Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE COUNCIL

Thursday, 4 May 2000

Legislative Council

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

REID HIGHWAY EXTENSION

Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, from 1 257 persons requesting the deferral of the Reid Highway extension.

[See paper No 923.]

FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA - APPOINTMENT OF SELECT COMMITTEE

Motion

Resumed from 3 May on the following motion moved by Hon Ken Travers -

That -

(1) A select committee of three members shall be appointed.

(2) The committee be appointed to inquire into and report on reasons for losses associated with the finance broking industry in Western Australia, including but not limited to:

(a) the statutory responsibilities relating to the finance broking industry;

(b) avenues for legal redress for investors;

(c) consideration of the adequacy of existing legislation to prevent a recurrence of the events which led to the loss by investors who relied on finance brokers.

(3) The committee have power to send for persons, papers and records and to move from place to place.

(4) The committee report to the House not later than 31 October 2000, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

HON NORM KELLY (East Metropolitan) [11.03 am]: Yesterday I also spoke about the tardiness of the Finance Brokers Supervisory Board in not producing an annual report for the 1998-99 financial year. It is good the report was tabled in this place today, although it is more than 10 months since the end of the last financial year.

Yesterday I spoke about the need to address the inadequate laws regulating finance brokers, which have been in place for quite a long time. Many people have been unable to seek justice because they were borrowers and not regarded as clients under the definition contained in the legislation. The Finance Brokers Supervisory Board was made aware of those inadequacies in 1996-97, but changes to the Finance Brokers Control (General) Regulations were not gazetted until August 1999.

I am confident the Gunning inquiry will provide good recommendations for changes to the Act; however, because the inquiry is not due to report until September or October, the Government is able to delay legislative reform. It can now say it would be irresponsible to introduce legislation while the Gunning inquiry is under way. We can be reasonably confident that no changes will occur for another year or so, which does not help, first, the decent finance brokers whose reputations are being tarnished because of the operations of a certain few or, second, the people investing in that sector of the finance industry.

Statutory responsibilities within the finance broking sector must be investigated, as requested in part (2)(a) of the motion. This investigation should inquire into the interplay between state and commonwealth legislation and the actions and responsibilities of state and federal agencies, such as the Australian Securities and Investments Commission. An inquiry should also investigate the administration of the legislation. The action or inaction of the Finance Brokers Supervisory Board, of Ministry of Fair Trading staff and of the Minister for Fair Trading must be investigated to see whether they acted properly and in the best interests of all. If not, appropriate action should be taken. Such an investigation would be one of the most important benefits of a committee inquiry.

Before supporting the need to establish a select committee, we should look at the possibility of an existing standing committee undertaking the inquiry. In that way, already established administrative and research staff and an organised committee structure could be utilised. The Standing Committee on Public Administration or the Standing Committee on Estimates and Financial Operations would be the most relevant committees. It would be good to hear from the Chairs of those committees about whether they would be willing to undertake such an inquiry. The fact that we are so close to the next election not only increases the potential to politicise an already highly political issue, but also highlights the need for a short, sharp inquiry. This time constraint means that many issues which have been raised during this debate may not be

examined by a committee. In any case, many of those issues should not be examined because they are adequately covered by the Gunning inquiry and other investigations, such as those being undertaken by the police fraud squad.

It is very important to make sure that if a committee or an inquiry is established, the scope of the inquiry is narrow enough to allow for a short, sharp investigation and a quick reporting back and not to allow an overlap of existing inquiries. If the House supported the establishment of a select committee, we could reasonably expect that it would not begin its investigation until at least the end of this month, possibly later. That would leave only four or five months for an inquiry to carry out its work before the proposed report-back date of 31 October. It is a very tight time line but it is achievable as long as the scope of the inquiry remains relatively narrow. It is important that the stated time line of 31 October not be extended and that we get a response as quickly as possible.

There has been a good deal of talk about membership of the committee. It is important to remember the perception that the work of such a committee would have in the public's mind. The proposal of a three-member committee would mean a proper sized committee for such an inquiry. We do not need a large committee. The balance of the committee is a different matter, but three members is adequate for such an inquiry. I do not agreed with Hon Derrick Tomlinson's suggestion of having a four-member committee being made up of two government and two Australian Labor Party members. It would inevitably lead to a gridlock of the committee's work, which may have been the intention behind the members' suggestion.

Hon Derrick Tomlinson: My intention was for a harmonious, bipartisan committee. That is the way committees in this Parliament work, as you know, because you have attached yourself to a few.

Hon NORM KELLY: Exactly, and that is how I would expect this committee would work as well. I am sure we have those comments from Hon Derrick Tomlinson on the record. Although an improvement, I would also disagree with Hon Ken Travers' suggestion of a four-member committee being made up of two ALP members, one government member and one cross-bench member. Although to a certain degree it would limit what the ALP may possibly want to do with the committee, there is no need to extend beyond three members simply to try to achieve a different type of balance. An ALP-dominated three-member committee would be portrayed as a witch-hunt and a government-dominated three-member committee as a whitewash.

Hon Ken Travers: The Democrats could be there to ensure fair play.

Hon NORM KELLY: Unfortunately we could get a maximum of only two Democrats onto a three-person committee, so it could still do a pretty good job anyway.

Hon Derrick Tomlinson: Would you go to five, with the Democrats holding the balance of power, being the moderating influence that you are?

Hon NORM KELLY: The moderating influence is very important. There is no need to go to five members or four. An ideal situation would be to have one government, one ALP and one cross-bench member on such a committee.

Hon Greg Smith was off the mark yesterday in his comments on the possible make-up of the committee. Although I have carriage of this issue for the Australian Democrats, it has not been decided whether we would put forward somebody to be on this committee. I have not discussed in great detail with the Greens (WA) or Hon Mark Nevill who would be a suitable member representing cross-benchers.

Several members interjected.

Hon NORM KELLY: Even though different members interject to say the numbers should increase, we do not have too much of a queue of members wanting to be on the committee. If we do establish this committee, it is important to make sure that we have three members who are willing to do the work required for such an inquiry. Even though I like to think it would be a tight inquiry, it would still require a lot of detailed work. It is important that we have three members committed to doing the work of the committee.

As I have alluded to before, there is the potential for the committee to duplicate the work already being done by the Gunning inquiry. If a committee were to be established, I would expect it immediately to meet with the members and staff of the Gunning inquiry so that the work of the two could complement rather than overlap each other. Given that the Gunning inquiry is investigating eight boards and the urgency to resolve the problems in the finance broking legislation and industry and the possible criminal, corrupt or incompetent behaviour by brokers or ministry staff or other public servants, I hope that the Gunning inquiry will look seriously at the idea, which I put to it informally, that an interim report be produced specifically on the Finance Brokers Supervisory Board. That is what the public is demanding. I would like to think that the minister would support such an interim report rather than, as some people have suggested, the inquiry's investigating eight boards as a way of trying to dilute the importance of addressing the problems facing people who have invested through finance brokers.

The work of a select committee could dovetail quite nicely into areas beyond the scope of the Gunning inquiry and other investigations currently under way, such as those conducted by the fraud squad. Such a committee could do a lot of good and valuable work. There are different ways to skin a cat; it could be through a select committee or a standing committee inquiry. If it were to be a standing committee inquiry, it would be important to ensure that this would be the committee's number one priority. Parliament must have the results of the inquiry reported to it within the next few months or at least by 31 October, as proposed in this motion.

The Australian Democrats are willing to support this motion. We believe this is an extremely important issue for the Western Australian public and one which is not fully covered by the terms of reference of the Gunning inquiry. If a committee is established, it must focus on those areas which are beyond the scope of the Gunning inquiry.

HON M.D. NIXON (Agricultural) [11.18 am]: I oppose the motion because I have not yet heard a good argument why the committee should be established. Hon Greg Smith read out the names of the members of the Gunning inquiry, their qualifications and their backgrounds. Its members are beyond any doubt capable of conducting such an inquiry. There is no doubt that having a judge, a very experienced and senior accountant and an experienced civil servant means that the inquiry has the capacity to conduct a worthwhile examination of the system.

The whole finance industry always runs on confidence; as a matter of fact, it has often been described as not a system but a confidence trick. There is absolutely no doubt that if people lose confidence in a system, they go somewhere else or do something differently. Everybody of goodwill is concerned when anyone loses his savings and investments. From newspaper reports on the current discussion, it appears that many of the people who have lost money have reached retirement age and have invested their superannuation or life savings, perhaps having sold a business. As Hon Greg Smith pointed out, they were not satisfied with the relatively low returns available through gilt-edged securities, such as a bank, and they sought something different. Once again, from the newspaper reports, it appears that some of these people realistically thought that if they invested in a first mortgage there could be nothing safer. In a normal conservative business investment, that would be true.

This is an interesting situation. While the supervision of finance brokers is a state responsibility, in many cases, because of corporate law which is a federal responsibility, these groups could be registered in the eastern States. There is a crossover of responsibility between the State and Federal Governments.

Hon Ken Travers: That is the reason for clause (2)(a) of the terms of reference.

Hon M.D. NIXON: That is interesting.

Hon Ken Travers: Gunning cannot do that.

Hon M.D. NIXON: We live in a free and responsible society where people can do what they like provided it is within the law. Normally society goes along in a relatively free manner until somebody does something out of order, and then someone else says there should be a law against it. A set of rules is then drawn up to control people involved in that activity or industry. That is the way of the world. Usually we have a free and easy situation and as need arises, matters are tightened up and a law is put in place. Under that system, a rule of law is followed whereby people can do exactly as they like as long as it is within the law. The problem is that if somebody does something outside the law, it can be acted upon only when complaints are made. The examination of those complaints depends on the nature of them.

In this case some complaints were made to the Finance Brokers Supervisory Board but, as Hon Norm Kelly pointed out, the complaints initially were of a very broad nature. As I said by interjection, it is hard to know the number of people who invest with finance brokers in Western Australia, and the number of transactions involved. However, I suggest it runs into the millions of transactions each year. Certainly it is an enormous number. It would be interesting to speculate on the average percentage of complaints on that number of transactions in a normal business. In other words, those running a fish and chip shop or a chain store, for example, would expect a certain number of complaints to be made. Some of the complaints would be genuine and well based, some would be misunderstandings and some could not be justified. Some people will always be less than happy with the system, and the complaints would be made to a review board if one were in place.

I have been approached by some of my constituents and have read newspaper reports, and once again it appears one of the complaints is that people thought they had lent money on the security of a first mortgage, that their name was on the title to the property and that nothing could be safer. They felt their investment was 100 per cent secure and they cannot understand why they cannot get their money back. It appears complaints have been made that other people also thought they had a first mortgage over the same property. If some of the people whose names appear on the title were paid out, it would be unfair to those who claim their names should also be on the title. It is a complex mix.

This is a very valuable industry and it would not exist if that were not the case. If we were to criticise the industry we could destroy the confidence people have in finance brokers. I have no doubt that the majority of finance brokers are reputable people who run worthwhile businesses, and it would be unfair to criticise the finance broking industry as an industry. There is evidence - obviously the police believe there is evidence - that members of that industry have acted in a less than legal manner. As Hon Bill Stretch pointed out yesterday, under the proper division of power, it is proper that the people who have broken the law be examined by the police and that all the operations of that process be followed to their logical conclusion. It is a complex mix. If we run a witch-hunt on the finance broking industry, it will certainly damage a valuable industry. Obviously, the rule of law must be enforced, and any legitimate complaints made to either the supervisory board or the police must be examined. However, the legal system takes time. While Hon Norm Kelly was correct in saying that it is a pity so long has passed before complaints have been finalised - he may well be justified in making that statement - those who have had any experience with the legal system know that people cannot expect a quick result. In the fullness of time the legal process in Western Australia will be a good process, and the conclusion that should be reached will be reached.

Similarly, it is also obvious that the Gunning committee will do a thorough job. I have mentioned that the people on that

committee are very competent. Once again, we cannot expect a quick result because until that committee follows every rabbit down every rabbit hole, it is difficult to say how long the inquiry will take. Although deadlines can be imposed, it is not until the investigation is started that all the areas of investigation become apparent. If everybody knew the answers, there would be no need for an inquiry in the first place. The committee must be given the time required to complete its investigation. Hon Greg Smith spelt out the situation correctly. The number of staff, the resources and the time allocated for the Gunning committee to investigate these matters are far more than the resources that would be available from this Parliament. All members of Parliament know that their diaries are full of commitments, and that with the best will in the world there is no way they could devote themselves full time to such an inquiry.

I was amazed by one of Hon Norm Kelly's remarks. He correctly said that those things to be examined by the Gunning inquiry should be examined by it; those things to be examined by the police should be examined by the police; and that any gaps should be filled by the Parliament. There is nothing wrong with that statement, but it is difficult to know what the gaps are until the Gunning committee reports. At that time it may well be a responsibility of this Parliament to examine any gaps. I am not aware of any gaps in the terms of reference for the Gunning inquiry but, if there are, no doubt at the end of the day Judge Gunning will refer to those in his report. He will say that the committee wanted to examine such and such but it was outside the terms of reference of the inquiry, and it is another area that needs examination. If that is the case, perhaps it would then be appropriate for the Parliament to conduct an inquiry into those gaps.

The motion has several parts, the first of which is that a select committee of three members shall be appointed. My first question is whether it should be a select committee or a standing committee. My experience with the standing committee of which I am a member is that the committee is flat out and it does not need another job. The committee has more than enough to keep it occupied, and probably the same applies to most other standing committees. There is no committee standing around doing nothing that would welcome the job.

Hon Ken Travers: Your standing committee is doing an excellent job.

Hon M.D. NIXON: Perhaps a select committee is the most appropriate committee if and when we know there are gaps that need examination. Perhaps it sounds reasonable in that circumstance. Hon Norm Kelly eloquently suggested that the committee should comprise a member from each side and someone from the "middle" to provide a fair distribution of views. That is not a bad argument. Although three is a good number - I know of a very successful committee of three -

Hon Ken Travers: It works in a bipartisan and constructive way.

Hon M.D. NIXON: It is a very good committee. However, with such a three-man committee the balance would be swayed towards the Australian Democrats. If we are seeking a true representation of the views of this Parliament, perhaps it should be a five-man committee with one member from the crossbenches, two Labor Party members and two Liberal Party members. I am saying that if a select committee is necessary, one should be appointed. However, three committee members as described previously would not be an appropriate number, although to avoid being seen as a one-sided committee it would be a move in the right direction.

Clause (2)(a) refers to the committee's inquiries not being limited to statutory responsibilities relating to the finance broking industry. That is a wise term of reference as the statutory responsibilities are spelt out. Obviously when the statutory requirements were initially spelt out, the Parliament produced a scheme it thought was appropriate. It is only when something that was thought to be appropriate proves to be inappropriate that it may be necessary to change legislation. If the Gunning inquiry finds a fault in the statutory requirements that would be an appropriate time to examine it.

With regard to avenues for legal redress for investors, certain legislation is enacted and I do not know whether this Parliament can add to that. It is a legal matter and the legal profession will give appropriate advice to the people affected by the problem, who no doubt will act accordingly.

Subclause (c) is clearly a matter that will be more easily decided after the Gunning inquiry reports. Clause (3) giving the committee power to send for persons, papers and records and to move from place to place is interesting. I am not opposed to travel; it can be often broadening for the mind. However, papers and records that may be required have probably already been collected. I would be surprised if either the police or the Gunning inquiry had not already decided they need certain information for their inquiries. I have a feeling that if this House were to take that step it would find the cupboard was bare, in which case not much information would be left on which it could draw.

I think by interjection, Hon Derrick Tomlinson indicated that, due to the nature of parliamentary privilege, any evidence collected by this House would not be available for use in the courts. In other words a real risk exists that any action by this Parliament could limit the ability of the police to conduct inquiries.

Clause (4) seeks to have the committee report to the House not later than 31 October. If an inquiry is to be held immediately, that would not be a bad date because the state elections are to be held within the next nine months or so. If a report were not handed down by October there would be no guarantees the committee could report to this Parliament. The coalition's four-year term ends in December, although an election can legally be held sooner or later than that. However, as a benchmark, October would be as late as reporting could be left because it is possible an election may be held just after that. If the reporting date were made any sooner the committee would have difficulty covering a broad area because at this stage we are unaware of the gaps. In addition, most members are already more than occupied with their electorate responsibilities and their other committee responsibilities.

It is proper that the Parliament should discuss the issue of finance brokers because a debate is occurring in the public

domain at present. Many people are concerned that their investments may be at risk. Nevertheless, it is essential that this Parliament does nothing that in any way detracts from the ability of the people affected to recover as much of their assets as possible.

I have yet to hear a good argument why it would be appropriate for a select committee to examine the situation. If a select committee is required it will probably be established early in the life of the next Parliament rather than late in the life of this Parliament.

HON RAY HALLIGAN (North Metropolitan) [11.35 am]: I do not think any doubt exists that the majority of members, if not all the members in this place and probably the other place, realise something is wrong with some companies associated with the finance industry. I am concerned, as no doubt are many other members, about the motive behind this motion. Is it due to concern for investors who have lost money or is it political?

In view of the fact that the Gunning inquiry is already in place, of what has been said by other speakers about resources and the best possible use of our time and as many other standing committees are in operation that no doubt have enough to do, like Hon Murray Nixon I have yet to hear argument that convinces me something should be put in place, such as this proposed select committee. Although I am more than happy to listen to argument that a committee would be an appropriate inquiry, contrary to Hon Norm Kelly's suggestion that it would complement the Gunning inquiry, it would definitely create problems for both the proposed select committee and the Gunning inquiry.

Hon Norm Kelly suggested the possibility may exist of sharing information - cross fertilisation so to speak - I am not sure whether that would be legally possible. Hon Murray Nixon has already suggested that a great deal of the information that will be collated to examine as evidence is probably already in the hands of the Gunning inquiry. It makes me wonder where the proposed select committee may go and what it may do. I can see it cooling its heels doing absolutely nothing.

Clause (2) of the motion refers to losses associated with the finance broking industry. Its focus is not that individual companies are alleged to have done the wrong thing by the investors; it refers to the industry as a whole.

I believe that some members in the other place have denigrated the industry generally which is likely to be detrimental to current investors who do not have their money with the companies in question.

Hon Ken Travers: What would you have done if you were on this side of the House?

Hon RAY HALLIGAN: I began my speech by saying I wonder about the Opposition's motivation. I still wonder about it. Is it personal?

Hon Ken Travers: You should read Standing Order No 97.

Hon RAY HALLIGAN: I believe that a member in the other place has spoken out in such a manner that he has dismissed all the other investors who have money invested through finance brokers.

Hon Ken Travers: Because nothing was happening. Your Government wasn't acting until we raised the issue.

Hon Bob Thomas: You were covering up.

Hon RAY HALLIGAN: The member in the other place has shown he has no concern for self-funded retirees who have investments which are not in question, but which will be because of things he has said, yet we hear from members opposite that their concern is totally for those people who have lost money.

Hon Ken Travers: What would you have done?

Hon RAY HALLIGAN: Members opposite are total and unmitigated hypocrites in this regard.

Hon Kim Chance: Do you remember Western Women?

Hon RAY HALLIGAN: Absolutely, but let us talk also about a few others. Yesterday, someone on the other side of the House suggested that we are not concerned about maximising the return for investors. This side of the House is very concerned about getting for those investors as much as they possibly can get. What did members on the other side of the House do? I can name two people - Dallas Dempster and Laurie Connell - who received an absolutely marvellous return from the previous Labor Government. What did the people of Western Australia get in return? Members opposite made sure where the money went; they knew who had to get the return - and it was not the general community of Western Australia, but those two people. The people of Western Australia got absolutely nothing. Members opposite have no answer to that. That is why they are very quiet, Mr President. That is why they are trying to go off on a tangent.

Hon Bob Thomas: You are the one who is going off on a tangent.

Hon RAY HALLIGAN: What did members opposite do about Western Women? Where was it located when Robin Greenburg was having the time of her life?

Hon Kim Chance: I think she went to jail.

Hon RAY HALLIGAN: Where was she when she was having the time of her life? I do not think she had the time of her life in jail. She was in the May Holman Centre.

Hon Kim Chance: Before she went to jail, yes.

Hon RAY HALLIGAN: That is where she did her dirty deals.

Hon Ken Travers: She went to jail because you had a parliamentary inquiry that brought it all out - and well done for you.

Hon Bob Thomas: We rest our case.

Hon Ken Travers: You were a great Opposition, as we are.

Hon RAY HALLIGAN: We are in government, by the way. Members opposite will remain in opposition for a long time.

The PRESIDENT: Order! If Hon Ray Halligan addresses the Chair, I certainly will not interject on him.

Hon RAY HALLIGAN: Thank you, Mr President, and I will direct my remarks to you until such time as you decree otherwise. I had hoped there would be a bipartisan approach -

Hon Kim Chance: So had we.

Hon RAY HALLIGAN: Why do we need a select committee when the Gunning inquiry is in place?

Hon Ken Travers: Because its terms of reference do not go far enough.

Hon RAY HALLIGAN: It has not even had the opportunity to report and the member is saying it has not gone far enough.

Hon Kim Chance: The Gunning inquiry cannot go beyond the administrative processes. You know that. What if the issues are outside the administrative processes?

Hon RAY HALLIGAN: On the one hand, I hear that the other side of the House knows exactly what needs to be done "because"; on the other hand, I hear "what if". They really do not know, and they will not wait for the Gunning inquiry to report.

Hon Ken Travers: Page 7 of the supervisory board's annual report states that it cannot investigate things; and if it cannot investigate things, Gunning cannot either.

Hon RAY HALLIGAN: Later I will compare the Gunning inquiry with the possible make-up of this proposed select committee. The broking industry, as has already been mentioned by Hon Murray Nixon, is to some extent fraught with danger, because it revolves around free enterprise. I know that a number of members on the other side of the Chamber are not against free enterprise.

Hon Kim Chance: Not completely, no.

Hon RAY HALLIGAN: People are expected to make their own decisions and to live by those decisions. It has been said, and rightly so, that everything goes along reasonably smoothly until something goes wrong, and someone then puts up his hand and says, "There should be a law against that."

Hon Bob Thomas: There was.

Hon RAY HALLIGAN: In the finance broking industry - and "finance" is a very general term, because it includes banking and insurance - there can be some problems, because there are people out there who want to make a quick quid and who will do anything possible to put money in their pocket at the expense of others. However, that is not unusual. It happens within the legal profession, the accounting profession and the medical profession. All professions need to have disciplinary committees, because unfortunately there are people who cannot be relied upon to do the right thing.

Hon Greg Smith: And also in the building industry, as was mentioned in an urgency motion by Hon Ken Travers.

Hon RAY HALLIGAN: That is a very good point. That is most important. These types of things happen. The reason we have laws is that there are people outside this Chamber who unfortunately thumb their nose at other people and at conventions and decide that there are a number of people who are fair game. Unfortunately, quite often those people are self-funded retirees, people who are currently having problems with banks and with accessing their money through branches and automatic teller machines and the like, people who have not grown up in this information technology revolution -

Hon Ken Travers: Does this relate to the motion?

Hon RAY HALLIGAN: It is all part and parcel of the finance industry, and members opposite are the ones who have mentioned the finance industry. I will get on to information technology a bit later, because that area will create enormous problems, and I will be interested to hear what our so-called alternative Government would like to put in place.

Hon Bob Thomas: The next Government.

Hon RAY HALLIGAN: If the member thinks of 2025 he may be near the mark.

Hon Ken Travers: After the next election.

Hon N.F. Moore: Do not hold your breath. You have a long way to go yet.

Hon RAY HALLIGAN: I am sure members can remember the 1987 share market crash, when people believed they could make a lot of money in a very short time. I recall one share in particular, Poseidon, that went through the roof, and people were mortgaging their homes and borrowing as much as they could to buy Poseidon shares, believing that the price would

go even higher, but of course the ceiling was eventually reached and a lot of those people lost their money. I do not think that anyone in those days started to point the finger at others and suggest that those unfortunate people - and they were unfortunate - had been forced to buy those shares. They made that decision, and they had to accept the consequences.

Hon Bob Thomas: You will pull all this together, won't you?

Hon RAY HALLIGAN: What is happening in the finance industry is that a lot of people are doing something similar.

Hon Ken Travers: A better analogy would be the salting of goldmines, where people were charged and investigated.

Yesterday, Hon Greg Smith made mention of the fact that people were looking for additional moneys, particularly the self-funded retirees when interest rates started to fall. When we had a federal Labor Government things were fine for those self-funded retirees. They received 14 or 15 per cent on their money; but the borrowers paid 18 per cent.

Hon Ken Travers: Because of the structural problems created by a generation of Liberal rule over the 50s and 60s. The structure of the economy was sorted out by the Labor Government.

Hon RAY HALLIGAN: The member should examine the history and then tell the truth. The self-funded retirees were placed in a comfort zone.

Hon Ken Travers: Is it their fault there was no action taken by the Government that led to the problem?

Hon RAY HALLIGAN: We were not in government in the period I am talking about; the Labor Party was and it created a number of problems. It created a comfort zone until such time as Paul Keating stood up and said we were going to have the recession we had to have. The Labor Party created this comfort zone and people developed their lives and investments around that comfort zone and then suddenly the interest rates began to come down. The moneys they were receiving on their investments started to decrease. Then they had to take risks and took some risks they would not normally have taken. I am not denying that some unscrupulous people have done the wrong thing by those people who were somewhat naive and gullible.

Hon Ken Travers: I am sure they would love to hear you say that.

Hon RAY HALLIGAN: That is fine. When a customer borrows money from a bank, the bank will want landed security from that person. The landed security will be a title deed. That customer will sign pieces of paper and receive copies of those pieces of paper and it will be registered. The customer and the bank know exactly where they stand.

What has been happening with finance brokers? What have these people done when dealing with the finance brokers? Did they say, "Take my life savings; take all this money of mine." Did they say, "Do with it as you will and if it makes money, give me some of it"? I honestly do not know, but I am sure the Gunning inquiry will find out. The point is, it appears as though some of those people may not have asked for some of the assurances and may not have received some of those assurances that a prudent person may have asked for.

Hon Bob Thomas: Does that relate to the public -

Hon RAY HALLIGAN: Each and every activity. The member should not be so foolish. The member opposite would rather have a nanny state.

Several members interjected.

The PRESIDENT: Order!

Hon RAY HALLIGAN: Mr President, you are absolutely correct, I should direct my remarks to you and not members opposite.

When people lend money they should expect some form of security. The banks keep telling me that landed security is the way to go. Then it comes down to valuations. The valuation of a property is quite subjective.

Hon Norm Kelly: What?

Hon RAY HALLIGAN: Has the member opposite ever done any evaluations? We have here the expert who wants to chair the committee and he knows all about valuations. Obviously he is the ideal person for the job.

Hon Bob Thomas: There is a science behind it.

Hon RAY HALLIGAN: Has Hon Bob Thomas ever valued property before? We have some experts on the other side and I will bow to their better judgement. I used to work for the Development Bank and we were expected to do valuations; and we did. The bank relied on those valuations.

Hon Ken Travers: Did you ever value anything at three times its purchase price?

Hon RAY HALLIGAN: No.

Hon Kim Chance: What branches did you work in?

Hon RAY HALLIGAN: I will tell members opposite if they keep quiet.

The PRESIDENT: Order! Hon Bob Thomas will cease interjecting. He will get his chance to respond later.

Hon RAY HALLIGAN: Hindsight is a wonderful thing. Members opposite tend to use it a lot. They cannot envisage things but they love to jump on the bandwagon when something goes wrong. Until more recent times, bank managers have undertaken a lot of their own valuations. They are now using professionals because it has become a far more professional field. A valuer finds out how much properties are selling for within a given area in a given time; the market determines the value. It matters not what value a valuer places on bricks and mortar; they can say what they like - "This is worth X". The real value of that property will be determined when someone is prepared to pay a certain amount of money for it and the seller is prepared to sell it.

Hon Bob Thomas: Does the valuer have to be qualified?

Hon RAY HALLIGAN: Qualified in what way?

Hon Bob Thomas: Do they have to be registered?

Hon RAY HALLIGAN: There are registered valuers now. I accept that, and the industry is moving towards registered valuers. It is my understanding - I do not think I am too far off the mark - that the same processes take place. Valuers do not sit back and make an armchair assessment; they have to find out what other properties have sold for, within a reasonable period of time. However, it goes beyond that.

Hon Bob Thomas: Is that what you call subjective?

Hon RAY HALLIGAN: That is why it is subjective. Until such time as someone is prepared to offer X dollars for that property, nobody knows what its value is because its value is only to a reasonable person who is prepared to pay.

Hon Ken Travers: If someone bought a property for $200 000, it would not be revalued within a couple of weeks for $700 000. It would still be around the $200 000 mark.

Hon RAY HALLIGAN: Anything is possible.

Several members interjected.

Hon RAY HALLIGAN: The Opposition makes snap judgements. Where is the evidence? I will wait for the Gunning inquiry. I admit a question mark exists over the valuation process. However, it may well be that a Government or a large company decides to buy a lot of property next door and wants to invest tens of millions of dollars; that would increase the value of the property enormously.

Hon J.A. Cowdell: That is not what the resale price said.

Hon RAY HALLIGAN: I am talking about principles and Hon John Cowdell is talking about detail. All I am saying is that it is possible for a valuation to increase to that extent; it is not necessarily probable, but it is possible. Let us wait and find out. I will not make the types of judgements members opposite are making. That is exactly what that member in the other place is doing and creating problems for the whole finance broking industry. People now suspect there is something wrong with the industry.

Hon Ken Travers: With the way your pre-selection is going, I would not be making comments like that about Doug Shave.

The PRESIDENT: Order, members.

Hon N.F. Moore: These powerbrokers are all the same; they cannot get their mind above pre-selection.

Hon RAY HALLIGAN: We were just talking about market values. Certainly a registered valuer - anybody else can do it - can say, "I believe this is the property's market value." Banks will not lend one hundred per cent of that so-called market value.

Hon Bob Thomas: You are wrong.

Hon RAY HALLIGAN: I beg your pardon. We have the experts on the other side of the Chamber speaking out yet again. We do not need a select committee; they can tell us during debate. The banks' valuers come up with what they believe is a safe, realisable value - realisable in a forced sale. They take into consideration the things they know are happening through their experiences; the banks lend a great deal of this money. They take into consideration their own experiences and decide what they will use as a safe, realisable value as a percentage of that market value.

Hon Bob Thomas: The R & I Bank has a gold account where customers can borrow up to 100 per cent of the asset's value.

Hon RAY HALLIGAN: Is the member sure terms and conditions are not associated with it?

Hon Bob Thomas: Yes, but it is a hundred per cent.

Hon RAY HALLIGAN: One of those conditions would be higher interest rates, and we have not touched on that yet; that is another issue. Certainly some organisations - because it is so competitive at present - are prepared to go beyond what a prudent lender would do. This is most unfortunate, because we find that not only is the lender at risk, but also the borrower is at risk. Often a person will borrow a great deal more than he can service if, and usually when, there is even a slight increase in interest rates. There are any number of problems involved in this industry.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

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

Standing Committee on Ecologically Sustainable Development - Management of and Planning for the use of State Forests in WA - The Sustainability of Current Logging Practices

Resumed from 6 April on the following motion moved by Hon Christine Sharp -

That the report be noted.

Hon CHRISTINE SHARP: When we left this discussion three weeks ago, I was going through the recommendations of the committee report. I will quickly finish the task of drawing the attention of members to some of the more significant matters contained within the recommendations. I start at recommendation 15 which is that baseline indicators should be set up for monitoring forest management systems as outlined under the Montreal process. The Montreal process has been an important international initiative to provide international guidelines for the provision and encouragement of ecologically sustainable forest management. It is an international process to which Australia is a signatory and by which we have agreed to abide. I will remind members of what I was explaining three weeks ago. To simplify it, there are three ways of defining sustainability with regard to forest management. The most complex and subtle of those is the requirement of ecologically sustainable forest management. At this point we do not have enough information about the impact of the human use of forests' ecological systems to determine whether we have been achieving ESFM, although some of the gross indicators of sustainable yield suggest that we are nowhere near achieving ESFM. Nevertheless, under the Montreal process, which is picked up in this recommendation, there is an extremely complex and refined system of understanding the changes that take place in the ecosystem - so refined as to seek to find information about what is happening to the health of the soil in forests before and after logging and prescribed burning and so on. This may seem to be an academic subject, and it is certainly very complex, but it can answer some important questions. First, it can answer questions pertaining to biodiversity protection. We know that the majority of species which must be protected in biodiversity actually live in the soil. This is a whole unknown world on which there is little scientific information and even less about the significance of all the flora and fauna that live in the soil to the overall health and functioning of the ecosystem. We have sufficient scientific knowledge to suggest that the health of this soil flora and fauna can be extremely critical in much more humanly noticeable matters such as the progress or halting of the spread of dieback. Some scientific opinion has suggested that *Phytophthora cinnamomi* and related organisms will proliferate when there is a lack of organic matter in the soil.

Hon M.J. Criddle: What is that?

Hon CHRISTINE SHARP: That is the dieback fungus. There are about five other fungi, but *cinnamomi* is the most common and is doing the most damage.

Hon Greg Smith: Does fire damage the fungus?

Hon CHRISTINE SHARP: No. The evidence suggests that by removing the organic matter which is full of friendly bugs by fire, the forest will be more susceptible to pathogens. This is not universally accepted scientifically, but it has been debated scientifically. I raise that issue to draw the attention of members to something which would seem as obscure as the question as to what is happening to the soil, flora and fauna, whether we are monitoring it - we are not at the moment - and why that can make a difference and be important.

Another indicator taken on by the Montreal process is the air and water quality in forests. That is also of obvious and human importance. The Montreal process sets out a complex set of suggestions for the provision of baseline indicators of scientific information. I stress that we are only beginning to scratch the surface of all the knowledge needed to answer some of the questions which ESFM requires us to provide through the Montreal process and also through the requirements of the statutes of this place and the soon to be debated amendments to the Conservation and Land Management Amendment Bill, which amendments require that forest management be adopted along the lines of ESFM and not simply sustainable yield management.

The next recommendation is about clear-felling. This is a vexed issue. It is of historic interest that forest issues became a mainstream issue and had a significant profile in the community in Western Australia in 1973-74 with the adoption of large-scale clear-felling. Since that time clear-felling has been a continually contentious and vexed issue. That is why the committee has suggested that we must take very seriously the proposal of phasing out clear-felling and to look at the economic and social impacts of that.

The next recommendation brings us back to the monitoring of impacts, and the committee was pleased to take up a recommendation which had come from an earlier report of the Environmental Protection Authority in its audit of CALM's compliance with ministerial conditions set under the Environmental Protection Act where it was found that there had not been compliance with the requirement to set up a committee to audit research into forest management issues. When the authority reported on the lack of compliance, it suggested that the proposal for the advisory research committee could be improved by taking a forest systems approach. With such an approach one gets a whole conceptual framework of ecological thinking in which one is not just looking at things to do with logging in isolation, but looking at how the whole system functions. We thought that the EPA had come up with a good idea and the committee was keen to endorse it and to recommend that the minister adopt that recommendation.

Recommendation 18 of the report - and I am sure it is no coincidence that so many of these points are vexed issues - is the requirement that CALM's scientific literature be publicly available and subject to peer review. That seems very simple and is, in fact, the normal, standard practice. It has been the practice in the Department of Conservation and Land Management that it has a publication, with which all members would be familiar, called *Landscope*, which is widely distributed, available for sale and widely read. CALM is to be congratulated for that publication. It is, however, written at a generalist level and does not provide the findings of scientific research upon which some of the more journalistic articles are written. CALM has a very significant research wing with many competent scientists undertaking work; however, their research findings are not generally publicly available. The committee has made a commonsense proposal that if the scientific findings of research were publicly available that might put to rest some of the claims about forest management.

The next recommendation was in respect of the Codd report and was that that report's recommendations be fully implemented. We are still very much in the throes of working through all that and much of that is to do with the shift in our conceptual framework from sustained yield forestry to the adoption of ecologically sustainable forest management. It remains to be seen whether the Codd report recommendations will be fully implemented, although the Government has made some progress in that regard and is more or less on time.

The next recommendation is that the executive director of CALM should apply ministerial conditions and policy. It is, in a sense, an extraordinary recommendation, because one would have assumed that, given that ministerial conditions are statutorily binding under part 4 of the Environmental Protection Act, the executive director would have, as a matter of responsibility and legality, followed ministerial conditions. The committee found in evidence taken from the executive director that he had a very unusual interpretation of this requirement. I would direct members who are interested in some of this history - the executive director has now changed and Dr Wally Cox has replaced Dr Shea - and the previous executive director's approach to his requirements under ministerial conditions and government policy, to read the report as it is very interesting. They could look at the evidence that was provided to the committee by Dr Shea last year, which is a very interesting case study of the extent to which flexibility in the requirement that ministerial conditions and government policy needs to be applied by an executive director of CALM. Hence, we have the recommendation. I say no more.

Recommendation 21 flows directly from the previous recommendation and that was to say that the defence of the flexible approach that had been taken in the past to the implementation of ministerial conditions was, according to Dr Shea, clearly a result of the lack of clear parameters set out about areas of harvestable forest and the silvicultural prescriptions to be pursued as they were described under the ministerial conditions. The committee suggests that lest there should be arguments in the future which mirror the conflicts of the past - and even without this recommendation that would not necessarily be so because what took place over the past few years is probably historically unique - we must make sure there is no scope for that sort of flexible or slack attitude to following statutory requirements of government policy and ministerial conditions. The position could be further tightened by the wording of the ministerial conditions themselves by making them more highly prescriptive; they could contain express amounts of areas identified in hectares, or even include maps and so on, so there is less scope for argument.

Recommendation 22 is something that I feel quite passionately about. There is an urgent need to undertake an assessment of the animals that are living in a section of the forest before it is logged. An assessment is made of flora which is protected under the Wildlife Conservation Act, but because of the inadequacies of that Act, that sort of protection is not afforded to native fauna during the logging process. In other words, coupes are identified and logging takes place without any strict formula for determining what animals are living in that particular area and for modifying the logging plans accordingly to ensure protection of the fauna. This is clearly very important because it is widely accepted that logging, particularly clear-felling, causes localised extinction of animals. Birds in nests or animals that have a lower degree of mobility cannot survive after clear-felling and this is one of the reasons why clear-felling itself is so controversial. The issue of overcoming the inadequacies of the Wildlife Conservation Act, which through an error of omission does not require an assessment and protection of fauna, led the Environmental Protection Authority in 1992, in its bulletin No 652, to recommend that before any logging takes place all coupes should have a pre-logging fauna assessment. Unfortunately, this recommendation still has not been taken up. The Regional Forest Agreement was signed in May last year, and this same concern was raised through some of the scientific literature in the RFA documents. Members will remember that many scientific reports were presented before the agreement was signed. The issue of pre-logging fauna assessment was raised and the RFA determined this should become a requirement by 2004 in the new forest management plans. However, the committee felt that this was an inadequate response to this very important issue. This area of the State has one of the worst records in the world for the extinction of fauna, and the committee felt it was critical we should treat this as a matter of extreme conservation urgency. How could we neglect Environmental Protection Authority recommendations as far back as 1992 and only require that they be finally delivered 12 years later in 2004? Hence, the committee says that we should get on with it and assess what native animals are in the forest and conduct that assessment as a regular routine of logging and adopt logging plans which are flexible enough to ensure the protection of rare and endangered species. That is a very important recommendation.

We will deal with the next recommendation at some length in the forthcoming debate on the Conservation and Land Management Amendment Bill and the Forest Products Bill. To pick up the wording of recommendation 23, it is about restoring public confidence in the integrity of forest management. It states that the Government should remove CALM's current conflicting interest of conservation and resource utilisation and bind CALM to ministerial conditions and management plans imposed on either it or its subcontractors. I will not go into this recommendation in detail, as I am sure other members and I will debate at some length the extent to which that recommendation is being taken up and successfully delivered under the Conservation and Land Management Amendment Bill. Obviously the crisis of public confidence in

forest management has been recognised by the Government in its delivery of the Conservation and Land Management Amendment Bill and the Forest Products Bill.

My remarks apply also to recommendation 24 about separating regulatory functions from operational functions. There has consistently been a lot of talk about separating the functions of CALM. The committee had a lot to say on that and I refer members to that section of the report. One of the issues the committee was concerned about was that separating CALM perhaps slightly missed the real problem and that, rather than separating the department, it needed its head removed - if I may make a joke of it. Put simply, the regulatory function of the Lands and Forest Commission was not successful and it was not performing as a true regulatory commission. If that commission were strengthened, it could continue as an integrated operator on the ground in forest districts, because that was not where the separation needed to occur. In other words, it would be a horizontal, rather than a vertical, separation. Again, we will deal with these matters in the Bill; likewise recommendations 25 and 26 on independent auditing and recommendation 27 that the Government adopt a licensing system for the extraction of forest resources. This is also one of the important innovations that the committee report makes through the research that was done in the committee office on our behalf. Although many of the committee's recommendations came to it by being raised through submissions, some of the work which has now been instilled into the recommendations was through original research on the committee; this is one such recommendation. It is that the Government adopt a licensing system for the extraction of forest resources. This is a useful recommendation because licensing would replace the current system whereby logs are provided by forest managers under a system of commercial contracts. This is fairly unusual in natural resource management. In other examples, such as fisheries management or mineral resources, normally the relationship between the user of a natural resource and the Government is through a licence rather than a commercial contract. The committee felt that there was merit in the Government looking at that proposal and adopting a more universal system under the CALM Acts, because there would be certain advantages to government in its pursuit of sustainability. For example, one of the problems that has constrained the Government over the recent past with regard to reform of forest management, over cutting and the protection of old-growth forest has been the existence of binding commercial contracts which remain in place until the end of the 2003. The whole ability of the Government to redress some of the grosser failures to adhere to sustainability and protection of old-growth values has been severely curtailed by the Government because of the commercially binding nature of the contracts. Under a licensing system sustainability is much easier to deliver without the requirement for compensation. The committee became aware of this point in other matters; for example, it is currently looking at the rock lobster industry in which temporary pot reductions have taken place over some time, although that is through licence conditions. That has enabled a reduction in rock lobster harvest over a number of years.

Hon M.J. Criddle: It has enabled a reduction in the rock lobster effort.

Hon CHRISTINE SHARP: I thank the minister for his correction. There had been a reduction of effort and therefore of harvest, which then resulted in record harvests by fishers. The committee thinks that kind of licensing system, which is standard practice, has an awful lot to recommend itself in the context of forest management.

Recommendation 28 states that the Wildlife Conservation Act should be amended or replaced with legislation that binds the Department of Conservation and Land Management in respect of fauna. I referred to this anomaly in the current Act earlier today because, by some extraordinary drafting oversight, it binds the Crown with regard to flora but makes no mention of fauna. It does not say the Crown is not bound; it simply omits any mention or requirement that the Crown is bound. This has had certain flow-on effects. I dealt with part of that in my discussion on recommendation 22 regarding the requirement for pre-logging fauna assessment. We need to correct that omission in the current Wildlife Conservation Act urgently.

I was told during a conversation with the Minister for the Environment that drafting is proceeding not only to address that omission but also to update the whole Act so that it takes a much more modern approach to biodiversity protection - this legislation was enacted in 1950. I emphasise that the minister has the full support of the committee, and certainly of the Greens (WA), in that endeavour. This is a matter of extreme urgency for nature conservation in this State. We hope she is able to fulfil that task and to introduce a Bill before the end of this year so that we can get on with this work.

I now refer to recommendations 29 and 30, which both pertain to updating the Wildlife Conservation Act, and to recommendation 31, which I am very pleased to say is firmly enshrined in the new legislation. That recommendation states that there should be separate ministerial responsibility for forest management from a conservation perspective as opposed to forest management involving the sale of forest products. The Government has already delivered on that recommendation and we now have a minister responsible for the environment separate from the minister responsible for the extraction of forest resources. Indeed, the member for Warren-Blackwood in the other place has been appointed as the Minister for Forest Products. The committee is very pleased to see that that portfolio has been established so quickly; in fact, before the enabling legislation has been passed.

Recommendation 33 is that statutory bodies advising under the current Act should be subject to a general requirement of publication. Of course, all this is about to be changed. I believe that the Conservation and Land Management Amendment Bill, which is before the Legislative Council, perhaps should be slightly tightened in that regard because it does not accord with an updated version of this recommendation. In other words, the clauses establishing the Conservation Commission foreshadowed in the legislation do not include any facility for the commission to publish advice. Publishing advice is a very important mechanism for educating and involving the public and for providing support and endorsement of government policy.

Similarly, the penultimate recommendation - recommendation 34 - suggests that ways should be investigated to improve local consultation and participation, and that these should be included in the forthcoming amendment. They are not in the amendments, although Dr Cox is certainly vigorously undertaking a review of the culture of the Department of Conservation and Land Management and the minister also seems to have a new-found conviction that consultation and participation are very important mechanisms for delivering consensus on some of these very difficult issues of forest logging. However, the committee would like to see the Government go the next step and to improve the arrangements for consultation and participation in consideration of the Bills before the House. We will be discussing that shortly.

The last recommendation is that forest management and planning take into account Aboriginal sites and enhance Aboriginal employment opportunities. I will now take advantage of this opportunity to inform members of the minister's response - tabled by the Attorney General in the House earlier this week - to that last recommendation and, indeed, to all the recommendations that I have mentioned. In regard to the last recommendation about Aboriginal sites and employment, the minister states -

> Several commitments in relation to Aboriginal issues were made by the State in the RFA. These include commitments by the Western Australian Government in relation to consultation processes, protection of Aboriginal sites and values, the provision of opportunities for involvement and employment in forest management and access to forest areas.

Unfortunately, the minister's response fails to identify exactly where in the Regional Forest Agreement - which is many pages long and which has many complex decisions - she believes these commitments are to be found. I have received a two-sentence response to that recommendation. Most, if not all of the ministerial responses to the 35 recommendations - which I have just discussed in the hope of explaining why some of the recommendations are important or meaningful - are one or two sentences in length and are extremely flimsy. Indeed, they fail to provide the committee with adequate detailed information to determine to what extent the recommendations have or have not been resolved or will or will not be resolved. I want it on the record that I am very disappointed that the minister's response is so lightweight.

Having doubtless bored members already going through the meaning of the recommendations, I will not bore them further by going through the ministerial responses. I do not think they would gain much. However, I will point out that they contain many references to the forthcoming Bills and how they will address some of the recommendations. There are some very slight rays of hope. I note particularly the minister's response to recommendation 5, which is that the timber allocation system should improve access for small-scale users of forest products. The minister's response is that the Forest Products Commission will be requested to investigate methods for allocating future timber contracts taking account of small-scale users. The minister is therefore saying that there will be an investigation of this matter. I hope that is so because information that has been brought to my attention, as the member for the South West region, suggests that in fact the opposite is taking place and that there is an energetic encouragement of small-scale sawmillers to quit the industry. Although the large contracts are binding and provide companies such as the renamed Sotico with a comfortable 64 per cent of the total jarrah sawlog commitment, of which the entire commitment is for first grade sawlogs only, I believe many small-scale millers have allocations of 100 or 200 cubic metres as opposed to 100 000 or 200 000 cubic metres. These small millers are being pursued energetically with business exit information to encourage them to get out of the industry. This may result, in this supposed new era, in fewer small millers and a further consolidation of ownership; that is very depressing.

The minister gave slightly longer answers of four or five sentences in her response to our recommendations that the silviculture objective of logging practices should be to maintain a sustainable yield of quality sawlogs and that shifting to a gross bole volume measurement of the quality of sawlog should not be substituted for indicators which are consistent over time. In summary, these recommendations will not be upheld and it will not be the policy of the Government to maintain a consistency in log grading so that we can achieve a continued over-cutting practice through simply changing the quality of logs that are acceptable under definitions. Instead of coming to terms with reducing the cut, we will change the way we measure logs and carry on willy-nilly. That is clearly an unsustainable approach to the whole management of our forests and I am therefore disappointed that the responses to these two recommendations do not concur with the unanimous findings of our committee, including Hon Greg Smith, that these are important matters.

I bring to the House's attention one recommendation to which the minister provides a lengthy response - slightly less than half a page; that is, the recommendation that the committee endorse the Environmental Protection Authority's recommendation for the establishment of an independent forest systems research advisory committee. The minister informed us that she sought Crown Law advice about whether such a recommendation was duplicated by the functions of the proposed Conservation Commission. The minister told us that the Crown Solicitor's Office considered the matter and advised that it was not intended that the Conservation Commission fulfil any of the functions of the proposed committee. Therefore, although the minister does not say whether this recommendation will be upheld, she does say there is no legal impediment to it being upheld. We therefore await some action on that matter.

I have referred to recommendation 18 of the Standing Committee on Ecologically Sustainable Development that the Department of Conservation and Land Management's body of scientific research be publicly available. The minister considers that recommendation unnecessary in that as it's scientists are externally peer-reviewed, it is sufficient for CALM's own journal to remain in-house.

The pre-logging fauna assessment that I spoke about at length a while back has been endorsed by the minister as follows -

> Action to address this is being taken under the RFA.

If the person who drafted this response had taken the trouble to read the text of this recommendation he or she would have been aware that the committee considered that the RFA response was inadequate in giving a 12-year lead time to delivering pre-logging fauna assessment; therefore, these few words are entirely inadequate as a response to the very important matter of wildlife protection.

The recommendations about restoring public confidence in the integrity of forest management, the removal of current conflicting interests, the requirement to bind CALM to ministerial conditions and that regulatory functions be separated from operational functions, are dealt with in a few sentences whereby the minister assures us that these matters will be dealt with under the Conservation and Land Management Amendment Bill and the Forest Products Bill, and the House will evaluate the minister's response through those Bills shortly.

Again, the minister's response to the ESD committee's important recommendation that we should adopt a licensing system for the extraction of forest resources was that the legislation currently before Parliament separates commercial responsibilities from management and conservation objectives. However, other aspects of our proposal for the changeover to a licensing system have not been dealt with in the response.

In the response to recommendation 31, that the Government urgently review the Conservation and Land Management Act to provide regulation of forest management under the control of the responsible minister and that the process of forest management be independent of involvement in the sale of forest products, the minister refers again to the legislation currently before the Parliament. I guess this recommendation alludes to what will be one of the core aspects of the debate in a couple of weeks, or whenever we debate these Bills, about whether the legislation is adequate to provide that separation when, although the whole thrust of the legislation is to separate forest products and conservation, some of the new clauses basically require the Conservation Commission to "act jointly" with the Forest Products Commission and the agreement of the Minister for Forest Products must be sought and received before the forest management plans can be finalised. Small clauses in the amendment Bill undo the overall thrust of the separation, which is the purpose of the Bills. This is an absolutely critical matter in resolving all the difficulties with which we have been dealing in forest management. It will be a critical part of the debate in the House as to whether the legislation that is currently before us delivers on those matters.

In conclusion, I thank members for their reluctant patience in sitting through this lengthy explanation of the committee's recommendations. However, I felt it should be done because many of them are complex, and their purpose is not clear, from reading the recommendations. The committee's report and the 35 recommendations with which I have dealt - I emphasise that all 35 recommendations were unanimously endorsed by members of the committee - demonstrate that the committee took seriously its terms of reference on the matter of current logging practices and sought to make complex recommendations to Government about how sustainable forest management is not currently being achieved and how it could be achieved in this State through a process of reform.

Hon GREG SMITH: In the brief time remaining I will make a few comments. One of the first people I thank is Anne Turner, who was the final advisory officer to the committee when it produced this report. During the time the committee was compiling this report, I think it had three or four different advisory officers and numerous staff. It was a drawn out and lengthy process, and to some extent history was moving ahead of the production of the report. The committee would reach a certain stage with its recommendations, and something like the Regional Forest Agreement would be handed down, so the committee would have to revisit sections of the report. Also, the Environmental Protection Authority report was due to be released ahead of the committee's report, so it was a moveable feast. Things were continually changing, and the information available to the committee became more and more voluminous. I feel sorry for the advisory officers who were involved with the committee, because the literature that they were required to read to produce the report was enormous.

I understand the length of time and the detail put into this report by the chair, because to some extent it is almost the culmination of the work of a lifetime in the forest debate. It was important to the chair of the committee that this report reflected to some extent some of the matters she has discovered during her lifetime as a result of her involvement with the forest debate, with conservation and with the EPA.

It became clear during the committee process that the forests are as much a political platform as they are a conservation platform. It was clear that many of the people who came before the committee were not interested in resolving the debates; they merely wanted to put matters on the agenda. I was frustrated when certain people gave evidence to the committee, because anything said by people who were experts in forestry or who were involved in the industry which was contrary to the cause of the people on the environmental side of the debate was dismissed as frivolous or misinformed or was almost treated with contempt. Those people were scientists and experts in forest management. The situation was that anything said by people on the other side of the debate was basically deemed to be true. Even if a tourist operator was offering an opinion on silvicultural practices, that opinion was treated as being true and correct. However, if a silvicultural expert told us why, for example, karri forests were clear-felled, his evidence was treated with absolute contempt and was said to be wrong. That was frustrating for me as a member of the committee, and it was frustrating for people involved with forest management, because everything they had learned and discovered in their careers in forest management or silvicultural practices was basically discounted as being wrong.

Our current silvicultural practices - I will commence with clear-felling of karri forest - are as a result of learning how a eucalyptus forest grows. When Australia was first settled, the harvesting methods were based on what the Europeans did when they harvested. Therefore, people would go into the forest and cut down the biggest and best trees. Based on their knowledge of forests from their European experiences, it was anticipated that the other trees would eventually grow, and people could go back into the forest and cut down just as many trees of a similar quality. However, in the eucalyptus forests

in Australia, it was found that when the biggest and best trees were selectively taken out, what remained in the forest became bigger. At that time, trees that were of no commercial value, such as the marri, became dominant species in some of the forests that were previously a mix of various species of eucalypt. Over time, people involved with silviculture discovered that what happened in the eucalypt forests was that the trees grew, and usually a bush fire would come through which destroyed the whole forest, and then the forest regenerated.

I will deviate slightly. About a month ago I visited the Valley of the Giants Treetop Walk. I noticed when I walked through the Valley of the Giants that all of the trees appeared to be of an equal age. I will try to research this a little more, but I think the Valley of the Giants was probably created as a result of a specific event at some stage in history which was conducive to those trees growing and developing in the way they have. It is a spectacular place to visit. For anyone who has not been there, I highly recommend it. The equal size of the trees was obvious. In the same spot there were no enormous trees which had been growing through the ages and which would be the next Valley of the Giants. If one day the trees that are presently in that forest disappeared, they would not be replaced. A search would need to be undertaken for a similar area of forest somewhere else.

In the report and in the evidence, we continually came back to what is called the precautionary principle and ecologically sustainable forest management. These are two subjects which are difficult to define and which could be debated at length for eternity, I imagine. The precautionary principle is based on the fact that it should be established that something that might happen will not happen before anything is done.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm

RAIL FREIGHT SYSTEM BILL 1999

Committee

Resumed from 3 May. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Clause 51: Power of entry -

Progress was reported after the clause had been partly considered.

Hon KIM CHANCE: I was part way through asking a question relating to the power of entry before last night's adjournment, but a discussion behind the Chair has resolved the issue in my mind and I am now satisfied.

Clause put and passed.

Clause 52 put and passed.

Clause 53: General procedure for entering property -

Hon KIM CHANCE: This clause is probably more relevant to the question I was seeking to raise under clause 51. It deals with persons authorised by the Rail Corridor Minister to lawfully enter the corridor. It deals with the issue of consent by an owner or occupier of the rail corridor and, save those provisions, deems that entry into the rail corridor is not lawful unless those provisions have been met. I indicated to the minister very briefly prior to the resumption of business that I have some concerns about how this clause may be applied against persons such as officers of a union or indeed officers of a government department acting under different Acts, such as WorkSafe inspectors. Although the WorkSafe inspector may have some protection in this matter, it does not seem to be clearly defined either under clause 51, power of entry, or clause 53, general procedure for entering property. Will the minister clarify that clause 53 may not be used as a means of de facto limiting the entry of persons to rail property?

Hon M.J. CRIDDLE: The clause refers to adjoining property. People must get permission to go into adjoining property, not necessarily railway land, and it is related to the Local Government Act.

Hon KIM CHANCE: I thank the minister for the clarification. The clause reads that except in an emergency or if the entry is authorised by the warrant of a justice, entry by or on behalf of the Rail Corridor Minister on to any land, premises or thing is not lawful. I did not read the clause carefully enough in the first place. It seems as though the minister is prevented from entering the land. Is that not a bit strange?

Hon M.J. CRIDDLE: The corridor land is referred to in the Bill as corridor land. This refers to land outside that land, and the minister is excluded.

Clause put and passed.

Clauses 54 to 58 put and passed.

Clause 59: Regulations -

Hon KIM CHANCE: The regulation-making power contained in clause 59 has effect for the whole Bill, which includes the regulation-making power for those issues dealt with in division 4 and by necessity also those in division 2 which relate to disposal and related matters. I presume that it is under this regulation-making power that the decisions on which lines

will be disposed of will be finally executed. Is that a fair proposition for the act of identifying the line which will be subject to disposal?

Hon M.J. CRIDDLE: This provision only allows the lessee of the track to pass the rail back. It does not allow it to dispose of it. Then it is dealt with under the Government Railways Act, and there is discontinuance and so forth.

Hon KIM CHANCE: I think I understand that. I was hoping something like that would be the case. We have reached the point at which we have effectively concluded those issues relating to the policy of the disposal of the assets. I am trying to clarify the minutiae of identifying the assets to be sold. The minister will recall from yesterday's debate that we went through the gazettal and schedules, but that is post facto. We know there will be a contractor or an agreement arrangement, and in order to reach that stage we must issue a schedule to the potential tenderer to say what assets are involved. I want to know at what stage will the public know which lines will be disposed of. It is the minutiae of the matter.

We all know, for example, that the Kwinana-Parkeston line will be one of those lines and that all the Westrail country narrow gauge lines will be part of it, and we have concentrated on those issues. I was asked last night whether a specific line would be a component of the assets disposed of as a result of this Bill. I did not know the answer. I initially suggested that since it was primarily a passenger line, it would not be disposed of. However, it still carries a substantial amount of freight. We are dealing with the disposal of Westrail's freight division, and whenever I have thought of the degree to which passengers are involved in Westrail's business I have thought of the *Prospector* and the *Australind* services. However, it also goes the other way because freight runs on passenger lines. When I was asked which lines might be subject to disposal, I did not know the answer. That is why I ask the minister to identify the lines involved.

Hon M.J. CRIDDLE: Initially I need to explain that the whole freight business is for sale and the purchase depends on the bid. There will be a corridor land order which will designate which land is for sale. That will be gazetted. That is the procedure to be followed and it will not include the terminals, which will be in a different schedule.

Hon KIM CHANCE: I understand why it needs to be done that way, because the Government may have a vision of what it wants to sell but the potential bidders may have different ideas about what they want to buy. The Government may need to dispose of assets in other ways.

Now that we have covered the general issue, I will be more specific. We all think of the Perth-Fremantle narrow gauge line fundamentally as a passenger line, but it also carries freight. Will it be subject to offer of sale under these arrangements?

Hon M.J. CRIDDLE: The people on that section of line must get access from the passenger business in order to operate on that line. That area is separate.

Hon KIM CHANCE: I want to deal with this now before moving to the next part of the Bill which contains modifications to the Government Railways (Access) Act. This is the last opportunity to do so. In the event that passenger rail services were privatised, would the operator of those services be likely to obtain the right of control of the track of those passenger lines? If someone wanted to run freight on those lines, would that be arranged through the access provisions?

Hon M.J. Criddle: Yes.

Clause put and passed.

Clauses 60 to 63 put and passed.

Clause 64: Sections 3A and 3B inserted -

Hon M.J. CRIDDLE: I move-

> Page 34, line 26 to page 35, line 2 - To delete the lines and substitute the following -
>
> infrastructure (whether for default or any other reason) -
>
> (a) any right of access given by the railway owner continues as if it had been given by the person for the time being having the right to manage and control the use of the railway infrastructure (**"the current railway owner"**); and
>
> (b) an agreement under which the right of access arises has effect, with any necessary modifications, as if the current railway owner were the person who had entered into the agreement as the railway owner,
>
> unless within 3 months after the premature termination the current railway owner or any other party to the agreement gives to each other party notice in writing that the right of access and agreement are to terminate prematurely, in which case the right of access and agreement terminate at the time specified in the notice (being a time that is at least one month after the time when the notice was given), or the earliest time specified if more than one party gives notice under this subsection.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 65: Section 4 amended -

Hon M.J. CRIDDLE: I move-

Page 35, after line 10 - To insert the following subclauses -

(3) After section 4(2)(b), "and" is deleted.

(4) Section 4(2)(c) is amended -

(a) by deleting "and" after subparagraph (i);

(b) by deleting the full stop at the end of subparagraph (ii) and inserting instead -

" ; and ";

(c) after subparagraph (ii), by inserting the following -

(iii) duties and requirements in relation to the provision of access that are to be complied with by the railway owner; and

(5) After section 4(2)(c), the following paragraph is inserted -

(d) for the Regulator to have supervisory and other functions for the purposes of the Code, including a function of determining certain requirements in relation to access that are to be binding on the railway owner, a person making a proposal for access under the Code, and an arbitrator.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 66: Section 6 amended -

Hon M.J. CRIDDLE: I move-

Page 35, after line 20 - To insert the following subclause -

(2) After section 6(1)(c), the following paragraph is inserted -

" (ca) the functions of the Regulator; "

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 67 to 71 put and passed.

Clause 72: Section 21 amended -

Hon M.J. CRIDDLE: I move-

Page 37, line 19 - To delete the figure "$20 000" and substitute "$100 000".

Page 37, line 20 - To delete the figure "$2 000" and substitute "$20 000".

Amendments put and passed.

Clause, as amended, put and passed.

Clause 73: Sections 22A to 22D inserted -

Hon M.J. CRIDDLE: I move-

Page 38, line 5 - To delete the figure "$20 000" and substitute "$100 000".

Page 38, line 9 - To delete the figure "$20 000" and substitute "$100 000".

Page 38, line 13 - To delete the figure "$20 000" and substitute"$100 000".

Amendments put and passed.

Clause, as amended, put and passed.

Clause 74: Section 23 amended -

Hon M.J. CRIDDLE: I move -

Page 39, line 18 - To delete "$20 000" and substitute "$100 000"

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 75 to 78 put and passed.

Clause 79: Section 29 amended -

Hon M.J. CRIDDLE: I move -

Page 41, line 9 - To delete "$20 000" and substitute "$100 000".

Hon KIM CHANCE: The Opposition has not risen on any of these recent amendments that deal with substantial increases in penalties despite the very substantial nature of the increases - commonly increases of five to 10 times. The Opposition wishes to note at this last clause that it supports the increases in fines. They are an important component of the Bill. The guarantees in matters concerning the access provisions, being matters of a highly commercial and corporate nature, mean we are not dealing with a minor offence by an individual but a corporate offence. Were the fines a lesser amount than those laid out in these amendments, some corporations could lead parties to, at least in the short term, challenge the law on the basis that the fine was modest and that their commercial advantage could be served by acting in breach of the law. These increases in fines are sufficiently substantial to deter that kind of activity. We should support that.

Hon M.J. CRIDDLE: I thank the Opposition for those comments. The amendments have been made in conjunction with the stakeholders, as obviously the Opposition understands.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 80 to 88 put and passed.

Clause 89: Section 19 inserted -

Hon M.J. CRIDDLE: I move -

Page 43, line 27 to page 44 line 3 - To delete the lines and substitute the following -

> The Commission may, for the purpose of performing any of its functions under this Act, use any land that is corridor land under the *Rail Freight System Act 1999* or any facility on corridor land by agreement with the person having the management and control of the use of the land or facility.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 90 to 102 put and passed.

New clause 58 -

Hon NORM KELLY: I hope the rapidity with which we have passed amendments will continue over the next few minutes. I move -

Page 29, after line 16 - To insert the following new clause -

58. Auditor General to report on certain matters

(1) The Auditor General must examine and report to each House of Parliament within 60 days of the day on which the Minister enters into an agreement or makes a transfer order under Part 2 of this Act on the following matters —

(a) any obligations, duties or liabilities taken over by or imposed on the State under this Act;

(b) any indemnities or guarantees given by or on behalf of the State under this Act; and

(c) any other matter that arises out of or is connected with the matters mentioned in paragraphs (a) and (b).

(2) If a House of Parliament is not sitting when the Auditor General is ready to report to it under subsection (1) the Auditor General is to transmit the report to the Clerk of that House and the report is to be regarded as having been received by that House.

(3) The receipt of a report that is to be regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day after the Clerk receives the report.

(4) If in any year any indemnity or guarantee given under section 20 remains outstanding, the Auditor General may include in his or her report under section 95 of the *Financial Administration and Audit Act 1985* a report on the extent of the liability of the State under those indemnities and guarantees.

It is essential that this clause be included in the legislation. It is consistent with the amendment the Democrats moved in

1997 to the Dampier to Bunbury Pipeline Bill and with what the Government initiated in the Gas Corporation (Business Disposal) Bill. The Democrats believe, particularly with an asset sale worth up to $2b, or more likely $600m to $1b, the Auditor General must conduct an examination of the sale. As the new clause provides, he should examine any obligations, duties or liabilities, indemnities or guarantees or any other matters as part of that sale process to determine whether it is in the best interests of the State. That is what the Auditor General is employed to do.

To not include this in the original Bill was a major oversight by the Government, and the Democrats seek to remedy that. I hope we have government support for this new clause. If we do not, I would like to hear why government policy for the sale of AlintaGas required such an Auditor General's review in the original version of the Bill, but such a requirement has not been provided in this Bill.

Hon KIM CHANCE: The Labor component of the Opposition will support this amendment.

Hon M.J. Criddle: I did not think the others were part of the Opposition; I thought they were called the crossbenchers.

Hon KIM CHANCE: I am told that the official term "Opposition" encompasses any member who is not a member of the Government. That means Hon Mark Nevill is still a member of the Opposition. I do not know what we did to deserve that!

The Opposition will support this new clause because it has great faith in the Auditor General, not only because of the manner in which he has carried out his functions in the past but also because his role is of such crucial importance to the functioning of good governance. I acknowledge the Australian Democrats' consistent position in the way they have accorded that role of importance to the Auditor General. It is right to do so.

Indeed, the whole of Parliament must take careful note of what Hon Norm Kelly and his colleague, Hon Helen Hodgson, said about the greater role they generally advocate for the Auditor General on matters passing through this place. The reason for that is not hypothetical. As this and other Parliaments tend more to the view that the role of a government is to ensure services are provided, rather than to provide them themselves, the more pressure is put on Parliaments to ensure they have accountability and reporting measures that enable them to ensure that they are being provided.

Whenever there is a disposition of public assets to persons outside the direct control of the Parliament - and in this case we are talking about the private sector, although it may not be; it may be the public sector in a different form - the need for oversight by the Parliament depends totally on that single link which is provided by the role of the Auditor General. I recommend that members not only listen carefully to what Hon Norm Kelly has said on this matter but also consider carefully the findings of the government agencies committee in its thirty-sixth report about the manner in which the State of California has the power to oversee the provision of public services. The State of California has a centuries-old history of private sector provision of public services. In some parts of the city of San Francisco, police services are provided by the private sector; and that goes back to the days of the wild west. The State of California is probably the most progressive State in the United States, both politically and socially; although that is not saying much, bearing in mind some of the States of the United States. The fact that the State of California has managed to be a politically and socially progressive jurisdiction, and also to have survived and prospered with what is essentially a politically conservative philosophy about the way in which public services are provided, is great testimony to the way it has been able to link the private sector with the provision of public services, through the oversight of the Parliament. There is probably no greater example in the world of good oversight and regulation-making provisions than the State of California, and that is precisely why the thirty-sixth report of the government agencies committee placed such great importance on that matter.

The example of the State of California is probably extending the matter a little further than Hon Norm Kelly's motion. However the spirit is the same. It is necessary that the Auditor General be able not only to examine but also to report to the House within 60 days of the minister's entering into an agreement and making the transfer orders. Paragraphs (a), (b) and (c) of subclause (1) of the amendment outline clearly what the Auditor General needs to do.

The motion can be described as a minimalist motion. I am not critical of it because of that. It is minimalist because no office has greater power to do this than the office of the Auditor General. It is somewhat dangerous ground for us to be considering the disposal of assets of this nature, such as we did not long ago with AlintaGas, with no greater oversight power than that which is provided by the Auditor General. Nonetheless, this motion sets out to make as much use as we can of the oversight powers that are provided by the office of the Auditor General. I commend the amendment, and I hope the Government will support it.

Hon M.J. CRIDDLE: The Government does not see any necessity for this amendment. I mentioned earlier in the debate that the Auditor General can oversee this matter at any time he wishes to oversee it, and I am sure he will do that. We have faith in the Auditor General, and I hope Hon Kim Chance was not indicating that we do not have faith in the Auditor General. One of the issues is that 60 days may not be enough time to allow the Auditor General to give the job the thoroughness that will be required and will put his staff under a great deal of pressure. A similar provision was included in the Dampier to Bunbury Pipeline Bill. We are not saying that the Auditor General will not report - it is more than likely that he will - but I do not see any necessity for such a provision to go into this legislation. Therefore, the Government will oppose this amendment.

Hon MARK NEVILL: I will not be supporting the amendment. The amendment is essentially superfluous. A 60-day provision was included in the Dampier to Bunbury Pipeline Bill, I think on motion by Hon Helen Hodgson. However, the Dampier-Bunbury pipeline and the land corridor was a fairly straightforward exercise compared with what Westrail will be. I have real doubts about whether the Auditor General will be able to do within 60 days all that the member is proposing.

There is nothing to stop the Auditor General from doing it, nor to stop members from writing to him and requesting him to do certain things. However, it would probably be better to get him to focus on certain areas about which members have concerns rather than to focus on the whole box and dice, within 60 days. The Auditor General will certainly have the power to look at these issues, and members can write to him seeking that he do that, but I do not see the need to put it in the Bill. I do not think we should keep writing into legislation that there is a capacity to do something on the premise that if we do not write it in, it may not be done. I have found the Auditor General very obliging, and if we put a reasonable request to him, he is usually more than happy to follow it up. The study that he did on the Dampier-Bunbury pipeline was quite thorough, and I do not think he made any findings that caused any concern. I do not expect to see anything here that will cause concern but, if there is, members can seek to have the Auditor General look at those issues.

Hon J.A. SCOTT: It is interesting that both the minister and Hon Mark Nevill say that the Auditor General can do certain things and that it is proper for him to do those things, but they do not want it to be written into the legislation. That is even more interesting when we consider that Hon Mark Nevill has said that this issue is rather more complex than the Dampier-Bunbury pipeline.

Hon Mark Nevill: There is a lot more material to cover. I do not know that it is more complex.

Hon J.A. SCOTT: In the instance of the Dampier-Bunbury gas pipeline, we were given some idea of the sort of value that might be expected, and we knew precisely what was being sold and what was not being sold. In this case, we have only a rough idea of the sort of value that we will get for the assets or services. It seems to me as a member of this Parliament, which is supposed to protect the interests of the community, that it is very important that the Auditor General be able to report these matters to us; and that he not only be able to but does examine these agreements, because one of the roles of the Parliament is to ensure that these things are done properly. I do not agree with Hon Kim Chance's statement that Parliament's role is to look after majorities or whatever. Its role is to look after the rights of all citizens.

Hon Mark Nevill interjected.

Hon J.A. SCOTT: We will see how many elect Hon Mark Nevill at the next election.

Hon Mark Nevill: I will accept the electorate's judgment with good grace.

Hon Kim Chance: Why is the National Party laughing?

Hon M.J. Criddle: We always accept the electorate's judgment.

The CHAIRMAN: Order! We are becoming a rabble, members.

Hon J.A. SCOTT: It is interesting that when the Auditor General is not involved, people sometimes get the figures wrong, as Hon Mark Nevill has just done!

Hon Mark Nevill: I was talking about your first election, not the second.

Hon J.A. SCOTT: I strongly believe in this Chamber performing its role properly, for which we need information. Hon Mark Nevill and the minister ask us to say, "Okay, go ahead with the sale of this major public asset without any proper report-back process in place in a firm and concrete way." I am astounded that they are so concerned about this amendment. If the minister says he is not worried about the Auditor General reporting on the sale, why is he concerned about this provision being added to the Bill? Any objections are not very strong. I urge the minister to accept the amendment and move on.

Hon KIM CHANCE: I am keen to get up before Hon Norm Kelly and before the Committee loses the thread of a good point raised by Hon Jim Scott: It is not enough that the Auditor General can inquire, as we want him to do so. Parliament should consider this matter seriously, as Hon Norm Kelly requires. The point is not that the Auditor General should have the power to do things set out in the amendment as we all agree that he has that power. Hon Norm Kelly knows that. The member wants us to consider directing the Auditor General to use that power. There is a fundamental difference between the two.

Hon M.J. Criddle: Absolutely. We all have no question about that.

Hon KIM CHANCE: Hon Jim Scott made that clear.

If an issue arises about the 60-day limitation, which I concede might be the case, that can be overcome. As Hon Mark Nevill said, this is a complex issue. Although he did not use these words, I am sure he would agree it involves a broad scope in function and asset, and a 60-day reporting period may be difficult. However, I am sure it can be arranged. If this provision became law and the Auditor General were compelled to act, he could say to Parliament, "The 60 days have elapsed and I can report to this extent, and report further at a later date." That is in his capacity. He must report in 60 days, but it would not necessarily be his final report. I want that distinction understood. We understand that the Auditor General can report. We need to know whether Parliament requires the Auditor General to report on that matter at that time.

Hon NORM KELLY: Interestingly, I was going to make some of the points raised by Hon Kim Chance. The heart of the matter is that the minister said that the Auditor General is able to investigate. We are all aware that he has that capacity. However, a billion dollar sale is involved, and the Government is not willing to commit to some scrutiny whether the sale follows the best process and is in the best interests of the State. The Government is not willing to have that level of scrutiny in the way it goes about selling the Western Australian people's assets. I agree that the 60-day limit may be difficult. The

Auditor General's Office would be capable of meeting that time frame, although it may create some difficulties. I am happy to entertain a change in the 60 days if that is warranted.

Hon Kim Chance: You do not need to do so as the Auditor General has flexibility.

Hon NORM KELLY: However, the Auditor General has a responsibility to report on the sale of AlintaGas, which could be at a similar time. It is extremely important that Parliament direct him to undertake a report on Westrail. I am not sure how much AlintaGas is expected to be sold for - it may be $1.5b. The Auditor General may inquire into the sale of AlintaGas or Westrail freight. If he must investigate the AlintaGas sale, he could say he is overcommitted and let the Westrail freight sale investigation slide. It is important that we require a report from the Auditor General.

This provision should be beneficial to the Government: If the sale is in the best interests of the State, the report would show that to be the case. A report from the Auditor General indicating that the sale was in the best interests of the State would make it difficult for a future Government of a different persuasion to claim otherwise.

Hon Kim Chance: A Government of a different persuasion would not even need an Auditor General!

Hon NORM KELLY: I must concede that it will be a few years before the Australian Democrats form a Government!

Hon Mark Nevill mentioned that individual members could write to the Auditor General asking him to conduct a review of the sale.

Hon Kim Chance: And he could decline.

Hon NORM KELLY: Exactly. Such a direction from Parliament is statutorily binding and far more representative of the demands of the Western Australian people for the Government to be accountable for its actions, particularly when selling off such a major asset as Westrail freight. Also, compared with some of the other asset sales on which the Government has embarked, it is difficult to determine the form the sale will take. Therefore, the Government needs indicative bids to see how prospective bidders may want to carve up Westrail freight or structure the purchase of Westrail.

With the huge variety of forms of purchase, I think it is important for the Auditor General to investigate that to see whether the right decisions are made and the right processes are followed to determine which bidder or process is best for the interests of the State. I do not believe that the minister answered my question as to why the Government felt it totally acceptable to support this clause in the Dampier to Bunbury gas pipeline Bill and -

Hon M.J. Criddle: You put it in. We did not put it in.

Hon NORM KELLY: The Government agreed to the inclusion of the Auditor General clause in the Dampier to Bunbury gas pipeline sale. Not only did it agree to it, but also it realised it was such a great idea that it included one in the Gas Corporation (Business Disposal) Bill. We see a consistent position until now. When faced with another billion dollar sale, the Government suddenly says,"No, we want to be able to do this sale process in secret and we do not want to have the scrutiny of the Auditor General imposed on us." I think that is simply not good enough for the Western Australian public.

New clause put and a division taken with the following result -

Ayes (12)

Hon Kim Chance	Hon G.T. Giffard	Hon Norm Kelly	Hon Christine Sharp
Hon J.A. Cowdell	Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon Cheryl Davenport	Hon Helen Hodgson	Hon J.A. Scott	Hon E.R.J. Dermer *(Teller)*

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Dexter Davies	Hon N.F. Moore	Hon B.M. Scott	Hon Muriel Patterson *(Teller)*
Hon B.K. Donaldson	Hon Mark Nevill	Hon Greg Smith	
Hon Max Evans	Hon M.D. Nixon		

Pairs

Hon Tom Stephens	Hon Barry House
Hon Bob Thomas	Hon W.N. Stretch
Hon Tom Helm	Hon Peter Foss
Hon Giz Watson	Hon Murray Montgomery

New clause thus negatived.

New clause 59 -

Hon NORM KELLY: I move -

Page 29, after line 16 - To insert the following new clause -

59. Rail freight business operations not to be reduced without Parliamentary approval

(1) Where the transferee of a part of the Commission's rail freight business which has been subject

to a transfer order under section 24 proposes to reduce the business or operations of that rail freight business, the transferee must, prior to any reduction of such business or operations, table a report in both Houses of Parliament outlining the proposal for such reduction, clearly setting out the intended state of the business and operations at the conclusion of the reduction.

(2) No action may be taken by the transferee in respect of the proposed reduction of business or operations until 10 sitting days have elapsed in each House of Parliament from the day on which the report of the proposal was first tabled in each House.

(3) If either House of Parliament votes against accepting the proposed reduction of business or operations within 10 sitting days of the report of the proposal being tabled, the proposed reduction of business or operations may not proceed.

In regard to the disposal of railway land, my main concern is that certain parts, particularly the narrow gauge network, are susceptible to closure and our seeing the freight shifted onto road transport. In some comments during committee - I have not been able to check *Hansard* - I think the minister said that if a line were to be closed all services over a section of line could be terminated and the line taken up -

Hon M.J. Criddle: You mean removed.

Hon NORM KELLY: Yes, removed. If the land were deemed to no longer be corridor land it would still remain as railway land and it would need an Act of Parliament to remove it as railway land. I would like some clarification on that.

Hon M.J. CRIDDLE: Clause 37(1) reads -

> The Rail Corridor Minister may, by order notice of which is published in the *Gazette*, cancel the designation as corridor land of any land that is no longer required to be corridor land.

The rail is not taken up at that stage. The land designated can be cancelled by order and become part of the government railway, so it comes out of the lease and goes back to the Government. As I said before, one must have a discontinuance Act, which comes before Parliament.

Hon NORM KELLY: Is the discontinuance Act needed before we can remove the rails?

Hon M.J. Criddle: That is what is happening at present. There is a discontinuance Act before Parliament.

Hon NORM KELLY: That was my main concern - that even if land could remain as part of the corridor, the rails could be removed, especially when looking at possibly cascading parts of the network. The minister is saying that there is no way that track can be removed on a permanent basis without an Act of Parliament.

Hon M.J. CRIDDLE: It is not sold; it is leased. There is continual reference to selling. We are leasing - but what you said is the situation.

Hon NORM KELLY: I wanted to get clarification because it is the Australian Democrats' concern that track might be taken up on a permanent basis. That is what happened in South Australia prior to privatisation of the rail network there. Many sections of track were taken up back in the 1960s and 1970s. Now there is a new private operator in South Australia which believes those sections would have been quite viable for its operations if only the track had remained. I wanted to be sure of the situation in Western Australia. Of course, there is no guarantee if the rails remain that the freight task for those sections of line still may not be taken over by road transport, but that, I think, is a different issue.

Hon M.J. Criddle: It can go to another offer.

Hon NORM KELLY: The minister has satisfied me and I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

New clause 60 -

Hon NORM KELLY: I move -

> Page 30, after line 19 - To insert the following new clause -

60. Documents to be tabled

(1) A document that gives effect to, or records, the exercise of a function conferred by this Act must be tabled in both Houses of Parliament not later than 3 sitting days of the day on which the function was exercised.

(2) Subsection (1) does not apply to a document if -

(a) apart from this section, the document is of a kind that is required to be tabled by this Act or another written law;

(b) its sole purpose is explanatory or descriptive and does not, in its terms, have legislative effect or create, vary, or extinguish any power, privilege, right, immunity, or legitimate expectation held by a person by operation of this Act.

Given the defeat of my previous amendment about the Auditor General's review, this proposed new clause becomes even more essential. Hon Mark Nevill should think seriously about this and I encourage him to support the new clause, because this is the last remaining opportunity to allow for some level of scrutiny of the sale of Westrail freight. We have precedents such as that in the Prisons Act in which contracts can be tabled. Given that we are talking about a 49-year lease as well as the sale of operations, the commercial confidentiality concerns are a lesson to a certain degree, because the successful bidder will have such a long-term interest and asset which it can utilise.

In 1997 when we were debating the Dampier to Bunbury Pipeline Bill, we moved for the tabling of contracts. It was only because other parties were unwilling that we had to compromise on the Auditor General's review. The Bill does not include the Auditor General's review. It is essential that we have the tabling of contracts so we have that public scrutiny for this billion dollar sale.

Hon Mark Nevill interjected.

Hon NORM KELLY: I agree with that, too. The member is talking about a different issue. If this proposed new clause is supported, it will allow that scrutiny for which the Western Australian people are calling. Given the minister's comments about the Auditor General, I do not have an assurance that such a review will be done by the Auditor General. A review by the Auditor General would not be cheap. It would probably cost about $100 000 or so. When that $100 000 is compared with a billion dollar sale price, it is probably money well spent. Because that opportunity is not open to us now, simply tabling the contracts would be a far cheaper way of doing it. I would like to hear the minister's opinion on allowing the public to see whether the Government is acting in its best interests.

Hon M.J. CRIDDLE: We will be opposing this new clause. The idea of having every document on the operations of the Westrail freight business tabled in the Parliament over the next 49 years seems quite extraordinary. The regulations will be tabled and corridor land orders and transfer orders will be required to be published in the *Government Gazette*. The transfer order schedules which are not published in the *Government Gazette* must be available for public inspection. The Auditor General will be able to peruse all the documents which are available anyway.

Hon J.A. Scott: But he does not have to.

Hon M.J. CRIDDLE: If he is requested by anyone, I am sure the Auditor General will take the opportunity to look at any aspect of this sale.

Hon Norm Kelly: If requested by anybody to look at any particular aspect?

Hon M.J. CRIDDLE: If he is requested by members opposite to look at this, I am sure he will do so. With that outline I am sure there is no necessity for this clause and the Government will be opposing it.

Hon NORM KELLY: I would like to think that every time I asked the Auditor General to carry out a review, he would do it. That is why I said that a review into this would not be cheap. It could possibly be a case of conflicting demands on his resources. That is why it was so important to insert the previous proposed new clause into the Bill. The Auditor General has a budget to work to and he has statutory demands on that budget. That is why the Government has chosen to say that the billion dollar sale of Westrail freight is not so important. In our opinion, that is simply not good enough.

Hon J.A. SCOTT: I probably would have agreed with the minister on this clause had the previous new clause not been rejected by the Chamber. Once again the minister has said that the Auditor General can look at these matters if he is requested, and he probably will. However, the problem is that in reality most of us are not given enough information by the Government to know what is occurring. How will we know to request the Auditor General -

Hon M.J. Criddle: Were you refused any information about this sale?

Hon J.A. SCOTT: It is not about being refused. If there is no requirement for the minister to report to this Chamber, how will we know to ask? All this will happen in the dark. This is non-accountability. This Government clearly does not believe in accountability.

New clause put and a division taken with the following result -

Ayes (12)

Hon Kim Chance	Hon G.T. Giffard	Hon Norm Kelly	Hon Ken Travers
Hon J.A. Cowdell	Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Cheryl Davenport	Hon Helen Hodgson	Hon J.A. Scott	Hon E.R.J. Dermer *(Teller)*

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*
Hon Dexter Davies	Hon N.F. Moore	Hon B.M. Scott	
Hon B.K. Donaldson	Hon Mark Nevill	Hon Greg Smith	
Hon Max Evans	Hon M.D. Nixon	Hon Derrick Tomlinson	

Pairs

Hon Tom Stephens	Hon W.N. Stretch
Hon Tom Helm	Hon Barry House
Hon Christine Sharp	Hon Peter Foss
Hon Bob Thomas	Hon Murray Montgomery

New clause thus negatived.

New clause 63 -

Hon M.J. CRIDDLE: I move -

Page 31, after line 22 - To insert the following new clause -

63. Section 2A inserted

After section 2, the following section is inserted -

" **2A. Object of the Act**

The main object of this Act is to establish a rail access regime that encourages the efficient use of, and investment in, railway facilities by facilitating a contestable market for rail operations. "

Hon KIM CHANCE: I thought the minister may have introduced this amendment; since he did not, somebody needs to point out that the amendment will amend not this Bill but the Government Railways (Access) Act. In keeping with our support for the labour component of the legislation we will also support this amendment notwithstanding that it was moved by the minister. On behalf of the Labor Party I applaud the decision the Government has made to insert an object into the Government Railways (Access) Act. My colleagues and I believe that it should be a general rule that Acts of Parliament contain a specifically expressed object, and we are pleased to note that this opportunity has been taken to insert an object into the 1998 Act.

New clause put and passed.

New clause 85 -

Hon M.J. CRIDDLE: I move -

Page 42, after line 17 - To insert the following new clause -

85. Section 34A inserted

Before section 35, in Part 5, the following section is inserted -

" **34A. Prohibitions on hindering or preventing access**

(1) The railway owner in relation to a part of the railways network to which the Code applies must not engage in conduct aimed at hindering or preventing -

(a) access by any person to that part of the railways network for the purpose of carrying on rail operations to which the Code applies;

(b) the making of access agreements or any particular agreement in respect of that part of the railways network; or

(c) the access to which a person is entitled under an access agreement or a determination made by way of arbitration.

(2) A person who has access under an access agreement must not engage in conduct aimed at hindering or preventing access by another person to any part of the railways network to which the Code applies.

(3) Subsections (1) and (2) do not apply to conduct that the railway owner, or a person referred to in subsection (2), is entitled to engage in under this Act, the Code or some other written law or under an access agreement.

Penalty: $100 000.

Daily penalty: $20 000. "

The prohibition on hindering or preventing access was previously in the Access Code. Legal advice is that this provision should be in the Act. The amendment provides for substantial penalties for either a railway operator or train services operator hindering or preventing access by another train services operator.

New clause put and passed.

New clause 87 -

Hon M.J. CRIDDLE: I move -

Page 42, after line 23 - To insert the following new clause -

87. Public comment on certain Code changes not required

Sections 10 and 11A(1) of the *Railways (Access) Act 1998* do not apply to any amendment that the Minister may make to the Code provided for by that Act, whether directly or by repealing and replacing the Code, to the extent that in the Minister's opinion the amendment is necessary or expedient to make the Code consistent with, or appropriate to give effect to, that Act as amended by this Part.

This clause will exempt the minister from requirements to undertake a public process for amendments to the access code that are required to make the Government Railways (Access) Act consistent with or appropriate to give effect to the amendments made in that Act by this Bill. This will be necessary if the Access Code comes into operation before amendments to the access Act made in this Bill come into operation.

Hon KIM CHANCE: On the face of the minister's explanation that does not seem too bad. However, I am trying to determine what exactly it means. Generally speaking a code of this nature has the authority of the Parliament, even though it is not directly determined by Parliament. We are contemplating enabling the minister, if it is his opinion that an amendment is necessary or even just expedient, to make the code different from its current shape; in other words, to amend the code. The words of the amendment seem to confine the minister's power to those occasions when a change to the code may be necessary only in circumstances in which the Act and its consistency with the code are an issue. If that is the case, I can be reasonably comfortable with it because the Bill is now or will soon be a child of this Parliament, and I do not have a problem there. Can the minister confirm that, because it is not something we are about to do without thoroughly understanding it?

Hon M.J. CRIDDLE: Circumstances have overtaken the necessity for this amendment. Its purpose was to take the code from the commission to the operator.

Hon KIM CHANCE: Can the minister confirm it is only as a result of the operation of the Act that those changes need to be made.

Hon M.J. CRIDDLE: Yes.

New clause put and passed.

New clauses 103 to 106 -

Hon KIM CHANCE: I move -

Page 48, after line 5 - To insert the following new clauses -

Part 6 - Industrial Relations Matters

103. Intention

This part shall provide certainty of employment and employment conditions from the date of transfer from Westrail to the new owner, successor, assignee, transmittee or transferee however described.

In this Part, the term "new employer" means the new owner, successor, assignee, transmitee or transferor referred to in this section.

104. Minister to ensure protection

The Minister shall ensure that the tender documentation and contracts or other arrangements made for the purpose of new employer performing functions and/or activities of Westrail, clearly specify the obligation of the employers to fully meet the terms of this Part.

105. Employment conditions

The new employer shall apply in an Enterprise Bargaining Agreement (registered in accordance with the Commonwealth *Workplace Relations Act 1996*) terms and conditions that are not, in substance, less than those which apply under the terms of the following awards and agreements.

Government Railways Locomotive Enginemen's Award 1973-1990 (Award 13)

Railway Employees Award 1969 (State)

Railway Officers Award 1985 (State)

Railway Professional Officers Award 1974 (Federal)

Railway Salaried Officers Interim Award 1995 (Federal)

Railway Salaried Officers' 170MX Termination of Bargaining Period Award 1997 (Federal)

Westrail Freight Services Depot & Yard Agreement 1998 (State)

106. Guarantee of employment - former Westrail employees

Subject to a termination of employment based on a valid reason relating to an employee's capacity or conduct, each employee will be guaranteed by the new employer the continuation of his or her current occupation from the date of completion of the sale of Westrail for a period of three years from the time an employee transfers to the new employer.

The Chamber has had a brief description of the nature of the four clauses contained in this single amendment. It has not had the opportunity to hear about the effect of those clauses in detail, because their specifics arose only in the context of a procedural motion seeking to do something else.

Ruling by the Chairman

The CHAIRMAN: At this stage I must make a ruling on these clauses. It was perspicacious of the member only yesterday to move a motion for a suspension of standing orders in anticipation that there might be some difficulty with these clauses being in order. The member has now moved for the insertion of a part 6 to the Bill. The cumulative effect of proposed new sections 103 to 106 is to maintain the existing terms and conditions for a three-year period of those Westrail employees who transfer to a new operator as a result of a disposal agreement. The proposed part, taken as a whole, is out of order insofar as it proposes to deal with a matter that is outside the scope and purpose of the Bill as agreed to on second reading.

The Bill enables the State to dispose of all or part of an asset and prescribes the regime that must be followed to achieve that disposition. No mention is made of Westrail's work force and no provision is made as to how the parties to a disposal agreement are to deal with that work force. Presumably that is a matter that will be dealt with separately should the need arise.

My view as to the scope of the Bill is reinforced by reference to the expression of "thing belonging to the State" as it is used in clauses 4 and 5. Similarly, the definition of "commission's rail freight business" in clause 3 makes no reference to the human resource necessary for that business to be continued. Relatedly, I make the point that what the minister may have said in supporting the second reading, particularly so far as his remarks may have involved employment issues such as the retention of Westrail employees' terms and conditions, has no bearing on what the Bill actually deals with. What the minister or a member thinks the Bill as printed extends to is simply an opinion.

However, and independently of the Bill's provisions, nothing prevents the insertion in a disposal agreement of a contractual term that protects the interests of that part of Westrail's work force which stands to be affected by the disposal but, because the new part has no definition of "employee", it may be that, despite its avowed intent, the part should be read as going beyond Westrail employees to include "any" employee.

In conclusion, I need to say something about proposed new section 105. As drafted, the provision is open to more than one interpretation. For example, despite proposed new sections 103 and 104, it could be said to apply only to Westrail employees, or, arguably, it could extend to include any employee.

For present purposes, I take it to mean that an operator who takes an asset under a disposal agreement is obliged to enter into an enterprise agreement governed by a commonwealth law. That agreement must contain terms and conditions that are no less favourable than those contained in the state and commonwealth industrial awards listed in the clause. Conversely, by necessary implication, a person cannot be employed, or continue in employment, unless it be under such an enterprise agreement to the exclusion of any other type of employment contract. If that is the intention, the State Parliament is purporting to predetermine the outcome of negotiations conducted under the authority of a commonwealth law - the Workplace Relations Act 1996.

Leaving aside the actual validity of this provision by operation of section 109 of the Commonwealth Constitution, it has the additional effect of impeding an employer's ability to negotiate in good faith to the extent that it predetermines the outcome. However, the consistent line of authority in this House is to the effect that a presiding officer does not rule on constitutional provisions unless they affect proceedings in this Chamber and does not use section 109 inconsistency as a ground for ruling amendments out of order.

My ruling is that clause 105, together with the other clauses of part 6, is out of order as it goes beyond the scope and purpose of the Bill.

Amendments ruled out of order.

Committee Resumed

Hon KIM CHANCE: Mr Chairman, thank you for your ruling - I am happy to be bound by it - and for the clarity with which you have expressed your ruling. I seek a little further clarity, if that is not beyond the Chairman's patience.

Hon Mark Nevill: It certainly is.

Hon KIM CHANCE: I am sure that when we reach that point the Chairman will tell me so.

The CHAIRMAN: The member seeks some further clarification.

Hon KIM CHANCE: Yes, specifically in relation to something you said, Mr Chairman. I note your reference to the two occasions on which the minister referred to the future of the Westrail work force after the disposition of the Westrail business.

Point of Order

Hon M.J. CRIDDLE: Mr Chairman, you have ruled on these issues and you just clarified that issue in your ruling. I ask you to reflect on that bearing in mind the member's comments.

The CHAIRMAN: I have made a ruling, but I am willing to clarify any point that is unclear. I think the member is seeking further clarification, and I am willing to entertain that.

Committee Resumed

Hon KIM CHANCE: I am doing this for a specific purpose. We all know that rulings of this nature, while accepted gratefully at the time, are sometimes a matter for reference at a later date, possibly when the House is structured differently. That is why I want this to be clear.

I refer to the ruling excluding the issues raised by the minister relating to the work force in the second reading speech. It appears that the Chairman is saying that, even though the minister may have mentioned those things in the second reading speech, that does not bring those issues within the scope of the Bill.

The CHAIRMAN: That is correct.

Hon KIM CHANCE: My second and final question relates to the long title of the Bill. It appears that the Chairman's ruling has taken account of the words in the long title that include that the Act is to provide for an amendment or modification of the operation of the Government Railways Act and other Acts. Perhaps I did not understand correctly, because I thought what the Chairman said was that the scope of the Bill was confined to the disposal of things within those Acts. However, it appears that the long title relates to the operation. Surely the operation includes the labour force operations and their future operation consequent upon this Bill's becoming law.

The CHAIRMAN: As no specific clause of the Bill refers to "employees" in the sense that the member raised this but to "assets", he cannot in this instance use the long title, which of course can be changed to suit any amendments that are made to the Bill as we go along, as a justification for arguing the extension of scope that he seeks.

Hon KIM CHANCE: Thank you, Mr Chairman.

Title put and passed.

Bill reported, with amendments.

SITTINGS OF THE HOUSE

Estimates Hearings

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.30 pm]: I seek leave to make a short statement about the sitting times of the House in relation to the estimates committee hearings.

Leave granted.

As members are aware, the budget speech will be made on Thursday 11 May which is programmed to be followed by a recess of one week. The Legislative Assembly will conduct its estimates hearings from Tuesday 30 May to Thursday 1 June. It is not practical for the Assembly and the Council to have their estimates hearings in the same week because of the burden on Hansard. It is appropriate that the Council should therefore hold its estimates hearings after the Assembly because of the time factor. It is proposed that the week beginning Monday 5 June will be a recess week, Monday being a public holiday. I propose that the Legislative Council's estimates hearings be held from Tuesday 6 June to Friday 9 June. As I said, that would have been a recess week, but in view of the need for the House to consider the report of the estimates committee it is necessary for the hearings to be held in that week. It is also my view, because the House would have missed the recess week from Tuesday 6 to Thursday 8 June, that the following week should be a recess. Therefore, week 20, Tuesday 13 June to Thursday 15 June, which would have been a sitting week will be a recess week in lieu.

To summarise, Tuesday 6 June to Friday 9 June will be the week for the Legislative Council estimates hearings and the House will not sit the following week in lieu of that week.

PROSTITUTION BILL 1999

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos 1, 2, 9, 12, 22, 26 and 29; had disagreed to amendments Nos 3, 4, 7, 8, 11, 15, 17 to 21, 24, 25 and 27; and had disagreed to and substituted new amendments for amendments Nos 10, 13, 16 and 23, as set forth in the schedule annexed, and agreed to amendments Nos 5, 6, 14, 28 and 30 with further amendments as set forth in the schedule annexed, now considered.

Order of the Day Discharged and Referral of Message to Standing Committee on Legislation

HON NORM KELLY (East Metropolitan) [3.33 pm]: I move -

> That the order of the day be discharged and the message be referred to the Standing Committee on Legislation for consideration.

In moving this motion I remind members about the debate on this Bill and ask them to look at message No 49 from the other place. A number of amendments have been agreed to, some disagreed to and some accepted but with a request for further amendment. Most members will be aware of the debate and the work by the Government and various parties to try to resolve this current impasse with the Bill. It is important to remember that the Government has failed to address the regulation of the sex industry and prostitution in this State. That is at the core of many of the problems aired in the current debate because the Government has approached this issue in a piecemeal way without addressing proper regulation. Because so many amendments were made by this House to the original Bill and it must now consider a request for amendments to our amendments, it is important that the Bill be referred to the Standing Committee on Legislation to consider the impact that the acceptance of this message would have on the workability of prostitution in this State. If this message were to be accepted now in its entirety it would be a massive and retrograde step from common decency and proper law enforcement in this State and an affront to many people who believe that their civil liberties would be prejudiced. Members will also see a number of pieces of legislation on the Notice Paper. It is important to realise how more effective we can be as a House when dealing with legislation if a committee can consider the issues and report back to the House rather than have the Committee of the Whole House get bogged down with them. I urge members to support the motion.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.37 pm]: At the beginning of this debate I indicated to the House that it is my intention today to deal with the question of referral to the Legislation Committee and when that question is resolved to then adjourn consideration of the Bill until Tuesday 9 May. This situation has been brought about by the extraordinary complexity of the various amendments on the Supplementary Notice Paper. The Bill is therefore not ready to be dealt with. The Attorney General, who is handling the Bill, will be in the House next Tuesday, and that will make it easier to deal with the complexity that has now arisen.

Hon Norm Kelly: We may be better off without him.

Hon N.F. MOORE: Members opposite may well be.

Hon N.D. Griffiths: No, you will be better off.

Hon N.F. MOORE: There is a simple answer: Members opposite can just say they agree with it and we can get it passed. If this motion is agreed to, the amendments on the Supplementary Notice Paper will become academic.

The Government does not support the referral of this matter to the Legislation Committee. It is fair to say that the debate on prostitution and the concerns people have in the community have been around for a long time. It is a very difficult issue for all sides of politics and has been ever since there has been prostitution.

Hon Ken Travers: No, before the Democrats got here!

Hon N.F. MOORE: Yes, there used to be prostitution before the Democrats! As every member knows, the Labor Party when in government made several attempts to deal with the issue. It conducted a number of inquiries and it found that it was a very difficult and complex issue involving a great number of different points of view in the community.

It has virtually nothing to do with party politics. It is about people's attitudes to this matter. Similar to previous Governments, we have sought to examine the whole question of prostitution to ascertain whether we should regulate the industry and treat it as simply another occupation, which is what some people want. All sorts of ideas have been bandied about. It is the Government's view that at the moment we should deal with a problem concerning street prostitution, kerb crawling and child prostitution, and we have brought forward legislation to attempt to deal with that. Some may argue that it is a short-term measure to deal with a problem that exists at the moment.

We have brought in a Bill and it has been through both Houses on, I think, two occasions. We still have not reached agreement. However, the Minister for Police has indicated to the Opposition that he is prepared to agree, reluctantly, to a number of conditions that the Labor Party wishes to impose on this legislation. I understand that only one issue is outstanding between the Government and the Labor Party; that is, the question of whether there should be a review clause or a sunset clause. The Government is strongly of the view that there should be a review clause and not a sunset clause, but we can debate that in this House.

Hon Ken Travers: The Premier favoured a sunset clause, but I think the Government's view is now different from his view.

Hon N.F. MOORE: No. I think if the member listened carefully to what the Premier said, he would realise it was his view initially that that was probably not a bad idea until it was explained that there are certain technical difficulties with that, so the next best option is a review clause. I have argued in this House - the member would not remember because he probably was not even born then - that review clauses are not as good as sunset clauses. I have argued strongly for sunset clauses, if they were the right sunset clauses, on many issues, but I am not sure that criminal law is an area in which we would want a sunset clause, because suddenly what is a criminal offence at five minutes to midnight is perfectly legal at one minute past midnight. That is extraordinary, and I cannot understand why the Labor Party is having problems with this. The Government promised a review. However, it is not my intention to argue that now, except in the context of indicating to

the House that apart from that sticking point - it should not be a difficult issue, in my view - there is agreement between the Government and the Labor Party about progressing this Bill. Whether it goes far enough is a matter for debate, but it is a step in a direction whereby there could be agreement if we can debate the matter. The sooner we do that, the better.

The Australian Democrats seem to want to send this to a committee to talk about the broader issues of the whole prostitution-sex industry. We do not believe that going back to the Legislation Committee at this time will gain anything. It will just delay a solution to the problems in Northbridge and other parts of the metropolitan area.

I hope the mirth of the member opposite is not a reflection of the fact that he thinks we should be doing more than this now, because the Labor Party has had a long time - it had a long time in office and has had a long time in Opposition - to come up with -

Hon Cheryl Davenport: So have you.

Hon N.F. MOORE: I know, and I explained that it is a difficult matter. However, do not laugh when I say that we are attempting to deal with this issue now. Let us deal with it now and worry about some of the broader issues down the track. If the Labor Party wants to go to the election promising to make prostitution legal and to make it an industry and so on, it should say so; that is fine. Let us go to the election on that and not waste any more time on this issue.

Hon Ken Travers: I bet you don't want to waste any more time on it.

Hon N.F. MOORE: I do not. If Hon Ken Travers thinks the solution to the problem -

Hon Ken Travers: Prostitution has flourished under your Government and you know it.

Hon N.F. MOORE: Does the member think we did something to make it more profitable?

Hon Ken Travers: You haven't done anything to stop it.

Hon E.R.J. Dermer: It reflects social despair.

Hon N.F. MOORE: Social despair?

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The Leader of the House will address the Chair. Other members do not have the call and they should not be talking.

Hon N.F. MOORE: Perhaps all the crooks and criminals who flourished during the Labor Government's days have gone into prostitution now that we have done something about the corruption of that period of our political history. Anyway, the argument that the Opposition is raising by interjection is a stupid one to get into.

There are broad, difficult issues attached to this question. When in office, the Labor Party did not deal with them, and I understand why. We have not been able to deal with them totally either because there are so many differing views in the community on this matter. By virtue of this legislation we are seeking to deal with particular problems that are apparent in the suburbs of Perth at the moment.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon N.F. MOORE: As I indicated before question time, the Government does not support referral of this message to the Legislation Committee because we see no further reason to delay the Bill. I understand there is general agreement between the Labor Party and the Government on the issue and any further delays will exacerbate the problems being experienced by a number of citizens in the metropolitan area at present. I ask the House to reject this motion and let us resolve the issues in the original Bill.

HON MARK NEVILL (Mining and Pastoral) [4.36 pm]: I support Hon Norm Kelly's motion to refer this Bill to the Legislation Committee. This is a thorny issue. I do not want to blame anyone for not being able to resolve it. Even though it is difficult, we should at least attempt to get some resolution out of this issue. It is no secret to anyone that the issue is being handled appallingly. Some people have been wrong-footed on this Bill and there appears to be a bit of a competition to see who is seen to be the least weak on crime.

The Leader of the House has indicated his intention not to support this referral. However, I thought that if he had a change of heart it might be worth referring the Bill I have on the Notice Paper to that committee for consideration at the same time. I do not support this Bill and I do not think any resolution will result from it. Many people are very uncomfortable about it. When I see it contains penalties such as 20 years in jail, it makes my blood boil. I do not know what that has to do with removing street walkers from the streets in the suburbs of Perth other than probably to fill the new prison that we do not need. That could be one of the rationales if one were to be tongue in cheek and cynical at the same time.

I have examined the message and I could not work out what has been left in the Bill and what has been taken out. It is difficult to decide whether to support the Bill given the over-the-top police powers left in it. I think Hon Norm Kelly is doing something constructive by suggesting the Bill be referred to the committee. We should be seeking solutions in this place not playing one-upmanship about who might be tougher on crime.

It would be constructive to refer this Bill to the committee. If the Leader of the House had a change of heart he might attach

the Prostitution Limitation Bill that I introduced a couple of weeks ago to the current Bill to see whether we can come up with something that reaches consensus and deals with the problem and the offending behaviour that is causing a public nuisance.

HON N.D. GRIFFITHS (East Metropolitan) [4.39 pm]: Hon Norm Kelly proposes that we now send this measure to the Legislation Committee for consideration. There is no cut-off point for the consideration. It is true, as he says, that this is a badly thought out Bill which has many deficiencies. It is true that it is the sort of Bill that should ordinarily be sent to the Legislation Committee. It is true that many matters are on the Notice Paper worthy of consideration by the House as a whole and that it is appropriate when dealing with complex matters, such as the Prostitution Bill, that ordinarily would be referred to the Legislation Committee.

The Prostitution Bill 1999 was debated extensively in this House in December last year, after having gone through the other place. It has since gone back to the other place and was dealt with by virtue of a message from us in December 1999, and it has now been brought on again in this place in May 2000. The issues have been debated in this place, in the other place, in the media and, it seems, in many parts of Western Australia. In those circumstances, there is no great point in now referring the Bill to the Legislation Committee. The Australian Labor Party wants to bring this matter to resolution. Through its efforts, it has brought the Government to the point of agreeing to many improvements in the Bill about a large range of issues. The Government has not delivered on those matters, and I await with interest, subject to what will happen to this motion, what the Government will propose with regard to what the Australian Labor Party has said to it. Whatever may happen, the position of the Australian Labor Party with regard to a number of key parts of the message that is the subject of this motion is that it will not agree to pass them unless they are covered by a two-year sunset clause. The debate on that sunset clause has already been put. Some of the observations of Hon Norman Moore were constructive, as were the observations of Hon Mark Nevill. However, the time has now come for this House to make a decision on where it stands on this message. Again, the Government and the Opposition are not that far apart, but the Government is obliged to insert a sunset clause if the Australian Labor Party is willing to accommodate it with regard to what many people consider to be draconian powers.

HON GIZ WATSON (North Metropolitan) [4.42 pm]: The Greens (WA) support the motion moved by Hon Norm Kelly. Our position is that the current attempt to legislate on the issue of street workers is a hotchpotch of hurried and ill-conceived proposals. None of the legislation that I have seen to date provides anything like the holistic approach that is needed to deal with prostitution in this State. I am happy for this message to be referred to the Legislation Committee for consideration and believe such committee consideration will be of benefit. Therefore, I support the motion, and hopefully we will be able to come up with a more comprehensive approach to managing prostitution in this State.

Question put and a division taken with the following result -

Ayes (5)

Hon Helen Hodgson	Hon Mark Nevill	Hon Giz Watson	Hon J.A. Scott *(Teller)*
Hon Norm Kelly			

Noes (21)

Hon Kim Chance	Hon B.K. Donaldson	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon J.A. Cowdell	Hon Max Evans	Hon Simon O'Brien	Hon Ken Travers
Hon M.J. Criddle	Hon G.T. Giffard	Hon Ljiljanna Ravlich	Hon Muriel Patterson *(Teller)*
Hon Cheryl Davenport	Hon N.D. Griffiths	Hon B.M. Scott	
Hon Dexter Davies	Hon Ray Halligan	Hon Greg Smith	
Hon E.R.J. Dermer	Hon N.F. Moore	Hon Tom Stephens	

Question thus negatived.

FIRST HOME OWNER GRANT BILL 2000

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.48 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to put in place a scheme to assist eligible first home buyers by providing a $7 000 grant where they enter into a contract on or after 1 July 2000 to purchase or build their first home. The scheme forms part of the package arising from the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, which was signed by the Prime Minister and all Premiers and Chief Ministers in June last year. Under that agreement, the States and Territories committed to assist first home buyers through the funding and administration of a new uniform first home owner scheme to offset the impact of the goods and services tax on house prices. The scheme is restricted to first home buyers because other home buyers should benefit from a GST-induced increase in the selling price of their existing homes.

The framework principles on which the scheme is based were set out in the intergovernmental agreement and, together with the amount of the grant, are consistent across all jurisdictions. However, each State and Territory will implement separate legislation to give effect to the scheme. The impact of the assistance provided by this scheme is expected to be significant.

In the first year alone, it is expected that over 17 000 applicants in Western Australia will be able to claim assistance totalling nearly $120m. By the end of the decade, it is expected that assistance in excess of $1.3b will have been provided. The payment of the grant is not means tested and there is no upper limit on the value of the property being acquired. However, to receive the grant, each of the applicants must comply with five eligibility criteria. The first and second criteria require the application to be made by a natural person who is an Australian citizen or permanent resident. Where joint applications are made, only one of the applicants is required to meet the citizenship or residency test. The third and fourth eligibility criteria will disqualify any person if the person or his or her spouse has previously received an earlier grant anywhere in Australia, or has held a relevant interest in residential property, including an investment property, prior to 1 July 2000. The fifth eligibility requirement provides that all applicants must occupy the home to which the grant relates as their principal place of residence within a 12-month period. Failure to fulfil this condition after the grant has been paid will result in the applicant being required to repay the full amount of the grant.

To be successful, the application for the grant must also relate to an "eligible transaction". Three types of transaction are provided for: A contract to purchase an established home that is entered into on or after 1 July 2000; a contract to build a new home that is entered into on or after 1 July 2000; and the construction of a first home by an owner builder where the building work commences on or after 1 July 2000. Only one grant is payable for the same eligible transaction. This means that where two or more persons jointly purchase or build their first home, only one amount of $7 000 will be paid.

The Bill also contains anti-avoidance provisions to deny the payment of a grant to an applicant who effectively contracts before 1 July 2000 to enter into a binding contract after 1 July 2000. It should be noted that the anti-avoidance provisions do not prevent pre-construction activity occurring as a precursor to a post 1 July 2000 binding contract if the arrangement in relation to the pre-construction activity allows both parties to walk away at any time without a requirement to sign a binding contract.

A further important feature of the scheme is that the applicant must either have title or other acceptable security of tenure to the land on which the home is or will be situated. The Bill provides an extensive definition of what constitutes a relevant interest in the land on which the dwelling is located. The Bill also proposes that all persons who will have a relevant interest in the land on which the home is located at the completion of the eligible transaction must be an applicant for the grant. This means that failure by any one applicant to meet the eligibility criteria will disqualify all parties from receiving the grant in relation to that transaction. A specific exclusion from this requirement is provided for Homeswest in relation to its shared equity schemes, and for certain purchases involving a purple title. The Bill includes a number of standard administration provisions, including rights of objection and appeal where a grant is not approved. Comprehensive information sharing powers are set out in the Bill, allowing information to be shared with agencies administering similar legislation across Australia.

The Bill also includes extensive investigatory powers to ensure only eligible applicants receive the grant. Recovery powers, including the ability to lodge a memorial over the land acquired, are included in the Bill to ensure that the $7 000 grant can be recovered where no entitlement existed, or conditions attached to its payment were not met.

The scheme has been actively promoted by the Ministry of Housing since early March this year. This was necessary to ensure that intending purchasers and builders of first homes could make an informed decision. The scheme will be administered in this State by the State Revenue Department, which has significant expertise and data matching systems to ensure that only those persons who are eligible for the grant will receive the benefit of it. To reduce the effort required for a person to apply for the grant, the State Revenue Department is working with a range of financial institutions and associated providers of first home finance to allow potential applicants to apply for the grant through their financial institution at the time they seek finance. Those persons who do not require finance, or who are financing through a financial institution that has not elected to provide such an application service, will be able to apply directly to the State Revenue Department.

It is also important to recognise that the $7 000 grant is in addition to, rather than in place of, existing first home buyer assistance currently provided by the State. This includes the Keystart first home buyer scheme; Aboriginal home ownership scheme; Access home loan scheme; GoodStart scheme; and the right-to-buy scheme. The assistance provided by the home buyers assistance fund and current stamp duty concessions for first home owners will also continue unaffected.

This legislation will have a significant and ongoing impact in ensuring that home affordability for first home owners buyers is maintained at existing levels for the people of Western Australia. I commend the Bill to the House and for the information of members, I seek leave to table the associated explanatory memorandum.

Leave granted. [See paper No. 924]

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

RAILWAY DISCONTINUANCE BILL 2000

Introduction and First Reading

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

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.54 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to formally discontinue the Midland Junction to Welshpool railway and the Fremantle to Kwinana railway. The Midland Junction to Welshpool section of railway has not been used for freight operations for at least 11 years. It previously provided for freight movements from the Midland to Kwinana line to Fremantle via the present Armadale to Perth and Perth to Fremantle suburban lines. This link has been replaced by a dual gauge service on a dedicated freight railway from the Kwinana line at Yangebup.

The intermodal freight study commissioned by the Department of Transport concluded that this railway is not required. This conclusion formed part of the recommendations which were subsequently endorsed by the Western Australian Planning Commission and Cabinet. There was also a service to some private sidings in Welshpool that have been removed. Private sidings in Kewdale east of Orrong Road have been closed. It is proposed to dispose of the portion of the Midland Junction to Welshpool railway between Daddow Road, Kewdale and Railway Parade, Welshpool as part of Westrail's land rationalisation program.

Discontinuance of the railway will release about 36 hectares of land for sale, which, at a rate of $45 a square metre, will return $16.2m of revenue that will be used to retire debt under Westrail's land rationalisation program. This amount is subject to detailed analysis and valuation. Discontinuance of the railway will result in additional general industrial land being available in a sought-after location, and agreement to the proposal has been reached with the Department of Transport and the Ministry for Planning. The City of Belmont and the City of Canning have been consulted.

The Fremantle to Kwinana railway was deviated to its existing alignment in the 1950s with the Coogee-Kwinana (Deviation) Railway Act, which was statute No 24 of 1952. The remaining track was utilised for transportation to the munitions depot in Munster. This railway was then severed by the Railway Discontinuance (Coogee-Kwinana Railway) Act 1973, and the surplus land was dealt with by the Industrial Lands Development Authority. There is no requirement for this line to remain open as it has been deviated and severed. Also, there is an arrangement in place through the Planning Commission to sell a portion of the land under Westrail's control to Consolidated Marine Developments for the development of Port Catherine as part of the revitalisation of the Coogee area. The discontinuance of the railway will allow the Planning Commission to complete its obligation with CMD. The sale to CMD should raise about $1m. As a side issue, there will be an area of land of about seven hectares that can be dealt with through Westrail's land rationalisation project. It is expected that this will result in a return of about $1m. These amounts are subject to detailed analysis and valuation.

The Government's policy on the redevelopment of the Coogee area through the Coogee master plan is the driving force behind the need for the discontinuance legislation. The State Planning Commission was authorised to set up a project agreement with CMD for the development of Port Catherine, and in the agreement it committed to arrange the transfer of government lands held by various agencies. The Westrail land forms part of the project area, and the discontinuance legislation is required to allow the transfer to take place.

The discontinuance legislation will allow the project between the Planning Commission and CMD to proceed and the potential revenue of $2m to be achieved from the sale of the land. There has been consultation with the Department of Transport and the Ministry of Planning which required enactment of discontinuance legislation to enable the Port Catherine project to proceed. I have pleasure in commending the Railway Discontinuance Bill 2000 to the House.

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

ROAD TRAFFIC AMENDMENT BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [5.00 pm]: I move --

That the Bill be now read a second time.

Between 1961 and 1998, 9 650 people died in crashes on our State's roads. In the past decade alone more than 30 000 people have been seriously injured. I am sure that members in this Chamber have been touched in various degrees by road trauma in their personal lives. This Bill focuses on reducing the carnage on our roads. The Bill is also about fairness and equality for all road users in this State. This Bill will implement aspects of the driver licence module developed by the National Road Transport Commission reform package and Government's road safety objectives as outlined in our document, "The Way Ahead Road Safety Directions for Western Australia". This will include the introduction of nationally agreed drivers licence classifications, a graduated driver training and licensing system, compulsory photographs and signatures on drivers licences and the storage of digital photographic images. It will also allow the service of demerit point suspension notices by mail.

The major gains to be made in road safety in Western Australia in the next decade will come about through changes in high risk road user behaviour. A key tool in the campaign to achieve those changes is the strengthening of the provisions requiring the owner of a vehicle to identify the driver of the vehicle which has been used in the commission of an offence. I will deal with this in detail later in this speech. The Bill will also amend the provisions relating to the type of equipment used to take blood and urine samples from drivers and allow registered nurses to take those samples. The final element of the Bill is the repeal of the legislative requirement to conduct annual reviews of the random breath testing program, as provided in section 5 of the Road Traffic Amendment (Random Breath Tests) Act 1988.

I now turn to some of the specific provisions of the Bill. The first element of this road safety package is the graduated driver training and licensing system. For the past 30 years in Western Australia, driver training and licensing has remained largely unchanged, despite constantly increasing pressures of more traffic and bigger, busier roads than ever before. In short, our system of training drivers has not kept pace with the changing traffic environments and the increased demands placed on new drivers. This extra pressure is reflected in the road toll and the huge over-representation of young people in those statistics. For example, while only 12 per cent of our population is aged between 17 and 24, the same group represents 28 per cent of all those killed or seriously injured on our State's roads. If we are to do something about this appalling waste of young lives, one of the things we must do is to ensure our learner driver training system reflects the best available practice throughout the world and, where possible, leads the world.

The graduated driver training and licensing system is designed to do just that. When learning to drive, our current approach focuses on knowledge of road rules and ability to control a motor vehicle. This is not enough. International research has shown that improved hazard perception skills and increased driving experience are important elements in achieving improved safety for young drivers. Research has also shown that young drivers are at their safest when they are learning under supervision. The graduated system will provide a four-phase program aimed at allowing learners to progressively acquire the skills they need to become competent drivers. It will involve lowering the age at which learners can obtain a learner's permit to allow for increased hours of supervised learning. It will also involve the introduction of new computer-based testing. Under the system, new drivers will be allowed to apply for a learner's permit at the earlier age of 16 by sitting a computerised learner's permit test, which consists of a series of randomly selected questions. After passing the learner's permit test, they will be allowed to drive under supervision to obtain practical experience of the road rules and basic vehicle control skills. From this point, new drivers will be encouraged to undertake a comprehensive program of driver skills assessment and supervision in varying conditions. Then they will be allowed to sit a computer-based hazard perception test for a probationary licence at the age of 17. If successful, new drivers will be granted a probationary licence for a two-year period during which time they will be subject to a blood alcohol content of less than 0.02 per cent while driving. These changes will go a long way towards addressing one of the most important contributors to the number of crashes among young people, and that is their lack of experience or the number of hours they have spent in control of a vehicle.

This new system will allow drivers time to develop their practical skills before they face the complex demands of the modern road system. It will also provide new drivers time to build their confidence and to gain the experience they will need when they take to the roads alone for the first time. Most importantly, the Bill provides the flexibility of regulations to allow the system to evolve over time to ensure it stays up to date with emerging best practice. The graduated driver training and licensing system is not about making life more difficult for new drivers. It is about making new drivers more confident and, just as importantly, more competent to handle the pressures on our roads. It will mean that new drivers on our roads will be better prepared, more experienced and safer drivers than we have ever had before.

Another very important element of this Bill is the introduction of the national driver licensing scheme. In December 1997, the Ministerial Council on Road Transport voted in favour of the driver licence module, which incorporates the adoption of national driver licence classifications. In accordance with the provisions of the intergovernmental agreement, Western Australia is required to implement the module as a matter of urgency. The national licence classes were developed by the States and Territories to reflect better the types of vehicles used on Australian roads, in accordance with the agreed National Road Transport Commission process.

The adoption of the national classes will contribute to road safety by linking driving skills more closely to the type of vehicle to be driven; improved efficiency by removing licensing differences between States; and ease of transfer for those licence holders moving between States and Territories. A number of existing classes convert easily to national classes. Where a straight conversion between classes is not possible, the driver licence module provides for the next highest class to be issued. For safety reasons, conversion of the existing B and C class licences will not automatically be converted to the highest national class of licence; however, licence holders who drive road trains and B-doubles will not be disadvantaged by the licence conversion process.

To alleviate any concerns that licence holders and the transport industry may have, drivers will be able to upgrade their converted licence class over a 12-month transitional period, provided they can prove that they have gained relevant experience in driving the vehicles that fall into a higher class. Where licence holders are able to supply evidence of relevant driving experience, their licence will be upgraded at no additional cost. The regulations will contain provisions requiring the completion of a statutory declaration to accompany an application for a licence upgrade. Following the 12-month transitional period, licence holders who have not upgraded their licence classes will be limited to driving vehicles that fall within their original converted licence class.

The national driver licensing scheme also provides for a graduated licensing process which requires a person to hold a car licence for at least 12 months before being eligible to apply for a licence to drive a vehicle over 4.5 tonnes gross vehicle mass. Licence holders will no longer be eligible to apply for the highest class of licence immediately, without first gaining driving experience in vehicles of a lower class. Exemptions from eligibility requirements will be given where people are able to demonstrate exceptional circumstances or hardship.

Under the national driver licensing scheme, licence holders are required to have a photograph and signature on their licence. These requirements have been implemented in all States and Territories except Western Australia. Clause 20 of this Bill will make it compulsory for people to have their photograph and signature on their drivers licence. The adoption of compulsory photographs and signatures will lead to improved enforcement, diminished fraudulent use of licences and the reduced possibility of fraudulent licences being issued. It will also ensure that the NRTC reform package is not

undermined, which would disadvantage Western Australian licence holders when travelling or moving interstate. The Bill provides for regulations to be made to exempt persons from the requirement to have a photograph or signature on a drivers licence in certain circumstances.

This leads me to the next important element of this Bill; that is, the provision for the storage, disposal and access to photographic images. Currently, the Road Traffic Act 1974 requires that all photographs and photographic negatives created for the purpose of a drivers licence be destroyed no later than three months after the photograph is taken. Western Australia will shortly be introducing a new system for producing photographic motor drivers licences, which encompasses digital imaging technology for portrait and data capture. To overcome customer service and operational difficulties, this Bill contains amendments that will provide for digital images to be retained and stored in a database for a five-year period.

Licences renewed or replaced within that period could be produced using the image stored in the database. Extending the image retention period will allow Transport to provide customers who renew drivers licences for short-term periods or who require a replacement copy of a licence with a choice of payment options, without the need to attend a place where photographic equipment is available. Therefore, customers will not have to personally attend a transport centre or payment outlet every time they require a new or replacement licence and will not be required to do so until five years have elapsed. The security and integrity of the database will be assured in that all images and textual data will be encrypted at point of capture for transmission to the image database and stored to eliminate the possibility of interception or access by any unauthorised person. Direct access to data stored on the image database will be restricted to authorised staff directly involved in the card production and quality control process. All searches performed on the image database by these personnel will be tightly controlled and audited on a regular basis. Images will be retrieved only for the renewal or replacement of drivers licences. If a person employed in any aspect of the production of a drivers licence reproduces a photograph or signature, other than in the administration of the Act, that person will commit an offence and be liable to a penalty of $2 000.

Earlier, I indicated that this Bill was also about matters of equality and fairness to all Western Australians. The driver identification responsibilities component of this Bill is exactly that. It is about delivering a fair and equitable system of justice to all members of our community. It is also about ensuring safety on our roads through the proven approach of education supported by enforcement. We know that for road safety education strategies to be effective, road users must also be aware that if they break the law, they are liable to be prosecuted.

Speed is one of the biggest killers on our roads. For every five kilometres an hour people drive over the limit in a 60 kilometres an hour speed zone, they literally double their chances of having a crash. One of the most effective tools we have to help reduce the number of drivers who speed on our roads is speed cameras. In Western Australia between 1992 and 1997 the percentage of vehicles speeding past speed cameras dropped from 68 per cent to 26 per cent. In States such as Victoria, where a comprehensive speed camera program has been in place for some time, only 2.5 per cent of vehicles travelling past speed cameras are recorded speeding. Even more importantly, community attitudes to speeding have changed dramatically in that State and the majority of people no longer regard it as an acceptable practice. These changes can also be observed in this State. In fact, a recent survey of Western Australians has found that 76 per cent of people support the use of speed cameras to detect speeding drivers. Clearly then, speed cameras are having the desired effect on driver behaviour; yet under the present legislation, not all road users in Western Australia are prosecuted for speeding past a speed camera or for driving through a red light camera at intersections. This drastically reduces the effectiveness of what speed cameras are designed to do; that is, to get drivers to slow down. The clear message from this legislation is that speeding drivers will be caught for putting at risk not only their own lives and the lives of any passengers, but also the lives of other road users.

Driver identification legislation will require owners of vehicles to take more responsibility for identifying the driver of a vehicle alleged to have committed an offence. Driver identification responsibilities will revitalise and intensify the safety value of the speed cameras, and will bring Western Australia into line with most other jurisdictions where similar legislation already exists. The whole process of issuing fines will also be streamlined and drivers will be notified of speed camera offences quicker than ever before. This will result in drivers being far more likely to remember the incident and, consequently, far less likely to re-offend.

Again, I cannot emphasise this point enough. The aim is to get people to slow down. We have already seen the dramatic reduction in road tolls achieved in other States, such as Victoria and New South Wales, using similar strategies. For the vast majority of Western Australians who pay their fines and are prepared to face the consequences of their actions, these changes are long overdue. Some people deliberately flout the law, while others face up to their responsibilities. These changes are about enhancing and defending the right of Western Australians to travel on our roads, knowing that everything is being done to protect their safety. Ultimately, of course, road safety is in the hands of the community. It is up to all individuals to accept responsibility for their actions on the road.

This Bill also contains amendments which will provide power to make regulations to prescribe the manner in which demerit point suspension notices can be served. Presently demerit point suspension notices are served on the licence holder personally by either police officers or transport officers. This method results in undue processing delays and also uses considerable police and transport resources. It is envisaged that the number of demerit point suspensions will increase significantly with the implementation of new processing, and this would require additional resources if personal service were to continue as a requirement. The intent of this amendment is to streamline the enforcement process for serving these notices to allow the service to be conducted by registered mail. Where the registered mail is returned unclaimed, Transport will instigate action to serve the notice personally.

This Bill also contains amendments which will allow registered nurses to take blood and urine samples for the purposes of determining whether a driver has contravened the provisions of the Road Traffic Act. Taking blood and urine samples is a common medical procedure and it is carried out by appropriately qualified medical personnel, including registered nurses. The Road Traffic Act provides that only a medical practitioner may obtain blood and urine samples. In remote areas and many circumstances where breath analysis equipment or a medical practitioner is not available, police are unable to fulfil their evidential responsibilities or enforce drink-driving legislation effectively. On several occasions registered nurses have been available to take samples but have been precluded from doing so by the legislation. This amendment will overcome these operational and evidentiary difficulties.

The final element of this Bill will repeal the requirement for annual reviews of the random breath testing program which have been conducted since the introduction of the Road Traffic Amendment (Random Breath Tests) Act. Although it is felt that the program in Western Australia is highly effective, it is no longer considered necessary for formal reviews of this program to be conducted on an annual basis. Western Australia is the only State with legislation that specifies an annual RBT review must be conducted. In general, key road safety stakeholders in Western Australia agree that the current annual review is not necessary and prefer to have a less frequent process. In addition, it is considered that the resources used for the annual evaluation, approximately $28 000, could be better used in other important areas of road safety, for example, road safety community education programs. The RBT reviews will be undertaken as required by the Road Safety Council. I commend the Bill to the House.

During the consideration in detail of the Bill in the Legislative Assembly the Opposition moved a number of amendments, some of which are not acceptable to the Government. However, the Deputy Premier gave an undertaking that the Government would consider the proposals and where appropriate move amendments during the committee stage in this place. Appropriate amendments have now been drafted to clause 20 of the Bill which will ensure that employees of contractors engaged by government for the production of drivers licences will be liable for similar penalties to those contained in section 81 of the Criminal Code. That provision relates to the misuse of confidential information or data by public servants. A further amendment to this clause will ensure that retained images for the production of drivers licences will be limited to that purpose only.

Finally, I will also be moving a minor amendment to section 44 of the Road Traffic Act to provide for driver's licence conditions and limitations to be endorsed on the licence by way of a prescribed notation. The director general will be required to serve a notice on an applicant for, or the holder of, a licence setting out the conditions in full. Given the small amount of available space on a driver's licence it is impractical to reproduce the full text of conditions on the licence in all cases. Where there is insufficient room a notation will be endorsed on the licence to signify that other conditions have been imposed. I commend the Bill to the House.

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

PLANT PESTS AND DISEASES (ERADICATION FUNDS) AMENDMENT BILL 2000

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [5.17 pm]: I move -

That the Bill be now read a second time.

The Plant Pests and Diseases (Eradication Funds) Act 1974 is administered by the Agriculture Protection Board in consultation with the grains and seeds industries. The Act provides for the imposition of financial contributions by grain growers for the eradication and prevention of the spread of serious specified weed, insect and disease threats to the grains and seeds industries. The Act provides for the establishment of a fund for the eradication of, and to assist the prevention of the spread of, skeleton weed. The Act also provides for the establishment of a fund for the eradication of certain insect pests and the establishment of a fund for the eradication of, and prevention of the spread of, certain plant diseases. The Act enables the payment of compensation to growers whose crops and produce are destroyed in the course of steps taken to eradicate or prevent the spread of those plant diseases. The principal current use of the Act is the operation of the skeleton weed eradication fund. In 1980, the Act was amended to allow for the establishment of a resistant grain insects eradication fund. In 1996, a further amendment was made to widen the Act to include provisions for a plant diseases eradication fund. The 1996 amendment was in response to the outbreak of the serious lupin disease - anthracnose.

The Act provides several mechanisms to ensure that the Act and any eradication or containment programs operated under it remain relevant to the needs of grain growers and seed producers. Firstly, the Act contains an expiry date, currently set at 31 October 2000, which this amendment Bill seeks to extend by two years. Secondly, contributions are set annually for funds under the Act, thus requiring the Agriculture Protection Board to establish the contributions at the level necessary to fund the planned program. The Act does not provide for the accumulation of contingency funds for unspecified purposes. Thirdly, payments for funds established under the Act require the support of both the minister, and the Agriculture Protection Board, representing the grains and seeds industries. In addition, ongoing programs, such as the skeleton weed eradication program, are subjected to periodic review. During 1999-2000, scientific and operational reviews of the skeleton weed eradication program are being conducted to ensure that the program funded under this Act is efficient and effective in returning benefits to grain growers who are contributors to the fund. This is an important legislative mechanism for the grains and seeds industries.

In time, the Act will require amendments to guarantee compliance with national competition policy and the Constitution, and to improve its administrative efficiency. These amendments cannot be achieved prior to the scheduled expiry of the Act on 31 October 2000, and I seek to extend this Act for two years. This extension will enable industry to have available a funding mechanism to assist in the protection of the grains industry from skeleton weed, and specific serious pests and diseases. Prior to the proposed new expiry date, the Agriculture Protection Board will be requested to recommend any amendments which may be required to ensure the legislation will meet the long-term needs of the industries concerned. I commend the Bill to the House.

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

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.22 pm]: I move -

That the House do now adjourn.

Native Title - Adjournment Debate

HON MARK NEVILL (Mining and Pastoral) [5.24 pm]: It is important to draw the attention of the House to a decision last week in the Federal Court by Justice Carr - Hicks versus the Aboriginal Legal Service of Western Australia. It revolves around the native title claims in the Roebourne-Burrup peninsula area.

Members will be aware that the Ngaluma Injibandi group has been funded by the ALS. It is the group that Hon Peter Dowding was speaking on behalf of on the recent "Four Corners" program. The group that challenged the ALS was the Wong-goo-tt-oo group, which was refused funding by the ALS. The group challenged that decision with the ALS and was unsuccessful and sought a review of that decision. Its application for review was late. It subsequently challenged that decision in the Federal Court and last week Justice Carr came down on its side; he extended the date for the application, which meant that the application was no longer late and that it could be considered. The judge decided that the ALS decision not to fund this group should be set aside and that the application for funding should be referred back to the ALS for further consideration and decision according to law. Costs were awarded against the Aboriginal Legal Service. In referring to the Aboriginal Legal Service lawyers and the duties that Mr Greg Benn and Mr Kennard owed professionally to the Ngaluma Injibandi Group, Justice Carr said -

> I think that a fair-minded lay observer with knowledge of the material objective facts might entertain a reasonable apprehension that Mr Benn might not bring an impartial and unprejudiced mind to the decision under challenge. Such an observer might reasonably consider that the two lawyers were too closely identified with the interests of the Ngaluma Injibandi Group.

In summing up he said that the decision under challenge was vitiated by perceived or apprehended bias and for that reason should be set aside. He also said -

> I should emphasise there is no suggestion of actual bias on the part of the respondents or its officers.

This is one example of a clear case in which representative bodies do not fund Aboriginal groups seeking funding for their claim. It has been repeated by Aboriginal representative bodies around the State, by the Goldfields Land Council and by the Kimberley Land Council, that many significant Aboriginal groups and groups which are not even involved with overlapping claims are not given access to funding and, therefore, are chopped off at the knees.

The judge said in this case that there was "a perception of apprehended bias". Members will recall the Yabararra claim that was funded partly by Nick Zuks or An Feng Kingstream. I am not sure who funded it; but it was another claim in that same area that was unsuccessful in attracting many funds. A great example was made of that, but it is no secret that many major mining companies in Western Australia have paid for lawyers for people to undertake land claims. Most of the big companies in this State have funded lawyers and land claims and put millions of dollars into Aboriginal groups to get some sense of what is occurring under the Native Title Act. The main point this decision highlights is that the position in the Burrup is not as simple as portrayed by the very biased program run on the ABC's "Four Corners".

I notice the *Sunday Times* ran an apology to McDonald Rudder and David Johnson. It was happy to name how much they had received out of the Yabararra claim, but it did not state how much Peter Dowding received as the lawyer from the Ngaluma Injibandi Group. That would have been of public interest. The program very selectively began with a view about what the story would be and ignored the evidence that did not fit that picture. I understand a few other writs are floating around that have arisen from the appalling way that case was reported. It underlines the absolute nightmare people face in getting access to funds to assist them to claim native title. In many places people who clearly have a right to be on a claim are excluded by shonky anthropological work and reports.

I heard Hon Christine Sharp today talking about peer review of the Department of Conservation and Land Management research documents. I would like to hear her prosecuting the case of peer review for some of these anthropological reports as they are absolutely corrupt. I do not use that word lightly. I will be doing a job on some of these reports later in the year; I am steadily working towards it in the limited time I have. This Federal Court case has been a real eye-opener. I believe in many future Federal Court cases many people will be shown to be excluded by the biased way in which some of these representative bodies such as land councils operate and by the shonky anthropological work that is being done. It is important that the House be made aware of this judgment that was handed down on 28 April in Perth by Justice Carr.

Port Kennedy Resorts Ltd - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [5.30 pm]: Earlier today I asked some questions regarding the Port Kennedy Resorts Ltd development. Those questions arose from the concerns that had been expressed to me and further enhanced by my reading of *The West Australian* of 24 April. An article in that newspaper by Neale Prior referring to the Western Australian Supreme Court liquidation proceedings said -

> The financier, Asian Century Holdings, has applied for insolvency expert Ian Francis to be put in charge of Fleuris Pty Ltd, the company which won a mandate from the State Government in 1992 to develop crown land at the southern end of Warnbro Sound.
>
> Asian Century claims Fleuris has failed to repay a $900,000 loan it gave to Fleuris in 1998 . . .

The report goes on -

> Asian Century first issued a statutory demand, a legal precursor to a winding-up application, on March 12 last year.
>
> The demand has since been the subject of appeals that went as far as the High Court, which on April 14 refused to give Fleuris leave to appeal against a State Full Court judgment upholding the demand.
>
> Asian Century's winding-up application comes as Perth golf circles are rife with rumours that interests linked to Kennedy Bay course designer Ian Baker-Finch could be buying the 18-hole golf course . . .

Schedule 1 of the Port Kennedy Development Agreement Act required the developers to provide evidence that they had funding to complete the whole project at the time of the first development proposal. It seems clear there are problems with that funding. The project is not progressing and the minister stated as much in that he said he had some concerns.

I have been asking questions about the state of the finances of the developers of Port Kennedy for some time. On 26 May 1999 I asked the following question on notice which referred to a number of matters of importance to Port Kennedy -

> Is the Minister satisfied that Port Kennedy Resorts now have sufficient funding to complete the resort development as required by the *Port Kennedy Development Agreement Act*?

The minister replied -

> I am aware that the Company is renegotiating the financial arrangements for the project and am currently seeking details of progress in this regard.

I asked a further question on 29 June 1999. Part (4) of that question read -

> Will the minister order an independent audit on the performance of the Port Kennedy Resorts developers in relation to -
>
> (a) the financial difficulties facing the developers;
>
> (b) amounts spent granting freehold land or leases to the proponents; and
>
> (c) the value of facilities which are solely for public use?

The minister replied -

> The Minister for Planning will consider the need for further assessment of the developer's position on receipt of the information referred to in (2) above.

The "(2) above" referred to reads as follows -

> . . . the Minister for Planning is aware the developer is renegotiating its financial arrangements and he has sought details in this regard.

On 21 September, I asked another question without notice, part of which states -

> Has the minister initiated a review of the Port Kennedy project; and, if so, who is conducting the inquiry . . .

The minister's answer states -

> Yes. The Minister for Planning has commissioned an independent assessment of the Port Kennedy project and the Port Kennedy Development Agreement Act as publicly announced on 10 September 1999.

The minister named Peter Leonhardt of Brooksfield Capital Pty Ltd as the person who carried out that assessment.

Part (2) of that question of 21 September states -

> Did the minister refer this matter to the Port Kennedy management board for its consideration . . .

It is interesting that the minister's answer states -

> . . . the board raises no objection to a grant of crown land, provided any entitlement is calculated in accordance with the provisions of the Act and provided priority for expenditure arising from the grants is directed to project works identified in the revised program.

I believe that crown grant was sought by the developers because, according to this answer, at that stage they were seeking land which had been valued at $3.925m. The minister's answer states also -

> The Minister for Planning has agreed to the release of 10 crown grant lots valued at $1.515m and totalling 4 358 square metres, on the condition that funds raised from the grants are used in the first instance to pay local creditors.

That is not quite what the board had asked, which is that the expenditure be directed to project works identified in the revised program. That is fairly important, because the major problem with Port Kennedy at this time is that virtually nothing has been done in the way of public works. The whole purpose of the Act was that the developer would get crown grants in return for providing public facilities in that area. It would seem that it is quite clear to everyone, except the minister, and perhaps also the Cabinet, that the developers do not and have not at any stage had sufficient funding or expertise to complete this project, and that it has been a total disaster from beginning to end.

Further, a real problem is that apart from the lack of provision of public facilities, the developer has been using all sorts of methods to gain finance. A number of creditors have been acknowledged by the minister, including local creditors and PAC Asia Holdings, which is another group which has been seeking some settlement of arrangements with the developer.

However, this lack of funding has gone further. The land in the scientific park is supposed to be managed by the Department of Conservation and Land Management, and the beachfront areas, which do not belong to the resort, are also supposed to be managed by CALM. However, because so little funding has been made available, the work that had previously been done by the Port Kennedy land conservation district committee, which had been working in that area before the enactment of the Port Kennedy Development Agreement Act and had been unceremoniously kicked out of that area, has now been eroded and little has been done towards the upkeep of that important land which is recognised as having high scientific and environmental value.

That land is not being properly managed. It seems that there will not be any funding to carry out proper management of it and that the facilities for the public will not be forthcoming. I call on the Government to come clean and to produce the Leonhardt report. The minister has been sitting on that for some time, refusing to release it or to make any comment. As my question today revealed, he still has not made a decision. Previously, he said it was because he was waiting on the developers to reply to the Leonhardt report, but it seems now that it has become such an embarrassment to government because of its mismanagement of this Act and this project that it is trying to say and do nothing and not come clean. It is time it did.

Question put and passed.

House adjourned at 5.40 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FREMANTLE SURF LIFE SAVING CLUB

1310. Hon GIZ WATSON to the Minister for Sport and Recreation:

With regards to the Fremantle Surf Life Saving Club -

(1) Does the Department of Sport and Recreation have a financial interest in the Fremantle Surf Life Saving Club?

(2) If so, what is this interest?

(3) Does the Department of Sport and Recreation have any relationship with the Fremantle Surf Life Saving Club?

(4) If so, what is the nature of that relationship?

Hon N.F. MOORE replied:

(1) No.

(2) Not applicable.

(3) No.

(4) Not applicable.

HEALTH SERVICES IN ABORIGINAL COMMUNITIES, FUNDING

1319. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) When the State Health Department of WA funds health services in Aboriginal communities and Aboriginal Medical Services, does the Government require explicit clinical goals to be set?

(2) Is this funding a part of public health strategies?

(3) Is this funding a part of environmental health strategies?

Hon PETER FOSS replied:

(1) Yes, where there are clinical services purchased.

(2) The Department does fund a number of Aboriginal communities and Aboriginal Medical Services to provide a range of Aboriginal public health initiatives that are part of a broader public health strategy. For example cervical screening and sexual transmissible disease control and immunisation programs.

(3) The Department does fund a number of Aboriginal communities and Aboriginal Medical Services to provide a range of environmental health initiatives that are part of a broader environmental health strategy. Environmental health is not always directly related to clinical service delivery.

BUNBURY HEALTH CAMPUS, WOUND INFECTION

1412. Hon BOB THOMAS to the Attorney General representing the Minister for Health:

(1) Was there an incident at the Bunbury Health Campus public wing in the middle of October 1999 in which three out of the four patients in the women's post operation surgical ward had their wounds infected?

(2) What was the cause of the problem and what action has been taken to prevent its recurrence?

(3) Was a review of procedures carried out after the problem and what were the recommendations?

(4) Will the Minister for Health table a copy of the review?

Hon PETER FOSS replied:

(1) No.

(2) Not applicable.

(3) An investigation of the claim in Question 1 was undertaken in response to the Parliamentary Question 1412 for the month of October 1999. The following outcomes summarise the findings of that investigation and two (2) patients only were identified as having post operative infections from a 4 bed room.

Case: 1 Female Knee operation 18-10-99. Wound noted to be infected with a query septic arthritic condition and a decision was made to return to Theatre 21-10-99 for drainage and wash out. Microbe identified and antibiotic treatment commenced.

Case: 2 Female Gynaecology procedure on 19-10-99. Abdominal wound noted to be red in colour on 25-10-99 and subsequently commenced oral antibiotics. Discharged on 26-10-99.

I am advised that these two (2) cases appear to be unrelated as to the cause of the infection. Analysis of other investigations do not link with this room accommodation, theatre time or medical officers and therefore no conclusion can be drawn from this information.

(4) No.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1436. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Citizenship and Multicultural Interests:

For each department or agency under the Minister for Citizenship and Multicultural Interests' direction as at March 1 2000 -

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

(2) How many permanent staff are employed?

(3) How many non-permanent staff are employed?

(4) How many substantive positions are vacant?

(5) How many substantive positions are filled in an acting capacity?

(6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon M.J. CRIDDLE replied:

(1)

Level 1	1
Level 2	4
Level 4	2
Level 5	5
Level 6	3
Level 7	2
Level 9	1
Total staff	18

(2) 15

(3) 3

(4) 1

(5) 3

(6) 1

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1437. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Disability Services:

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

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

(2) How many permanent staff are employed?

(3) How many non-permanent staff are employed?

(4) How many substantive positions are vacant?

(5) How many substantive positions are filled in an acting capacity?

(6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon M.J. CRIDDLE replied:

(1) (a) 1738

(b)

Level 1	1188
Level 2	65
Level 3	86
Level 4	93
Level 5	202
Level 6	59
Level 7	16
Level 8	13
Level 9	8
Class 1	5
Class 1.5	1

Class 2.5	1
Class 5	1
Total	1738

(2) 1431
(3) 307
(4) 84
(5) 28
(6) 14

JARRAH STRATEGY

1662. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Forest Products:

In undertaking the development of the jarrah strategy, is the Minister for Forest Products -

(a) consulting with any representatives of -

(i) local government;
(ii) plantation timber product companies; and
(iii) conservation organisations;

(b) having regard to the low sawn timber recovery rates of large logging companies such as Wesfarmers Sotico;

(c) examining jarrah log royalties or prices in view of continuing concern that such royalties are set far below the market value of the jarrah logs;

(d) having regard to the impacts on future jarrah availability of climate change, reduced rainfall, dieback, salinity, waterlogging, insect attack or failed regeneration arising from accident or mismanagement;

(e) taking into account the requirement of Westrail and other timber railway sleeper purchasers that only first grade jarrah timber can and will be used in railway sleepers;

(f) investigating the ability of SIMCOA to derive its charcoal requirements from a source or sources other than jarrah;

(g) undertaking any studies of the relative costs and benefits of the continued supply of good quality jarrah to operations such as SIMCOA in preference to the fine wood craft and furniture industries;

(h) examining the export of minimally processed jarrah timber by companies such as Wesfarmers Sotico, and the potential loss of job opportunities caused by this;

(i) giving consideration to the need for internationally credible timber certification, such as that provided by the Forest Stewardship Council; and

(j) having regard to the implications for the jarrah industry of the logging out of all remaining jarrah in State Forest within approximately 15 years?

Hon PETER FOSS replied:

(a) A number of elements will be considered by the Minister for Forest Products and the proposed Forest Products Commission in developing the jarrah strategy for the post 1994-2003 Forest Management Plan period. This will involve consultation with a range of industry and community sectors.

(b) SOTICO achieves sawn recovery levels equal to the industry average and achieves the production of value added timber products well above the industry average. The joint State and Commonwealth Western Australian Forest Industries Structural Adjustment Program will provide financial assistance to businesses and industry bodies to further develop a responsible and sustainable native forest timber industry in Western Australia which is both efficient and internationally competitive and thereby create greater employment opportunities for south west communities. These are important considerations in the development of the jarrah strategy.

(c) The process of engaging a consultant to conduct a review of native hardwood log prices is underway.

(d) The jarrah strategy will be based on sustainable forest management principles and the determination of the long term non declining sustainable level of jarrah sawlogs as detailed in the Regional Forest Agreement and any subsequent examination by an appropriate expert panel.

(e) Specifications for railway sleepers do not require the processing of only “first grade” jarrah timber. Sleeper specifications can tolerate low quality timber defects which would not normally be acceptable in most structural timber grades.

(f) Simcoa is conducting its own studies to assess the most appropriate source for its charcoal requirements.

(g) Good quality jarrah is not supplied to Simcoa. Simcoa uses low value jarrah timber residues as part of a value adding manufacturing process to convert low value silica to high value silicon metal. The finewood craft industry is already provided with the opportunity to purchase jarrah log timber in preference to Simcoa.

(h) SOTICO is the major supplier of sawn jarrah timber to companies such as Jensen and Clarecraft, who are the main Western Australian manufacturers of outdoor furniture and BVR and Fremantle Furniture Factory who are the main

Western Australian manufacturers of indoor furniture. The value adding commitments in future sale contracts for jarrah sawlogs will require high levels of manufacturing into value added timber products either on site or further manufacturing predominantly in Western Australia.

(i) Each State and Territory, through Australia's Ministerial Council on Forestry, Fisheries and Aquaculture, is involved in the process of developing an Australian Forestry Standard under which a third party accredited certifier can provide a written assurance that the quality of forest management conforms to specified standards. The standard will form the basis of a voluntary forest management certification system to be available for use by public and private forest owners in the pursuit of sustainable forest management in Australia. It is intended that the Standard will be based on Australia's commitment to the Montreal Process Criteria and Indicators for assessing sustainable management of boreal and temperate forests outside Europe. The Standard will provide the basis for third party auditing in conjunction with the ISO14001 Environment Management System standard.

(j) The management of State forests under the principles of ecologically sustainable forest management will ensure there is a long term non declining sustainable level of jarrah sawlog available for the timber industry. Jarrah will not be "logged out" of State Forests in 15 years; it is to be sustained indefinitely.

NATIVE TITLE, YABURARRA CLAIMANTS

1697. Hon TOM STEPHENS to the Leader of the House representing the Minister for Lands:

(1) Will the Leader of the House representing the Minister for Lands table the following information in reference to the Yaburarra claimants -

(a) which lands titles applications or other lands matters have been subject to *Native Title Act* right-to-negotiate procedures;

(b) for each of these applications what is the name of the proponent involved;

(c) in each case who has negotiated on behalf of the claimants;

(d) for which of these applications have right-to-negotiate procedures concluded;

(e) in which specific negotiations with the claimants were Department of Land Administration officers involved;

(f) the dates of this involvement; and

(g) if the department was not involved, the reasons why not?

(2) Did the Minister for Lands or his office participate in discussions or negotiations with the Yaburarra claimants or their representatives on these matters?

(3) If yes, will the Minister table information showing -

(a) the dates on which any such discussions or negotiations occurred;
(b) who from the Minister for Land's office was involved in these discussions;
(c) what matters were discussed on each occasion; and
(d) the outcomes of each discussion?

Hon N.F. MOORE replied:

(1)

(a) Lands title application	(b) Proponent	(c) Claimant represented by:
Expansion of Woodside development	Woodside Joint Venture	McDonald Rudder Barristers &Solicitors
Pilbara Energy Project Karratha extension	BHP Pilbara Energy Limited	McDonald Rudder Barristers & Solicitors
Commercial subdivision Karratha	Department of Land Administration	McDonald Rudder Barristers & Solicitors
Commercial annexation of Karratha	Alan F Longborn then Geoff Harris	McDonald Rudder Barristers & Solicitors
AUSI iron project	AUSI Ltd	McDonald Rudder Barristers & Solicitors
Shore based fabrication site	Subsea International Australia Inc then Global Offshore then Apache Energy Limited and Brown & Root Energy Services	McDonald Rudder Barristers & Solicitors
Burrup Industrial Estate	Plenty River	Williams and Co Lawyers

(d) Expansion of Woodside development and Pilbara Energy Project - Karratha extension.

(e) Department of Land Administration officers were involved in the negotiation process for all of the above applications.

(f) The right to negotiate process involves correspondence and liaison on many occasions. Formal negotiation meetings are also part of the right to negotiate process and were attended by DOLA on the following dates.

Date	Name (s)
15/1/1997	John Willis
20/2/1997	Ken McCracken
26/2/1997	Ken McCracken
10/7/1997	Ron Pumphrey
29/7/1997	Ron Pumphrey
14/8/1997	Ken McCracken
2/9/1997	Ken McCracken
16/2/1998	John Willis, Ken McCracken
22/4/1998	Ron Pumphrey, Ken McCracken
11/6/1998	Nil, refer (g) below
16/7/1998	Ken McCracken
6/10/1998	Ken McCracken
5/2/1999	Ken McCracken
10/5/1999	Cliff Uren

(g) DOLA officers were involved in the right to negotiate process for all of the described applications. There was one formal negotiation meeting (11/6/1998) which DOLA officers did not attend, although an apology was tendered.

(2) No, other than normal statutory and administrative responsibilities associated with the Minister for Lands' portfolio.

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1742. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Works:

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

(1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?

(2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?

(3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

(4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?

(5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?

(6) What was the total capital expenditure on information technology in the 1998/99 financial year?

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

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

Hon M.J. CRIDDLE replied:

Contract and Management Services

(1) $1,998,000
(2) Nil
(3) $1,744,000
(4) Nil
(5) $5,965,000
(6) $1,940,000
(7) $6,078,000
(8) $2,227,000

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1743. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Services:

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

(1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?

(2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?

(3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

(4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?

(5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?

(6) What was the total capital expenditure on information technology in the 1998/99 financial year?

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

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

Hon M.J. CRIDDLE replied:

State Supply Commission

(1) $39,322
(2) Nil
(3) $40,000
(4) $20,000
(5) $41,909
(6) $30,000
(7) $7,000
(8) $15,000

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1745. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Citizenship and Multicultural Interests:

For each of the Government agencies for which the Minister for Citizenship and Multicultural Interests has Ministerial responsibility -

(1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?

(2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?

(3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

(4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?

(5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?

(6) What was the total capital expenditure on information technology in the 1998/99 financial year?

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

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

Hon M.J. CRIDDLE replied:

Citizenship and Multicultural Interests

(1) $ 20,554
(2) Nil
(3) $15,779
(4) $8,211
(5) $4,740.
(6) $18,049
(7) $18,662.
(8) $1,411

QUESTIONS WITHOUT NOTICE

ARTS COMPANIES, SUPPORT

1044. Hon TOM STEPHENS to the minister representing the Minister for the Arts:

I refer to the Cultural Ministers Council deferred at the eleventh hour from 7 April by the Federal Government and the fact that there are a number of arts companies which are either financially on a knife edge or plan a number of years ahead and which were relying on the outcome of the meeting.

(1) Has the Government reached agreement with the Federal Government over its contribution to the package?

(2) If yes, what is that contribution and will the minister table any submission it is proposing to make to the Council and, if not, why not?

(3) If it has not reached agreement, why not and when does the minister anticipate doing so?

(4) What assistance will the Government be providing Western Australian arts companies to ensure their short term viability until this funding is announced?

(5) Has the minister investigated the possibility of providing short-term funding which could then be offset against the $70m to be approved by the Council?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

(3) Details and clarification of the Commonwealth's funding have been requested and the minister is awaiting these. After these have been received and agreed upon, a final package can be confirmed.

(4) The Western Australian Government will continue to meet the triennial funding agreement with all companies involved. This will ensure their viability at current levels of operation.

(5) No.

HAND-HELD PHONES, USE BANNED WHILE DRIVING

1045. Hon TOM STEPHENS to the Minister for Transport:

I refer to the minister's announcement that the use of hand-held phones while driving will be banned from July next year.

(1) Whose advice was it that the ban should be phased in over 14 months to give motorists time to adjust and how much planning is needed to buy an earpiece or cradle?

(2) Given the Road Safety Council's figures on the relationship of mobile phones to road accidents, should this ban be implemented sooner rather than later?

(3) Would an advertising campaign similar to that conducted for the Northbridge tunnel bring about the necessary awareness of the ban in a much shorter time frame, or does the minister consider the saving of lives less important?

(4) Is it not the case that the minister has timed the introduction of this ban from July next year to ensure that the Government does not receive any electoral backlash from the decision?

Hon M.J. CRIDDLE replied:

(1)-(4) In our normal processes we have gone through a series of operations with this commencing in 1998 and we set up the process so that we would get the right feedback over a period to clearly indicate what the requirement was of the community. In 1998 we carried out an observational review into whether people were using mobile phones and what the impact of the ban would be. We then went through an education period, which is what we indicated we would do. At the end of 1999 another observational study was held and at the conclusion of that it was noted that there was no change in the habits of people using mobile phones. The Road Safety Council carried out an independent survey with 400 respondents. Those respondents indicated that 91 per cent of the people were in favour of banning hand-held phones. Seventeen per cent of those people indicated that they had either seen an accident as a result of the driver using a mobile phone or they had been in an accident or they had observed near misses or people driving in an unacceptable manner. From those observations the Government has made a decision to ban hand-held phones from July 2001 on the recommendation of the Road Safety Council. There are two options for drivers: They can use the cradle type with a mouthpiece at the top or an earpiece. A cradle for an Ericsson style phone costs $300 to $350. The earpiece can vary from $30 to $90 depending upon the use. Using mobile phones while driving is at the lower end of the accident causing spectrum. Alcohol, people not wearing seatbelts, speeding and fatigue are all far more significant contributors to death and injury on the roads. There is no doubt that people are distracted while using a hand-held phone; for example, a driver has to dial the number. People are also distracted by the conversations they are having and if the conversations become more and more animated, they concentrate less and less. We have made the decision. As I said, there are other distractions from driving -

Hon Kim Chance: Have you been dialling those 0055 numbers again?

Hon M.J. CRIDDLE: Other distractions include drivers eating, belting the kids, adjusting radios and the like. It is an issue that we have to deal with.

The PRESIDENT: Order members. I am trying to listen to the minister's answer. I have got Hon Mark Nevill down for a question but I am unsure of whether he has already asked three!

Hon M.J. CRIDDLE: There are other distractions when people are behind the wheel. They should be aware of their surroundings and concentrating on the job at hand. The advertising campaign for the Northbridge tunnel was very successful. It demonstrated that people want to be aware of the infrastructure used in the tunnel and they need to know the direction they have to go when they get into it. It has been a roaring success as everybody knows and the opposite to what the Opposition was indicating it would be. It is certainly one of the greatest achievements of the Government and it clearly needed to be advertised.

Hon Ljiljanna Ravlich: What has this got to do with mobile phones?

The PRESIDENT: I ask the Minister for Transport to draw his answer to a close.

Hon M.J. CRIDDLE: I was doing that. We will have a suitable education program to get the message across about hand-held phones so that everyone is aware of the situation.

GOVERNMENT TAXES AND CHARGES, INCREASES

1046. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

I refer to the Premier's claim last week that increases in State Government fees and charges from 1 July would cost the average Western Australian family $166 per year and the Premier's claim on ABC radio last Thursday that this figure includes the increased cost of stamp duty on motor vehicle and household insurance.

(1) What is the expected cost of the goods and services tax and stamp duty on motor vehicle and home and contents insurance for an average household?

(2) Where are these costs mentioned in the Premier's media statement of 27 April 2000?

Hon N.F. MOORE replied:

(1) Under the new tax arrangements -

(a) insurers will be able to claim a decreasing adjustment for GST purposes - effectively an input tax credit - equal to one-eleventh of the value of claims paid out to private policy holders; and

(b) the replacement cost of some goods will decline, while others will increase, as a result of the abolition of wholesales sales tax and the introduction of the GST.

Treasury estimates indicate that although building insurance premiums will increase slightly, they will be offset by reductions in home contents and motor vehicle insurance premiums. The net outcome was estimated to result in no change to the overall insurance premiums paid by the representative household.

(2) Household and motor vehicle insurance are provided by the private sector and, consequently, were not included in the Premier's media statement on government tariffs and charges. As there is no change in stamp duty on motor vehicles and household insurance, these government costs were not explicitly mentioned in the media statement. However, stamp duty on household and motor vehicle insurance is a component of the representative household model.

FLEURIS PTY LTD, FINANCIAL POSITION

1047. Hon J.A. SCOTT to the minister representing the Minister for Planning:

Some notice has been given of this question.

(1) Is the Minister for Planning aware that the High Court has refused to give Fleuris Pty Ltd leave to appeal against a state full court judgment that upheld a statutory demand over a $900 000 debt owed to Asian Century Holdings?

(2) Is the minister further aware that Asian Century Holdings has applied for insolvency expert Ian Francis to be put in charge of Fleuris?

(3) Is the minister aware of any further unpaid debts owed by Fleuris?

(4) Is the minister still confident that Fleuris has sufficient funding to complete the Port Kennedy Resorts project as it was required to do by the Port Kennedy Development Agreement Act; and, if not, what action does he intend to take?

Hon N.F. MOORE replied:

(1)-(2) The Minister for Planning has previously advised the House that he is aware that Fleuris Pty Ltd is involved in litigation with its financiers over the Port Kennedy project. The Minister for Planning has also noted recent media reports relating to this matter.

(3) The Minister for Planning is aware that Fleuris is involved in further litigation in relation to financial matters.

(4) In response to question without notice 851 of 22 March 2000, the Minister for Planning confirmed that he was currently evaluating advice in relation to the findings of the independent review of the Port Kennedy project prepared by Brooksfield Capital Pty Ltd. The Minister for Planning can confirm that the review addressed the capacity of the company to complete the project. However, the Minister for Planning's deliberations on this matter are not yet concluded and therefore he is not in a position to provide any details of the findings.

LIQUID PETROLEUM GAS TRIAL, DUAL-FUEL VEHICLES

1048. Hon NORM KELLY to the minister representing the Minister for the Environment:

In reference to question without notice 1026, answered on Wednesday, 3 May -

(1) Will the minister identify the additional costs associated with dual-fuel vehicles?

(2) When did the Government become aware of these additional costs?

(3) The minister's answer yesterday referred to a trial of up to 300 vehicles, yet in the media release for the launch of

the trial on 5 April 1998, Hon Mike Board stated that vehicles would come into the trial progressively until the target of 300 is reached. Does the Government remain committed to achieving its original target?

(4) If yes, what steps is the Government taking to accelerate the rate of participation, which currently would not see the target achieved until the year 2010?

(5) Will the minister table any results derived from the trial, now that the trial has been operating for more than two years?

(6) What is the Government's current lowest contract price for liquefied petroleum gas and with which company is this contract?

Hon N.F. MOORE replied:

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

ALBANY WIND FARM PROJECT, COMMENCEMENT

1049. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Energy:

With the recent approval by the Albany City Council for the construction of the Albany wind farm, will the minister indicate when the project is due to begin and when it is expected to be completed? What will be the cost of this project and what amount of power is it expected to generate once operational?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Approvals from the Albany City Council for the proposed Albany wind farm project are another positive step towards the project proceeding. Once negotiations with the preferred tenderer are completed and the project has been considered and approved by Government, construction of the wind farm can be completed in approximately 12 months. The cost of the project is estimated at $43 to $45m with the final figure depending on various issues including weather conditions during turbine erection, foreign exchange rates for imported specialist turbine components and final foundation costs, which can be known only following detailed geotechnical investigations. The wind farm would produce 77 gigawatt hours of electricity in an average wind year, which is equivalent to 70 to 75 per cent of Albany's yearly electricity use. Wind energy production would vary between years due to normal variations in wind patterns.

TAFE COLLEGES, WORKPLACE AGREEMENTS

1050. Hon LJILJANNA RAVLICH to the Leader of the House representing Minister for Employment and Training:

I refer to the WA Department of Training's recent meetings with the Department of Productivity and Labour Relations regarding the progress of workplace agreements for technical and further education lecturers.

(1) Has the department sought Crown Law advice on whether TAFE colleges are at law constitutional corporations?

(2) If so, has Crown Law advice been received and will the minister table the advice; and, if not, why not?

(3) If Crown Law advice has not been received, on what basis is the department attempting to implement Australian workplace agreements in TAFE colleges?

(4) If the advice is that TAFE colleges are not constitutional corporations, will the department continue to attempt to implement Australian workplace agreements?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(4) Advice has been obtained from the Crown Solicitor's Office. However, questions which relate to the legal opinions of the law officers of the Crown are, by custom, not tabled.

CANNING VALE MARKETS, NEW REGULATIONS

1051. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:

(1) Has the Minister for Primary Industry now received both the first and second stages of report from the committee that he established to review the operations of the Canning Vale markets?

(2) If so, when will these reports be made available to the Opposition?

(3) Does the Minister for Primary Industry intend to gazette new or amended regulations pertaining to market city operations as a result of these reports?

(4) If so, when is it expected that the first of these new or amended regulations will be gazetted?

(5) Given that these issues arise primarily from action that has been taken by the Opposition, will we be consulted on the nature of the regulations prior to their gazettal?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The information sought by the member is currently being checked with parliamentary counsel. I guess that has to do with the regulations. The minister requests that the question be placed on notice.

WESTRAIL, ARTWORKS

1052. Hon TOM STEPHENS to the Minister for Transport:

Will the minister table a list of the works of art that are owned by Westrail detailing their value; and, if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Provision of this information would require considerable research which would divert staff away from their normal duties, and require the engagement of a valuer of works of art, and I am not prepared to allocate the State's resources to provide a response.

TELECOMMUNICATIONS SERVICE INQUIRY, GOVERNMENT SUBMISSION

1053. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

Some notice has been given of the question.

(1) What special initiative has the Western Australian Government taken to ensure the full consideration of Western Australian communications needs by the Tim Besley led inquiry into delivery of communications services?

(2) What is the WA Government's program for consulting rural, regional and other Western Australians for the purpose of articulating this State's needs to the Besley inquiry?

Hon N.F. MOORE replied:

(1)-(2) The Government is consulting widely through its communications advisory committee and the nine regional development commissions to prepare a comprehensive written submission to the telecommunications service inquiry. In addition, if people do not wish to make their own submission to the inquiry, the public will be invited, through newspaper advertisement, to contribute to the State's submission. The Government has negotiated with the inquiry's secretariat for the inquiry to hold public meetings in Port Hedland, Kalgoorlie, Albany and Perth when it visits Western Australia in June. It is also proposed to conduct a Westlink satellite conference to enable people in the more remote parts of the State to contribute their views to the inquiry. The minister has also suggested to the nine regional development commissions that they conduct their own public meetings to elicit further responses from businesses and individuals to the inquiry. To enable the Western Australian submission to be as comprehensive as possible, the Government has requested an extension of the deadline of 31 May 2000 for written submissions.

ROADS, FLOOD DAMAGE

1054. Hon MARK NEVILL to the Minister for Transport:

How much damage has been done to Western Australian roads in dollar terms as a result of the recent flooding and cyclone, and what rearrangement of road funding programs has been undertaken to finance the damage bill?

Hon M.J. CRIDDLE replied:

We are assessing the cost of the road damage, and it will be some time before the final assessment is ready. The total cost of road damage as a result of recent events is in the vicinity of $45m. The figures have not yet been finalised. The Government is attempting to get recompense for the damage from these natural disaster events through the Fire and Emergency Services Authority. The final figure is not yet known but I am prepared to give an indication of it. It will impact on the road budget if the cost of repairing the damage must all be found from the Main Roads budget.

PARTNERSHIP 21, LAUNCH COST

1055. Hon J.A. COWDELL to the Minister for Tourism:

Will the minister table the total costs, including marquee hire, catering, lighting, public relations and electronics, of the Government's pre-election launch of its Partnership 21 at Lake Monger on Wednesday?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The final accounts have not yet been received. I will advise the member of the total cost when the accounts have been received and paid.

The question referred to a pre-election launch. I do not know whether that was a tongue-in-cheek, snide remark from Hon John Cowdell. It is not his style so I suspect he did not write the question.

The PRESIDENT: Order! The assumption is that he did write the question.

Hon N.F. MOORE: I must accept that he wrote the question but it is not his usual style. Yesterday the Western Australian Tourism Commission, together with the tourist industry, launched Partnership 21 which is a five-year strategic plan for tourism in Western Australia. The strategy was put together by a steering committee, 90 per cent of whose membership was from the tourism industry. It is supported by the Tourism Commission.

Hon Ken Travers: Did you bring Elle over for the day?

Hon N.F. MOORE: That would have been nice, but the last time we used Elle Macpherson, opposition members spent all their time criticising us. They cannot have it both ways. They have a few leaked copies of the Partnership 21 document, and the shadow spokesperson on tourism spent all his time trying to discredit the strategic plan. He tried to get the media to run stories, telephoned them, and jumped up and down. He carried on like a pork chop trying get his point across, and occasionally he did. It was all negative, as usual, but he was criticising the tourism industry itself and not the Government. This is an industry document and the Government has accepted it as a very positive way forward for the tourism industry in Western Australia. There was a similar launch of the previous strategy, which again was criticised by the Labor Party; it always knocks these things. That strategy proved a great success and the industry has recognised that.

The Labor Party should have a good, hard look at the Partnership 21 strategy and recognise it for what it is; that is, a detailed and comprehensive policy for the future of tourism in Western Australia. It is not, as suggested by this question, a pre-election campaign. It is a five-year strategic plan due to be implemented from 1 July 2000. The last five-year plan finishes on 30 June 2000, and the next one will come into effect on 1 July and last for five years. It just so happens that an election is in the offing, but that is when the plan must be put together. The plan is put together by industry, and if members opposite think the industry is writing the Government's policies, that is fine. I am happy to accept that.

BUSHPLAN, URBAN BUSHLAND CLEARING

1056. Hon GIZ WATSON to the minister representing the Minister for Planning:

In respect of areas of urban bushland identified under Bushplan -

(1) How many Bushplan sites have been cleared or partially cleared since their listing?

(2) How many more Bushplan sites are under threat of clearing?

(3) Will the minister ensure that these sites are rezoned immediately to prevent further losses?

(4) If no to (3), why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) A few isolated lots within Bushplan sites 125, 42, 327, 472, 386, 390, 87, 378, 387 and 65 have been reported.

(2),(4) Clearing is controlled through a notice of intent to clear through the Commissioner for Soil and Land Conservation under the Soil and Land Conservation Act 1945. When this has not occurred the commissioner can take the required action, depending on the circumstances of the case.

(3) Rezoning under planning legislation does not necessarily prevent clearing. Threats to Bushplan sites cannot be estimated.

KINGSLEY DRIVE-WHITFORDS AVENUE INTERSECTION, TRAFFIC LIGHTS

1057. Hon HELEN HODGSON to the Minister for Transport:

(1) Does the Department of Transport plan to erect traffic control lights at the intersection of Kingsley Drive and Whitfords Avenue in Kingsley?

(2) If so, when will the traffic control lights be erected?

(3) If not, will the minister ask the department to examine the need for traffic control lights at that intersection?

(4) Is the minister aware that motorists are experiencing difficulties at this intersection?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1)-(2) There are no plans for the installation of traffic signals at this intersection at this stage.

(3)-(4) This intersection is operating adequately, and Main Roads will continue to monitor traffic conditions in conjunction with the City of Joondalup. The overall crash ranking of the intersection is low when compared to that at other intersections in the metropolitan region.

BOCS TICKETING AND MARKETING SERVICES, SALE

1058. Hon G.T. GIFFARD to the minister representing the Minister for Works:

(1) What was the sale price of BOCS Ticketing and Marketing Services?

(2) Were all permanent staff at BOCS Ticketing offered permanency post privatisation; and if not, why not?

(3) Will the minister table a list of artworks owned by BOCS Ticketing prior to privatisation?

(4) Have these artworks been passed to the new private owners?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The sale has not yet been finalised.

(2) Not applicable.

(3) BOCS does not own any artworks.

(4) Not applicable.

WANNEROO, GROWTH

1059. Hon RAY HALLIGAN to the minister representing the Minister for Planning:

(1) Can the minister confirm that Wanneroo is officially the fastest growing local government area in the State?

(2) Can the minister indicate the manner in which the Minister for Planning has factored in the implications of this growth?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) In terms of absolute growth - the number of persons - the Shire of Wanneroo is placed first in Western Australia. It is estimated by the Australian Bureau of Statistics that since 1996, the population has increased by 6 967 persons, to 71 966 in 1998.

(2) Several planning policies and strategies have been prepared to ensure the orderly development of the Wanneroo local government area. The current strategic planning intentions for the Perth metropolitan region are set out in the December 1990 document entitled "Metroplan: A Planning Strategy for the Perth Metropolitan Region". Metroplan provides the broad strategy for planning and development within the Perth metropolitan region to the year 2021. Metroplan was produced after extensive review and consultation over several years, and it is currently the principal document guiding the growth of the metropolitan region while ensuring that Perth's character and quality of life are safeguarded and enhanced.

The "North West Corridor Structure Plan", released in 1992, adds detail to Metroplan by providing the framework for the development of the north west corridor to the year 2021. The north west corridor structure plan contains proposals for residential development and local employment, the provision of services and infrastructure, and conservation and protection of the environment. A series of major metropolitan region scheme amendments by the Government since 1993 have implemented most of the proposals in the north west corridor structure plan by incorporating them in the MRS. Local town planning scheme amendments and local structure planning have been progressing to ensure an adequate supply of well planned, affordable housing and other land, in accordance with the north west corridor structure plan.

In order to continue its far reaching vision for all of Perth, including Wanneroo, the State Government has initiated the Future Perth project which will provide a new strategic plan for Perth. Future Perth will offer a series of strategies relating to environmental and resource protection, the community, the economy and infrastructure to guide our city out to about the year 2030. The Future Perth project will examine growth factors such as employment, the economy and investment in the land requirements for industry, commerce, housing and institutions. The Future Perth project requires the active participation of local governments, the community and major stakeholders.

CARNARVON FASCINE, DREDGING

1060. Hon TOM STEPHENS to the Minister for Transport:

I refer to the minister's predecessor's answer to question without notice 1505 of 19 May 1998 in which he stated that the Carnarvon fascine was expected to be completed in 12 months at a total cost of $3.1m.

(1) Has the dredging of the fascine been completed as originally planned by LandCorp?

(2) If not, when is the project now expected to be completed and what is the new estimated total cost?

(3) Is the dredge still in place; and, if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The fascine dredging has been completed to the extent permissible with a funding allocation of $3.1m. The original scope anticipated 850 000 cubic metres being removed. Due to the financial failure of the original contractor, Dredgemasters Pty Ltd, cost increases occurred which limited to 560 000 cubic metres the amount of material which could be removed.

The scope of the work - to deliver a boating channel between the LandCorp canal estate and the ocean and the creation of a boating basin for small sailing craft - has been achieved. Funding has limited the size of the boating basin, but it remains completely functional.

(2) The project has been completed at the original budget level of $3.1m.

(3) The dredge has been removed from the site.

SENIORS, PSYCHOLOGICAL COUNSELLING SERVICES IN RURAL AREAS

1061. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

(1) Is the minister aware that in rural and remote areas of Western Australia, seniors are unable to access expert psychological counselling services?

(2) If so, are any initiatives proposed to remedy this situation and what are they?

(3) If not, why not?

Hon N.F. MOORE replied:

(1) Each of the rural and remote regions of Western Australia has access to a multi-disciplinary regional mental health team which specialises in the assessment and treatment of mental health disorders for all age groups, including seniors. The regional mental health teams also utilise the expertise of specialists in the mental health of the elderly, from the metropolitan area via telepsychiatry. Elderly people have variable access to psychological services in rural and remote areas, as they would to private psychological services in the metropolitan areas.

(2) As part of the Government's commitment to increasing expenditure on mental health across the State, resources spent on mental health services in rural and remote areas have increased by over 90 per cent since 1997-98. These extra resources have been spent on increasing the capacity of the teams to provide specialist services to all age groups, including seniors, with mental health issues.

(3) Initiatives to increase resources for elderly people with mental health disorders have been undertaken as outlined above.

SCHOOLS, GOODS AND SERVICES TAX

1062. Hon KEN TRAVERS to the minister representing the Minister for Education:

(1) What is the Education Department's estimate of initial implementation costs of the GST for -

(a) WA government schools; and

(b) all WA schools?

(2) What are the estimated ongoing GST compliance costs for government and non-government schools in WA?

(3) What funding, either direct or indirect, has been paid or is anticipated to be paid, to cover these costs?

Hon M.J. CRIDDLE replied:

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

Parliament House, Visitors and Guests

The PRESIDENT: Members of the Ethics and Parliamentary Privileges Committee from the Queensland Parliament are currently visiting Parliament House, Perth and conducting meetings with members and officers. I welcome to the President's Gallery, Mr Sean Nelson, MLA, a member of the Queensland Parliament and a member of that committee.