sporadic and inconsistent payment is causing extreme budgetary constraints and management problems in voluntary conservation groups?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The payments to Greening Australia and the Conservation Council were approved over a month ago, and they have been notified. Further processing was held up in my office. I was not aware of that until it was raised with me today.
- (2) Conservation Council \$20 000; Greening Australia \$80 000.
- (3) Tomorrow.
- (4) This is not correct, because payments to all groups are one-off and applicants are specifically warned against expectation for further grants. They are not intended to rely on them for recurrent funding. The focus is for on the ground works not for administration and those works are judged on their community and environmental benefit.

The system of environmental grants which was announced by the former Minister Mr Minson did not allow Greening Australia or the Conservation Council to qualify. They approached me to allow them to qualify, which occurred last year on the previous basis. This year I have accommodated both Greening Australia and any other organisation of that nature by dividing the applications into two lots: Delegated and direct grants. Direct grants are those, as originally envisaged by Mr Minson, to give amounts of up to \$2 000 for on the ground small groups which are the type of organisations to which Hon Jim Scott referred in his previous speech. I have maintained the capacity of Greening Australia, the Conservation Council and other similar organisations to continue to receive grants on the basis that they will be delegated grants. It is still intended that the grants go to the same sort of people to whom the member referred; however, the bodies which would be handing out the money would be Greening Australia, the Conservation Council and so forth. The grants would still be intended to assist in the very sorts of things that the member indicated should be supported by the Government.

EDUCATION DEPARTMENT - LAWN MOWING CONTRACTOR, ALBANY SCHOOLS

667. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Education:

- (1) Is it correct, as stated by an Albany Labor Party pamphlet, that the Government is paying a Bunbury contractor to mow the school lawns in Albany?
- (2) If so, why?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No, the present lawns service contractor for the Albany zone is Edenborn Pty Ltd which is located in Albany
- (2) Not applicable.

LISTENING DEVICES ACT - AUTHORISATIONS FOR USE OF LISTENING DEVICES

668. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

- (1) How many authorisations have been issued for the use of a listening device pursuant to section 4(3)(a)(i) of the Listening Devices Act since 13 April 1994?
- (2) What steps have been taken to ensure that the use of any such listening devices do not involve an unauthorised entry upon private property?
- (3) Has the use of any such listening device involved an unauthorised entry upon private property?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) From 13 April 1994 until 27 August 1996, 95 authorisations were issued for the use of a listening device pursuant to section 4(3)(a)(i) of the Listening Devices Act 1978.
- (2) The Listening Devices Act 1978 makes no provision for police to enter premises without the permission of the owner or occupier. An officer or officers who have been appointed in writing by the Commissioner of Police to authorise the use of listening devices are fully conversant with the provisions of the Act. Where "unauthorised entry" is an issue, an application for the use of a listening device is refused.

(3) No.

PERTH HAZE STUDY - RELEASE DATE

669. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Has the Perth haze study been released yet?
- (2) If not, why not?
- (3) Did the study conclude in September last year; if not, why not?
- (4) Why has the Minister taken so long to release this report?
- (5) Does the Minister consider that haze is an important health issue?
- (6) If yes, why has he done so little to address the problem?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The report produced by the CSIRO titled "A report to Department of Environmental Protection of Western Australia on fine-particle haze in Perth - The Perth Haze Study" has not been publicly released.
- (2) The Department of Environmental Protection has yet to finalise its internal review and present the findings of the study to the Environmental Protection Authority.
- (3) The technical aspects of the study concluded at the end of August 1995 after which it was subject to external peer review which concluded in July 1996.
- (4) I have yet to be formally presented with the final report by the EPA or DEP.
- (5) I am aware that the health-related impacts of fine particle pollution is certainly a matter of concern.
- (6) For reasons stated above, I am carefully considering a range of strategies to implement long term controls of emission sources that contribute to fine particle pollution.

LISTENING DEVICES BILL - POWERS TO ENTER PREMISES ISSUE

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

Why does the Listening Devices Amendment Bill in its present form fail to address the impact of the decision of the High Court in Coco and The Queen on the use of listening devices in Western Australia?

Hon PETER FOSS replied:

Obviously the present Bill is part of a package relating to the Anti-Corruption Commission which extends to it the same powers that the police have. The issue of whether those powers should be extended to take into account a right to enter premises is separate and must remain separate for not only the police but also the Anti-Corruption Commission. It involves something I believe is a matter of considerable principle; that is, the entry onto the premises presumably without the knowledge of the person who is to be listened to. It is a matter which will require considerably more public consultation and understanding before we attempt to do that. I do not believe it is appropriate at this stage of a Bill, which is intended to extend powers to the Anti-Corruption Commission, to include a far larger policy decision of whether we should allow entry onto people's premises without their knowledge.

WESTRAIL - TRACKFORCE WA PTY LTD

671. Hon A.J.G. MacTIERNAN to the Minister for Transport:

- (1) Does the Minister now have the answer to the question I asked regarding Trackforce?
- (2) If so, will the Minister please provide that answer?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) The nature of Westrail's business with Trackforce WA Pty Ltd, or the business formally conducted with Trackforce, does not require Westrail to be aware of the corporate structure of those companies.

Hon John Halden: Why do you enter a contract when you do not know the corporate entity?

Hon E.J. CHARLTON: However, for the information of the member the following will clarify the position concerning the identity of the organisation known as Trackforce: Trackforce was a registered partnership which

commenced in approximately May 1995. The directors were Alison and Diane Bird. Trackforce WA Pty Ltd, Australia company No 073119249 commenced on 1 March 1996. The directors are Michael and Alison Bird. This information is not on record at Westrail and was obtained verbally from Michael Bird on Thursday, 22 August 1996.

PILBARA-KALGOORLIE GAS PIPELINE - IMPACT ON REVENUE; PROFIT OR LOSS

672. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

In its first full year of operation what impact will the Pilbara-Kalgoorlie gas pipeline be expected to have on -

- (a) revenue;
- (b) estimated overall profit or loss; and
- (c) estimated profit or loss on the Muja/goldfields electricity transmission line?

Hon N.F. MOORE replied:

I regret that I have been unable to get the information to provide an answer. I ask that the question be put on notice.

WESTRAIL - CONTRACTORS ENGAGING EMPLOYEES TAKING FULL WESTRAIL SEVERANCE

673. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Given that the Public Sector Management Act and regulations preclude a person who has taken full severance from immediately taking up employment with a firm contracting to provide the same services the person previously provided, how have firms such as Trackforce been able to engage employees who have taken full Westrail severance and immediately assign them to Westrail work?

Hon E.J. CHARLTON replied:

Westrail has outsourced or contracted its civil maintenance activities to John Holland Construction and Engineering Pty Ltd and Civil and Mechanical Maintenance Pty Ltd. It is expected that the companies will commence work on their contracts by 30 September 1996. The current involvement of Trackforce WA Pty Ltd is as a provider of labour for works being undertaken by Westrail. The work is not contracted out to Trackforce WA Pty Ltd.

PERTH PHOTOCHEMICAL SMOG STUDY - RELEASE DATE

674. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Has the Perth photochemical smog study been released yet?
- (2) If not, why not.
- (3) Given that the Environmental Protection Authority finalised its assessment of the study on 18 April 1996, why has the Minister taken so long to release it?
- (4) Does the Minister consider that air pollution is a serious issue?
- (5) If not, why not?
- (6) If yes, why has he taken so long to release his report?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The Perth photochemical smog study has not been publicly released. All the content is publicly available; it is just the final glossy that has not been released.
- (2) The Government is in the process of formulating its response to the study's findings.
- (3) I am carefully considering a range of strategies to implement long term controls of emission sources that contribute to smog pollution.
- (4) Yes, Perth's air pollution is becoming a serious issue.
- (5) Not applicable.
- (6) See (3). It is because I take it so seriously that it has taken some time to release the report.

ASSET SALES - APPLIED TO STATE DEBT REDUCTION

675. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

- (1) Have funds from certain Government asset sales been used to reduce State debt?

- (2) What asset sales have been used for this purpose?
- (3) How much was obtained for each asset?
- (4) How much has the State debt been reduced by applying funds from asset sales to reduce the level of debt?
- (5) What was the debt level in February 1993 and July 1996?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Premier has provided the following reply -

- (1) Yes, funds from sales of major government assets have been used to reduce state net debt. The most recent example is the sale of BankWest, from which \$1.1b was applied to debt reduction. The same process will apply to the proceeds from the sale of the gas pipeline.

There are many other examples in agencies such as the Department of Conservation and Land Management and the Government Property Office where asset rationalisation has led to debt reduction.
- (2)-(4) This information is not centrally maintained and, because of the considerable research required to extract the information, I am not prepared to divert resources to undertake the work.
- (5) Figures are not available for months other than 30 June but, for the information of the member, state public sector net debt at 30 June 1992 and 30 June 1993 was \$7.9b and \$8.3b respectively. The estimate for 30 June 1996 is \$6.7b.

WESTERN POWER - ALBANY CUSTOMER SERVICES SECTION, FUTURE

676. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) Is the Minister aware that Western Power country branch area manager Arthur Tunnicliffe said in the *Albany Advertiser* last Thursday, 22 August 1996, that Western Power was not planning to close Albany's customer services section?
- (2) Is the Minister aware that since then a sign has been erected at the Albany Western Power depot stating that payments in person will not be accepted from 30 August?
- (3) Is he also aware that Albany customer telephone calls are now automatically redirected to Picton?
- (4) Can the Minister advise whether the Western Power services section will remain open in Albany and what services it will provide for ordinary household customers?

Hon N.F. MOORE replied:

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

- (1) Western Power is not closing its customer services section in Albany. Western Power will continue to operate a full operational depot from Albany.
- (2) Bill payments at most Western Power depots have been discontinued for economic and security reasons. Albany is one of the last depots to discontinue this function. This facility was poorly utilised and the other local facilities are available.
- (3) A south country call centre has been established at Bunbury to service the whole of the south country branch including Albany.
- (4) Western Power will retain the depot at Albany and a wide range of customer service functions will continue to be serviced from there. Customers will still have access for billing and other queries.

FISHERIES DEPARTMENT - NORTHERN DEMERSAL SCALEFISH FISHERY, ENTRY CRITERIA

677. Hon JOHN HALDEN to the Minister representing the Minister for Fisheries:

- (1) Is the Minister aware that the recommended entry criteria to the northern demersal scalefish fishery agreed upon at the meeting of the working group on 1 and 2 March 1996 was changed by the departmental officer at the next meeting on 19 and 20 August, to allow a specific fisherman into the fishery?
- (2) Was this an attempt to alter the criteria and override the previously unanimously agreed recommendation with regard to the entry criteria?
- (3) If this was done, why did it happen?

- (4) Did the Minister instruct or direct or ask officers of the Fisheries Department that recommendations of the northern demersal scalefish fishery of 1 and 2 March 1996, which put forward recommended criteria regarding the management of the fishery, be altered to favour a particular fisherman?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

The Minister for Fisheries has not had an opportunity to review this question. He is away today. Therefore I have not had an opportunity to discuss a response with him. I look forward to being able to do that tomorrow.

WEEDS - KAROO CANOLA SEED, INFESTED WITH NEW WEED SPECIES

678. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

- (1) Does the recent importation and spread of three new weed species as a result of the importation of Karoo canola seed from New Zealand point to a breakdown in our plant quarantine system?
- (2) Can the Minister for Primary Industry assure the House that the three new weed species - cleavers, redshank and field madder - will be eliminated from the area sown with the imported canola?
- (3) What area has been sown with the infested seed?
- (4) What action will be taken to recoup from the importer the cost of eliminating the weeds?
- (5) How did the infested seed bypass the quarantine system?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The Minister for Primary Industry has provided the following response -

- (1)-(5) The Agriculture Protection Board has appointed a working party of board members, industry and Agriculture Western Australia staff to recommend changes to strengthen the legislation as this incident identified a weakness within the current legislation.

All three weeds have been declared eradication targets by the Agriculture Protection Board. Therefore, landholders are obliged to eradicate them. Agriculture Western Australia has provided an information package for farmers on the best methods for eradication. Agriculture Western Australia staff will be monitoring the progress of eradication efforts. Based on information provided by the importer and seed agents in Western Australia, and Agriculture Western Australia investigations, 240 growers are known to have bought the Karoo canola seed, which could have been sown over about 20 000 hectares. However, not all growers sowed the seed. The exact area sown is not yet known. However, this information is currently being gathered by Agriculture WA staff members through their contact with affected growers. Discussions are planned between the importer, the Western Australian Farmers Federation and Agriculture Western Australia. A meeting scheduled for 27 August was deferred for one to two weeks. The infested seeds legally entered through the quarantine system as they were not prohibited under either state or commonwealth legislation at that time.

SUBIACO REDEVELOPMENT

679. Hon J.A. COWDELL to the Attorney General representing the Minister for Planning:

Has the Minister for Planning received advice to the effect that the Subiaco redevelopment agreement dated 12 April 1996 is in any way illegal or unenforceable?

Hon PETER FOSS replied:

No.

TAFE - CENTRAL METROPOLITAN COLLEGE

School of Management and Business Enterprise - Establishment

680. Hon JOHN HALDEN to the Minister for Employment and Training:

Can the Minister confirm that he is on the verge of signing a lease for a central business district property for the purpose of setting up a government training facility? If so -

- (1) What are the terms of the lease?
- (2) What will be the estimated total cost of setting up this facility?
- (3) What training will this facility be providing?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. The Central Metropolitan College is establishing a School of Management and Business Enterprise as a centre of excellence in the central business district. The facility, which replaces existing premises in Mt Lawley, which are difficult to access, is planned to be self-funded by the fifth year. Funding for the facility is drawn from college funds generated through fee-for-service programs, which are being re-invested for the further development of the college's fee-for-service program profile.

The arrangement is for a lease over a 10 year period, commencing in September 1996, as follows -

1996 -	no cost
1997-98 -	\$118 000 per annum, which is inclusive of \$25 per square metre rental costs plus variable outgoings
1998-99 -	as above

A condition of the lease beyond that period is that rental will be held at "not equal to or above 50 per cent of the rental value of the second floor".

- (2) The estimated fit-out costs are \$300 000.
- (3) The facility will provide a range of customised business and management programs on a fee-for-service basis. The major industries to be targeted are mining, banking, health, local government, and public sector management. The school will also be marketed to overseas clients.

YANCHEP INN - KIOSK REDEVELOPMENT

681. Hon GRAHAM EDWARDS to the Minister for the Environment:

In relation to the article which appeared in the *Wanneroo Times* on 2 August, announcing a \$14m facelift and redevelopment of the Yanchep Inn and kiosk -

- (1) When will the contract to redevelop and lease the Yanchep Inn and kiosk be signed?
- (2) Who is the proponent?
- (3) How much is the Department of Conservation and Land Management paying to employ a heritage architect to prepare a conservation plan for the Yanchep Inn?
- (4) Has CALM paid, or is it due to pay, any other costs towards the upgrading of the Yanchep Park facilities?
- (5) Can the Minister confirm that the restaurant and accommodation have been closed since July?
- (6) If yes, why; and is this in breach of CALM's liquor licence conditions?

Hon PETER FOSS replied:

I ask the member to place the question on notice.

COMMERCE AND TRADE, DEPARTMENT OF- BUDGET ALLOCATION, IMPACT OF COMMONWEALTH BUDGET

682. Hon MARK NEVILL to the Leader of the House representing the Minister for Commerce and Trade:

The Western Australian Budget allows for an estimated expenditure of \$58.1 in 1996-97 for the Department of Commerce and Trade. Has the federal Budget had any impact on this figure? If so, what is the revised figure and what areas will be affected?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The only impact of the federal Budget on the Department of Commerce and Trade's estimated expenditure relates to the AusIndustry program. Although the reduction in AusIndustry funding for Western Australia is not yet available from the Commonwealth, it is likely to be in the order of \$1.3m. The department's estimated total expenditure in 1996-97 is \$56.8m.