



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Thursday, 10 April 1997

# Legislative Council

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

## ESTIMATES OF REVENUE AND EXPENDITURE

### *Tabled Papers*

Hon Max Evans (Minister for Finance) tabled the Budget papers.

[See paper No 384A-E.]

### *Consideration of Tabled Papers*

**HON MAX EVANS**(North Metropolitan - Minister for Finance) [2.31 pm]: I move, without notice -

That pursuant to Standing Order 49(c), the Council take note of tabled paper No 384A-E (Consolidated Fund Estimates 1997-98), laid upon the Table of the House on 10 April 1997.

This motion enables the Legislative Council to examine and debate the budget papers associated with the Appropriation Bills which are now before the Legislative Assembly. The Treasurer's budget speech accompanying the budget papers provides the economic and social framework of the 1996-97 Budget. I do not propose to cover that ground in detail again.

In summary, this Budget has been prepared in a difficult environment. Despite this, the Government is determined to live within its means. The Budget does that and ensures that Western Australians will continue to benefit from the sound financial strategy put in place by the Government.

Four factors have been prominent in the preparation of this Budget:

first, demand for services, particularly infrastructure services is increasing strongly because of our robust economic growth;

second, the State's own revenues to fund these increasing services are not growing at the same rate as the economy;

third, this revenue shortfall has been seriously compounded by significant cutbacks in commonwealth government grants which account for about 36 per cent of recurrent budget funds; and

fourth, in total, state revenues are falling in real terms by 1.7 per cent.

In the past, high inflation rates often gave the illusion of large growth in revenues and expenditures. We must now adjust our thinking to low inflation levels. The serious reduction in commonwealth funding has been of major concern because Western Australians are now generating record tax revenues for Canberra. We are creating the wealth but we are not equally sharing in it.

More than \$1.5b of taxes that are being raised by the Commonwealth Government from Western Australia now stays in Canberra and is not returned to the State in the form of funding for services.

The cuts in commonwealth funding have been savage over recent years.

If the States obtained the same share of commonwealth revenues that they did 10 years ago, WA would be receiving \$700m more each year. In addition to these cuts, cumulative losses in our share of commonwealth grants since 1993-94 alone have been \$543m.

Western Australia is the economic jewel in the crown of the Australian economy but we are being used as a cash cow. The "grab for cash" attitude which prevails in Canberra is short-sighted and, if left unchecked, will ultimately cause the breakdown of the Federation. Western Australia should not and will not accept being financially penalised unduly by a central government at a time when it is generating record levels of wealth. That is not how the Australian Federation should work. If Western Australians were able to obtain a greater share of the wealth they created, they would be enjoying significantly higher living standards.

While framing this Budget, we felt in some ways some empathy with the American colonists who resented paying unfair new taxes on tea. They vented their feelings with the now famous Boston Tea Party which led to independence. In Western Australia we have not had a Boston Tea Party but, if we continue to be treated unfairly,

there will be electoral backlash against Canberra. This Budget is a testament to the growing financial injustice in our Federation - a Federation being strangled by centralised fiscal control which is financially penalising the best-performing state economy in Australia.

### **BUDGET STRATEGY**

The coalition will continue to follow the financial strategy which we undertook during our first term in government. To underpin this financial strategy we must ensure that we do not borrow money to pay for current expenditures and that we continue to reduce the burden of interest payments on our Budget.

I am pleased to announce that the 1997-98 Budget achieves both these objectives. It will be the fourth successive balanced state Budget. By adhering to this financial strategy, Western Australia has now regained its reputation for sound and responsible financial management. The State is again held in high regard internationally as a reliable trading partner and an excellent place to conduct business. As part of our fiscal management we have:

published forward estimates, which is the strategic framework to give Western Australia balanced or surplus Budgets beyond the year 2000; and

reduced net debt and will continue to do so as a percentage of gross state product.

As a result of this responsible management, Moody's credit rating agency has reinstated us to an AAA credit rating, which was lost in the quagmire of WA Inc. Our approach to budgeting and our policy of a more productive public sector means we can deliver more and improved services at a lower cost.

### **THE 1997-98 BUDGET**

I now turn to the detail of the 1997-98 Budget. As I have already mentioned, this Budget has revenue growth estimated at 1.7 per cent less than the inflation rate. Commonwealth recurrent grants in the Budget fall by 1.6 per cent in real terms. The Budget will remain in balance, however, because we have cut our cloth to meet our circumstances. Recurrent outlays will grow by 0.1 per cent in real terms and capital outlays will fall by 8.1 per cent real. In total, outlays will be \$7.05b in 1997-98.

I have foreshadowed that a number of revenue measures will be necessary in 1997-98. The measures we have taken have been designed to enhance the equity of the tax system, to broaden the base of the system and to spread the burden as fairly and as widely as possible. We have taken the following measures.

#### **Debits Tax**

This tax currently applies to withdrawals from accounts which include, or are linked to, cheque facilities. The rates for debits tax in Western Australia are 50 per cent lower than those in all other mainland States. In view of the penalties inflicted upon us by the Commonwealth, we have been forced to increase the debits tax to the same level as the other States. This step is consistent also with the move being pursued by most States for national uniformity in this type of tax. This increase will become effective from 1 July.

#### **Motor Vehicle Licence Fees**

Licence fees on family and light commercial vehicles will go up by approximately 20 per cent from 1 July to raise an estimated \$14m. This money will be used exclusively by the Main Roads Trust Fund.

I should point out that even with this increase, licence fees for family vehicles in WA will still be the lowest in Australia. For a six-cylinder family car, both licence fees and third party insurance, the two major costs of vehicle registration, will remain the lowest of all States and Territories. After the increase announced in this Budget, the annual licence fee in WA for a typical six-cylinder family car will be \$86.50 compared to \$169 in New South Wales and \$140 in Victoria. For third party insurance, it will cost \$192.25 for the six-cylinder vehicle in WA compared to \$496 in New South Wales and \$299.20 in Victoria.

In Western Australia, a recording fee is also payable for vehicle registrations. This charge will rise by \$2.20.

#### **Traffic Infringement Fines**

Increases in these fines are overdue and many of them will be doubled from 1 July. Similar moves are occurring in the Eastern States. This measure will raise revenue, but it is a double-edged strategy. We believe that the substantial increase will make offenders think again and not break the road rules. This, in turn, will reduce the chance of road accidents and the incidence of road trauma. Some of the revenue raised by increasing fines will be diverted into road safety programs.

## **REFORMS**

### **Competition**

A more competitive Western Australian economy continues to be a driving objective of the Government. Competition policy reforms are essential to this objective. The coalition will continue its reforms to modernise the way the Government does business. For generations, taxpayers often complained that the public sector was incapable of matching private enterprise in the quality and delivery of service and could not compete in the open market. That situation has changed dramatically over the past four years. Rationalisation, competitive tendering, contracting out, new purchasing practices and the requirement for agencies to act commercially have all played their part in lifting the level of government services - and will continue to do so. Systems and practices introduced in our first term are fair and equitable to everyone in the community. Any company or individual with the right credentials can compete for government work on a fair basis. This is already spreading the wealth and the opportunities.

The 1996 Fielding review, which reviewed the Public Sector Management Act and the machinery of government, recommended, among other things, the streamlining of agencies. This process began last week with the creation of the Department of Culture and the Arts. The coordination of the arts organisations, the Library and the Museum will eliminate duplication and will free up funds for service delivery. The legislative framework formalising the new structure will be introduced to Parliament shortly.

A committee of senior public servants, chaired by the Under Treasurer, is examining the machinery of government and it reports directly to the Premier and will recommend machinery of government changes.

### **Financial Management Reform**

Substantial progress is being made with the Government's financial reform agenda to seek better value for the taxpayers' dollars spent. Over the next two years, we will be building on this program by completing the implementation of output and outcome based management in accordance with accrual accounting principles. For the first time this year, the budget papers provide information on what government agencies actually produce. Budgets, departmental spending and revenue raising will be managed under improved accrual accounting practices. The planned initiatives will place Western Australia at the forefront of financial management reform.

### **Fiscal Planning and Targeting**

A new fiscal planning and monitoring framework will be set up to ensure medium term financial goals are met. This will enhance the accountability of the Government and the State itself, because actual performance can be measured against previously announced targets. Through this process, everyone can be fully informed about the State's financial position and the future outlook.

### **Outlays**

While framing this Budget, we have had one overriding protocol - we want the people of this State to receive the best possible services.

During the recent election campaign, the Premier told the people of this State that there would be no extravagant promises. We tailored our pledges accordingly and have included them in the 1997-98 Budget and the forward estimates for the next three years. These promises will be met from productivity savings made possible by our ongoing financial reform agenda.

The election commitments will cost approximately \$352m over four years, and we will begin implementing them this year with an allocation of \$60m. This is a major social dividend for all Western Australians. A further \$86m has been earmarked in the 1998-99 estimates, \$103m in 1999-2000 and the program will be completed in the year 2000-2001 when a further \$103m will be spent.

The \$60m to be spent in this Budget will be spread across a range of agencies. Education, with an allocation of \$11.8m; health, with \$6.8m; and primary industries, with \$6.4m, will benefit the most.

### **Education**

Funding for education in this Budget will be boosted by \$49m to \$1.3b, an increase of 3.8 per cent. The Government wants Western Australians to enjoy a world-class education system. An investment in education is an investment in the future. It is essential that we stay on the pace and give our young people proper access to modern technology and science.

Initiatives address literacy, truancy, students with disabilities, vocational education, teacher conditions, school environments, scholarships, quality early childhood education and ethical standards and good conduct.

The new Curriculum Council will set a mandatory curriculum framework for all students from kindergarten to year 12.

The estimates reflect our commitment to education and include our election pledges, such as -

funding for new technology in schools will increase significantly with an allocation of \$1.9m in 1997-98 and a total of \$17.8m over four years. At least 5 000 additional computers will be provided to schools with extra funding of almost \$11m over the four year period under the computers in classrooms program. There will be appropriate access to the Internet for all students;

funding for special programs to improve student learning will receive a \$6.3m boost over the next four years, with \$1.3m in 1997-98;

an inclusion program enabling students with intellectual disabilities to attend their local schools will be implemented with an allocation of up to \$3.6m;

some \$250 000 to enable quality vocational education to be provided to remote Aboriginal communities; and

planned expansion of technical and further education-industry-school links will be undertaken with an allocation of \$3.7m to fund a program that will enable about 18 000 year 11 and 12 students to participate in vocational programs with structured workplace learning and training at TAFE while still at school.

The number of students enrolling in TAFE courses continues to grow. Over the next three years there will be a small increase in the contributions which TAFE students make towards the cost of their training.

## **Health**

The Government will be providing \$1.6b for health services in 1997-98. This significant sum of money is the single biggest allocation for any government funded service in the 1997-98 Budget. It represents a 3.5 per cent increase on last year's budget allocation and a 15.3 per cent increase on the amount provided in the 1995-96 Budget. The State has again ensured health services throughout the State - both in the metropolitan and regional areas - have received funds to enable more efficient and effective service delivery to all Western Australians.

The capital works budget for health has been set at \$80.1m this financial year, with country health services targeted to receive a significant boost in capital spending this year. A major feature of the capital works planned by the Government is an \$18m allocation for the new Bunbury Health Campus. Other major commitments include -

\$1.8m for the development of a new adolescent health service at Princess Margaret Hospital, which will be the first facility dedicated to providing a service customised to meet the needs of adolescents linking them with mainstream health, welfare and education systems;

an increase of \$1.2m in the annual funding level for the training of country doctors, the provision of locums in country areas, as well as training for other rural and regional health workers; and

\$1.3m over the next four years to expand the current rural surgical service by getting specialists into country areas to reduce the number of patients having to travel to Perth for treatment.

In addition, a further \$8m has been provided in 1997-98 for the implementation of the mental health plan, boosting the annual funding level for the plan to \$14m.

## **Family and Children's Services**

Additional funding has been injected into Family and Children's Services to expand a wide range of services. These measures provide tangible evidence of the Government's recognition of the family unit as the essential component of community life.

The department recently received the inaugural Prime Minister's Award for its New Directions in Child Protection and Family Support program. This Budget provides funding for the expansion of this program. One of its aims will be to determine whether the needs of children affected by marriage breakdown are being met. There will be increased services for couples experiencing relationship difficulties, including counselling, education and group work.

There will be an increase in the allocation of resources to the rural and regional areas, including more qualified financial, marriage and family counsellors. The protection and care of children and families will be centralised, and funding for initiatives against domestic violence are other measures to be undertaken. Women's refuges and outreach support services, safety accommodation and the family conferencing system are all earmarked for expansion and improvement. In addition, \$250 000 has been included to identify "at risk" children under the age of 10 years.

## Law and Order

The \$18m vehicle immobiliser subsidy scheme, announced in December, is being launched this week. This is a major initiative to reduce car theft, which is worse in Western Australia than any other State. Last year alone, 17 500 vehicles were stolen. In this Budget, \$2.25m has been allocated as an incentive to people to install approved immobilisers in private family vehicles. They will receive a \$30 rebate provided by the Government. An additional \$2.45m has been provided for victims of crime, comprising \$1m for increased support, compensation and restitution for crime victims, \$1.2m for victim support in major regional centres, and \$250 000 to extend victim mediation services. Work is under way to construct new police facilities in 12 centres, with a further three to commence in 1997-98. The modernisation of the Western Australia Police Service through the Delta program will result in greater productivity and efficiency. Delta gives police more decision making responsibilities within individual communities and districts. Planning is already under way for the construction of the new, state of the art police academy.

## OTHER BUDGET INITIATIVES

Other key expenditure initiatives made in the 1997-98 Budget include -

- \$3.5m to Agriculture Western Australia for the expansion of quarantine, protection and surveillance activities and for emergency funding;

- a further \$2m to the Fisheries Department for aquaculture planning and development;

- \$500 000 for disabled or elderly persons to receive subsidised respite services;

- an additional \$500 000 for the domestic violence unit;

- a provision of \$250 000 to establish a youth advisory council and regional youth network; and

- an additional \$1m to provide land care traineeships for 200 young people in rural areas.

There is also provision for some modest wage growth in this Budget and across the forward estimates.

## Superannuation and Insurance

The reductions in net debt which have been achieved over the past four years have considerably reduced the burden of interest payments on the Budget. I will return to the issue of debt management later, but at this point it is sufficient to note that, at current interest rates, the State's debt position is well in hand.

The Government is, however, commencing on a strategy to fund the liabilities of the State's superannuation arrangements.

These liabilities have been allowed to build up over many, many years and the Government is now able, as a result of its careful financial management, to address the matter.

It is a problem which needs to be addressed. At 30 June 1996 the State's unfunded superannuation liability was projected to be \$4.8b and, if left unchecked, will grow to exceed \$6b in 10 years. This is not a legacy we can or should leave our children.

Accordingly, the Government will implement from 1997-98 a program to fund the accruing superannuation liability. This program will be phased in and will cost \$237m across the forward estimates, including \$20m in 1997-98.

The Government is also moving to restructure its insurance arrangements to bring them onto a more sustainable and modern basis which will enhance the insurance coverage at a modest additional cost. The new RiskCover scheme has been deployed by the State Government Insurance Commission and the Treasury, and further details of these arrangements will be made available through the SGIC.

## CAPITAL WORKS PROGRAM

Essential social and economic infrastructure is provided by a number of government agencies, including the large government trading enterprises such as Western Power and the Water Corporation which are outside the consolidated fund.

In 1996-97 and 1997-98 the total public sector capital works program, including the large trading enterprises, will be at historically high real levels. This program demonstrates the Government's intention to provide the infrastructure required to support its social and financial objectives.

Key features of the 1997-98 capital program include -

expenditure of \$513.3m by Western Power, including \$346.5m for the continuation of the program for new generation capacity and upgrade of existing plant;

a public housing expenditure program of \$479.4m, including \$319m for Homeswest's Key Start, Real Start and Good Start home loan assistance schemes to assist 3 600 applicants;

expenditure on roads totalling \$365.7m, including \$81m for the city northern bypass Burswood Bridge and road project as well as \$29.9m to construct and seal the Ripon Hills route from the Marble Bar road to the Telfer turnoff;

the \$275m Water Corporation program, including \$70m for infill sewerage projects and \$47m for improving waste water treatment plants throughout the State;

expenditure of \$151.7m by Westrail, including \$38.9m for the replacement of 30 locomotives and \$18.6m for the continued expansion of the suburban passenger electrical rail car fleet;

planned expenditure of \$82.7m by AlintaGas, including \$17.7m for the completion of stage 2 of the enhancement of the Dampier to Bunbury natural gas pipeline;

over the next four years \$35m which will be provided to tackle the State's massive salinity problem;

and over \$20m which will be provided in 1997-98 for new and upgraded police stations.

This substantial infrastructure program will provide benefits to the Western Australian community and economy for many years. It is appropriate therefore that some of the program is financed through borrowings.

Accordingly, in both 1996-97 and 1997-98, the State's net debt will increase slightly before declining again in 1998-99 once the peak in the capital program is passed. It will continue to decline as a percentage of state output and, in 1998-99, is estimated to account for only 10.1 per cent of gross state product compared with 19.9 per cent in 1992-93.

The Government remains committed to reducing the burden of interest costs on the Western Australian community. Future asset sales will ensure that occurs. However, at the same time sensible decisions must be made on funding essential infrastructure, and the Government will ensure those decisions are made.

## CONCLUSION

This Budget has been framed in a climate of strong economic growth not matched by corresponding state revenue growth.

The Commonwealth must change its approach to commonwealth-state finances and the Government will lead the battle to secure that change.

The Budget continues the coalition's responsible financial management at the same time as providing for new and improved services to the people of Western Australia.

Our commitment to all Western Australians is to be fair and equitable in our policies, and this Budget honours that pledge.

I commend the Budget to the Council.

Debate adjourned, on motion by Hon Bob Thomas.

## MOTION - SESSIONAL ORDERS

*New*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [2.58 pm] - without notice: I move -

That -

### 1. Sitting and Adjournment of House

- (1) Unless otherwise ordered, the Council shall meet for the despatch of business in each week at 3.30 pm on Tuesday, 4.00 pm on Wednesday and 11.00 am on Thursday. Unless previously adjourned, the House shall continue to sit on Tuesday and Wednesday until 10.00 pm and 5.00 pm on Thursday.

- (2) Standing Order 61 (b) and (c) shall be read and applied as if references to the times prescribed were references to 10.00 pm, 5.00 pm, 9.55 pm and 4.55 pm respectively.

## 2. Urgency Motions

Unless by a suspension of standing orders, a motion to adjourn the House under SO 72 shall not be made on a sitting day other than a Tuesday.

## 3. Time reserved for Committee meetings

- (1) This order applies to standing and select committees of the Council but does not apply to joint committees.
- (2) Unless otherwise ordered, committees shall meet for the transaction of business until 3.30 pm on each Wednesday on which the House is scheduled to sit.
- (3) Paragraph (2) of this order is in addition to, and not in substitution for, any other time at which a committee may meet.

## 4. Business on Thursdays

- (1) Subject to SO's 153, 155 and paragraph (3) of this order, orders of the day that are, or involve consideration of, reports of committees, including joint committees, have precedence on each Thursday over other orders of the day until 1.00 pm.
- (2) Any debate in progress at the time prescribed in paragraph (1) of this order is thereupon adjourned without question put and its resumption set down as an order of the day for the next sitting. The House shall then proceed to the orders of the day in a sequence determined by the Leader of the House.
- (3) This order does not apply to a report on a Bill if the next stage of the Bill's passage is an order of the day.

## 5. Bills' Classification - Bills' Committee

- (1) In this order "**Committee**" means a meeting of the Leader of the House and the Leader of the Opposition, together with the Chairman of the Legislation Committee, convened as often as is required by the Leader of the House for the purposes of this order. Each Committee member may appoint, and be represented at any meeting by, another member either generally or in a particular case.
- (2) Following introduction, the Committee shall:
  - (a) assign to a Bill a classification determined in accordance with paragraph (3) of this order;
  - (b) specify a date by which a committee must present its final report on a Bill referred to it;
  - (c) specify a day or days by which each or any of the remaining stages of the Bill might be completed.

The Committee's determinations under this paragraph must be published in the Notice Paper before the second reading debate is resumed following the moving of the second reading by the minister or member in charge of the Bill.

- (3) A Bill is to be classified as "class A", "class B", or "class C" where:
  - (a) **class A** means a Bill of a machinery nature and it would be reasonable to suppose that the Bill would pass without amendment and unopposed;
  - (b) **class B** means a Bill that may pass unamended or unopposed but which appears to require some consideration whether in a committee of the whole House or a standing committee<sup>1</sup>;

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<sup>1</sup> Whether a class B Bill goes to a standing committee or a committee of the whole after 2° can be decided under existing SO's.



- (c) **class C** means a Bill that because of its subject matter, or the complexity of its provisions, requires consideration by a standing committee designated by the Committee.
- (4) If the Committee cannot agree on the classification to be given to a Bill, the passage of that Bill through its remaining stages is not subject to the provisions of this order.
- (5) A class C Bill stands referred after its second reading to the designated standing committee.
- (6) Any member may move without notice before the question for the second reading is determined that a Bill:
  - (a) be reclassified; or
  - (b) be referred to another standing committee,
 and, until determined, a question arising under subparagraph (a) or (b) supersedes any question relating to that Bill then before the House. The question cannot be amended.
- (7) If a Bill is reclassified and referred to a standing committee, the House shall fix a date by which the Bill is to be reported finally to the House.
- (8) No debate on a motion moved under paragraph (5) (a) or (b) of this order is to exceed 30 minutes and no member may speak for more than 5 minutes. Not more than one motion may be moved under paragraph (5) of this order in relation to the same Bill.
- (9) The provisions of this order are in substitution for, and to the exclusion of, any other process whereby Bills may be referred to a select or standing committee.

#### 6. Stages of Bill referred to standing committee

- (1) Where amendments to a Bill:
  - (a) are recommended by a standing committee; and
  - (b) no other amendments have been published at the time at which the order of the day for the committal of the Bill is called,
 the minister or member in charge of the Bill may thereupon move *That the amendments recommended by the . . . Committee be agreed to*. If that motion is not agreed to, the Bill is committed according to the order of the day.
- (2) In a committee of the whole House on a Bill reported from a standing committee:
  - (a) the Chairman, before putting any question on the Bill shall put the question *"That the amendments recommended by the [title] standing committee be read into and deemed part of the Bill"*;
  - (b) the question in relation to a clause agreed to by the standing committee without amendment (evidenced by its report) shall be put without debate unless it is proposed to amend such a clause.
- (3) If the question in paragraph (2) (a) is agreed to, the relevant clauses are amended accordingly.
- (4) Nothing in paragraph (2) (b) prevents reference to the provisions of such a clause in the course of debating other clauses where the reference is otherwise relevant.

There has been a genuine attempt by members from both sides of the House over a long period to recommend some sessional orders which will make this House operate more effectively and efficiently. This motion that I have moved today without notice reflects the consensus view of that informal subcommittee that you chaired, Mr President. Although I acknowledge that some aspects of these sessional orders will not appeal to every member of the House, they are trial sessional orders and it is worth the time and energy of the House to see if they will work. The motion deals with changing the times at which the House sits and provides for more opportunities for committee meetings to take place and for committee reports to the House being part of the weekly program of the House. The motion looks at a system of time management for Bills, so that the Bills committee will look at legislation and give it a classification and that would then relate to how quickly or otherwise the Bill might pass through the House. We

would spend our time arguing those Bills that are contentious, and those Bills which are not contentious would find an easier passage in most cases. It also provides for virtual automatic referrals to standing committees of legislation which is appropriate to those committees.

A number of other matters relate to dealing with reports from committees to expedite the processes of the Committee of the Whole. It is ludicrous to have standing committees looking at legislation in detail, coming back into the House, and Committees of the Whole then going through the same sort of detailed examination of the Bill as the standing committee had already done. It is a first and genuine attempt to reach some sort of consensus about a set of sessional orders which will give the House a chance to operate better.

Hon Mark Nevill: Are you going to circulate what you are proposing?

Hon N.F. MOORE: I am sorry; I imagined it had been circulated.

Hon Mark Nevill: I would like a copy of it, and the original agreement.

Hon N.F. MOORE: I am told it has been circulated.

Hon Mark Nevill: I have seen various copies of it.

Hon N.F. MOORE: It is rather unfortunate that some members do not appear to be aware of what I have just been reading out, because it was my understanding after all this time that we could proceed with these sessional orders on a bipartisan basis.

Hon Graham Edwards: Not when you are going to get rid of urgency motions. There goes the right of members to raise anything.

Hon N.F. MOORE: No; if Hon Graham Edwards reads the motion carefully he will see that is not the case.

The PRESIDENT: Order! Let us do this thing properly.

Hon N.F. MOORE: It says that, unless by the suspension of standing orders, urgency motions will occur only on Tuesdays. However, in the event there is a matter of genuine urgency I have no doubt that leave would be granted and that would happen when a genuine urgency arose.

Hon Graham Edwards: By right and not on the whim of one member.

Hon N.F. MOORE: I understand that. However, we had the situation where urgency motions did not reflect any urgency at all. This is an attempt to find a way around that.

Hon Mark Nevill: That practice has changed.

Hon N.F. MOORE: It has, and that is by the Leader of the Opposition pursuing that course of action. However, it does not mean that will not change. I do not propose to get into an argument because if members opposite do not agree with it, it goes in the rubbish bin along with lots of other good ideas.

Hon Mark Nevill: A good place for it.

Hon N.F. MOORE: It is put forward on the basis of a bipartisan approach. If there is no bipartisan support, it will not proceed. That was never the intention of this process. Hon Bruce Donaldson and a number of other members decided to sit down informally and look at ways and means of expediting the processes of this House, to make it work more effectively, to avoid the situation where the hours do not take into account the needs of committees, or reflect the hours that members need to spend here. All those issues were looked at and out of that sausage machine came these sessional orders.

Hon Mark Nevill: It is a great proposal for the House, but not such a good one for the Legislation Committee.

Hon N.F. MOORE: If there is going to be a problem I will listen to the Leader of the Opposition and maybe we will adjourn the matter and it can be consigned to the annals of history like many other good ideas. I hope we can get some consensus and give it a try. It is a sessional order and not a change to the standing orders. However, if there is no consensus it is not my intention to proceed.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.08 pm]: I commend the Government and the Leader of the House, in particular, for their eventual response to the concerns that were expressed by my predecessors on behalf of the Opposition about the way the House had been operating through the committee system and other arrangements in the sessional orders. The Government has made a genuine attempt to respond to those well expressed concerns. I commend the work that has been done by members of the informal committee that has been looking at these issues. I know that has required a lot of work on the part of all members of that committee which

was under your chairmanship, Mr President. The sessional order proposal that is before the House represents an improvement in many ways over arrangements that have been in place to this point.

Regrettably the proposed sessional orders, although an improvement on the present situation, have not found universal acceptance on this side of the House. We are not able to express support for all the detail because we believe they contain difficulties and deficiencies. Nonetheless we do not oppose them. As I said, the proposal represents an improvement; therefore we will leave it to the Government to decide how it wishes to proceed.

**HON J.A. SCOTT** (South Metropolitan) [3.11 pm]: Mr President, I adjourned the debate -

The PRESIDENT: I know that; I was there the other day and noticed that the mover closed the debate. However, members cannot stand up to get the call after I have given the call to somebody else.

Hon J.A. SCOTT: I had already risen, Mr President.

The PRESIDENT: The member is supposed to call. I did not know the member was rising. Members must understand that if they want the call they must attract my attention.

Hon J.A. SCOTT: I understand that, Mr President.

I am concerned about the process surrounding the changes mooted in this motion - not that I am opposed to all of the detail in the proposal, although I have some concerns about some of it. The Minister referred to a "bipartisan" approach. That is not quite the situation. More than two parties will be in this House.

Hon N.F. Moore: We will have more than two; we will have half a dozen. There are three on the other side.

Hon J.A. SCOTT: That is the basis on which these proposed sessional orders have been arrived at. I am concerned that it is being decided on now, before the new members are in the House.

Hon Bruce Donaldson shakes his head and says that is not the case. I hope he is right because all members should have a say on these changes. They will affect all members of this House. Until just over a week ago I knew little about any of these changes. Nobody bothered to inform me or ask my opinion about them. The proposal seeks to form a committee comprising the Leader of the House, the Chairman of the Legislation Committee and, I think, the Leader of the Opposition. It does not involve the crossbench in the classification process in any way.

The processes as outlined could create problems for people who are not made aware of Bills to be introduced. What might not be contentious to the Opposition and the Government may well be contentious to the crossbench members of this Chamber. These changes to the sessional orders should not occur without being properly debated with the people who will be affected by them. The proper democratic process has not yet occurred nor will the proper democratic process occur with the passing of this motion.

When new members come into this House I will probably move that certain changes be made to these sessional orders. I am opposed to this motion.

**HON B.K. DONALDSON** (Agricultural) [3.15 pm]: I remind the House, Mr President, that you as chairman of the informal committee set up by this House, reminded the members of their rights in this place.

Hon Mark Nevill: It was not set up by this House.

Hon B.K. DONALDSON: Hon Mark Nevill will find that it was.

Hon Mark Nevill: Was it a motion of the House?

Hon B.K. DONALDSON: Yes. The House moved that an informal committee be established with the President as chairman. Hon Ross Lightfoot was a member until recently when he was replaced by Hon George Cash. In our deliberations during "the new conventions" - that was the first paper - the new sessional orders were mooted, and we agreed on them some months ago. The President kept reminding us of the rights of members of this House and that at the end of the day the ultimate power is this House, regardless of what happens.

It would not matter what we put into sessional orders or conventions unless both sides were willing to work through any new conventions or sessional orders to improve scrutiny of legislation before this House. You will acknowledge, Mr President, that at times we waste time by falling into the trap of all speaking on a Bill just because we support it. Sometimes we pass other Bills with less debate than there should be. Hon Jim Scott said that these sessional orders had probably been rushed through by the informal committee in an attempt to solve a problem after 22 May. That is not the case.

In fact the previous Leader of the House, Hon George Cash, asked a group of us in the coalition to examine the changes more than 18 months ago. The President was well aware of that. We arrived at some of the conventions that now apply. Unfortunately they were not adopted at the time because even members in the coalition were not willing to accept some of them. As Hon George Cash has often said, those changes represent major cultural changes. However, we should at least give it a go. We have an opportunity to change a little bit of history and to create some boundaries between where the Government was formed in the other place and this place as a House of Review. They are sessional orders, we should at least give them a go and perhaps fine tune them during the next session.

**HON N.F. MOORE** (Mining and Pastoral - Minister for Sport and Recreation) [3.18 pm]: I am rather disappointed at some of the comments and the interjections in response to this matter. Anyone reading *Hansard* will get the impression that somehow this was a government plot or something of that nature. I give an absolute assurance that it is not that.

Hon Tom Stephens: I commended the leader for his efforts.

Hon N.F. MOORE: There are some changes in these sessional orders with which I am not happy and there are some changes that are not included, but which I wanted included. For the sake of agreement I was prepared to accept them being left out.

I would have liked to include in these sessional orders that we do away with the time limit at the end of a day's sitting so we do not go through the crazy situation of asking permission to sit beyond 11.00 pm. Those sorts of things could be tried and could be made to work. I accept that that will be taken out of the arrangements on the basis that we are seeking consensus. When I listened to the comments of the Leader of the Opposition and Hon Jim Scott, I was tempted to not bother and to let it lie. However, the work done on this proposal is deserving of some trial. We will proceed with the motion, provided that an absolute majority agree with it, and the sessional orders will be put in place.

I remind Hon Jim Scott that they are sessional orders and are not intended to be part of the standing orders and enshrined in them. It is about trying these processes. I have no doubt that after 22 May, when there are more members like him in this Chamber, ongoing discussions will take place about these sorts of things. I hope we will have those discussions because it will be necessary to adopt a more mature approach to the processes in this House if it is to work properly in the future. I hope this is seen as a beginning to a gradual reform of the way in which the House operates. I assure Hon Jim Scott that the ongoing discussion will occur and he will be involved, as will other members if they wish to be.

I trust the House will agree to these sessional orders so that they can at least be given a trial this year. If they do not work we will not repeat them, and if they do or if they need to be amended, that can be done after we have given them a try.

Question put and passed with an absolute majority.

## **STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION**

### *Appointment of Members*

On motion, without notice, by Hon N.F. Moore (Leader of the House), resolved -

That the Standing Committee on Constitutional Affairs and Statutes Revision shall consist of Hon M.D. Nixon, Hon Muriel Patterson, and Hon P. Sulc.

## **STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS**

### *Appointment of Members*

On motion, without notice, by Hon N.F. Moore (Leader of the House), resolved -

That the Standing Committee on Estimates and Financial Operations shall consist of Hon George Cash, Hon A.M. Carstairs, Hon Muriel Patterson, Hon John Halden and Hon Bob Thomas.

## **STANDING COMMITTEE ON LEGISLATION**

### *Appointment of Members*

On motion, without notice, by Hon N.F. Moore (Leader of the House), resolved -

That the Standing Committee on Legislation shall consist of Hon B.K. Donaldson, Hon Derrick Tomlinson, Hon W.N. Stretch, Hon J.A. Cowdell and Hon Mark Nevill.

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION***Appointment of Members*

On motion, without notice, by Hon N.F. Moore (Leader of the House), resolved -

That the Standing Committee on Public Administration shall consist of Hon Barry House, Hon B.M. Scott, Hon M.J. Criddle, Hon Kim Chance and Hon Cheryl Davenport.

**PARLIAMENTARY SUPERANNUATION FUND***Appointment of Trustees*

On motion, without notice, by Hon N.F. Moore (Leader of the House), resolved -

That the Legislative Council hereby appoints Hon B.K. Donaldson and Hon Mark Nevill to be trustees of the Parliamentary Superannuation Fund.

**MOTION - STANDING COMMITTEE ON THE ENVIRONMENT**

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.24 pm]: I move -

That -

- (1) This House establish a Standing Committee on the Environment.
- (2) This committee scrutinise, make recommendations and report on issues pertinent to the management and conservation of Western Australia's environment.

This motion provides the Parliament with an opportunity to acknowledge the importance of environmental issues to the people of Western Australia. It offers the opportunity for this House to be a catalyst for greater parliamentary, community and public awareness of our State's environment and to enhance the quality of the public debate that is often rancorous in these areas. The Australian Labor Party has a strong and proud record of environmental achievements. The Tonkin Government established the first Environmental Protection Authority in this State in 1971. The last period of the Labor Government saw enhanced protection for forests, wetlands and national parks. This State has a strong mining, agricultural and manufacturing sector - regrettably, the manufacturing sector is not as strong in this State as it might be - aimed at providing economic growth and job opportunities for all citizens. The two goals are not mutually exclusive, as some people on both sides of the environmental debate may claim. It occurs to members on this side of the House that the conflicts on these issues, which often arise from lack of understanding of the aims and objectives of the protagonists in the debate and the history of the industries involved, can be otherwise resolved and settled.

In my electorate the mining industry maintains an increasingly high standard in its treatment of the environment. Images of rampant bulldozers cutting swathes through the bush belong largely to the 1960s, yet the image, regrettably, persists among many people in metropolitan areas of Western Australia where the threats to the quality of air, water and urban bushland are increasing. However, these issues are not affecting remote and rural Western Australia. Perhaps the greatest failure in the nation's management of the environment is in its pasture and soil management policies. Indeed, the pastoral and agricultural industries which were the mainstay of this State's economy until the 1960s continue to suffer from the malpractices of the past, despite a strong commitment by producers to adopt environmentally sound management policies.

In my electorate the tourism industry is developing a sophisticated understanding of the consistency between environmental values and tourism development, about which we spoke yesterday. The increasing international appeal of the north of Western Australia is largely due to its reputation as a State which protects its natural heritage, so much of which is contained within my electorate. It was disappointing to note a few weeks ago that the State Government did not bother to consult the Commonwealth Government or its Minister for Tourism about its decision to permit oil and gas exploration in Shark Bay. We can no longer afford, as a State or a nation, that form of one dimensional decision making. It sends negative signals to our tourism market and increases the suspicions and misunderstandings many people have about the mining and petroleum industries.

This proposed committee can help broaden the focus of the Government and its agencies in making decisions affecting the environment. It can offer the community and industry the chance to respond in public to the environmental issues of the next century, and offer ideas and solutions to maintain and conserve our State's natural heritage which is clearly abundant. It also offers this Parliament a chance to develop a broad understanding of environmental issues that can be used in interaction with our constituents.

For metropolitan members issues affecting the urban environment are becoming increasingly of greater concern. More than 80 per cent of the population in this State lives within 150 kilometres of this House, and the pressures on the urban environment are increasing. Few people would have thought 10 years ago that air pollution would become a serious environmental issue in Perth, because we all regard it as one of the cleanest cities, if not the cleanest city, in Australia. Despite our relatively small reliance on manufacturing industries, we have seen from the events at North Fremantle what can happen if proper safeguards are not in place to detect and dispose of industrial waste in an urban environment.

The House this week is being asked to consider major legislation affecting land use and conservation practices. There are certainly provisions in the legislation which would benefit from examination from an environmental perspective. That opportunity has regrettably now passed, but it could be a feature of environmental issues in the future.

Few Legislatures in the world do not provide for some form of scrutiny of environmental issues. Our commonwealth parliamentary colleagues are well ahead of us in this respect. For example, House of Representative committees in recent years have examined a broad range of issues, including land degradation programs and their effectiveness, environmental management of commonwealth land, protection of the Bungle Bungle area, hazardous waste, oil spills, and deposits on beverage containers. The committee proposed by this motion is part of the process of the renewal of this House that ALP members are committed to adopting as we approach the beginning of the new term of the Legislative Council. The people have spoken in the last election and they are committed to a process of proper review through this House, where the Executive can be called to account. A proper committee system, as the Commission on Government recommended, is an essential part of that process. Now is the time for this House to show that it can more effectively serve the people of this State by acknowledging the importance of the environment to the State and its economy. The establishment of an environment committee, pursuant to the Labor Party's motion, is a start in that process.

This proposal was put to the Labor Party in part by the Wilderness Society of Western Australia. I understand that the same proposal was put to all the major political parties in the lead-up to the last state election. From the feedback I have received, I understand that the Labor Party, in a response by the shadow Minister for the Environment Dr Judith Edwards on 11 November, confirmed its support for the establishment of a parliamentary standing committee on the environment. She indicated that Western Australia is the only Parliament in Australia which does not have some such committee in one form or another. It was her view, on behalf of the Labor Party, that such a committee served a valuable role in other State Parliaments and provided a means of gaining a bipartisan stance on many of the long term environmental issues. For these reasons, the Labor Party supported the formation of such a committee. The shadow Minister for the Environment said that in a letter to Kevin Parker, the national campaign director.

[Resolved, that debate be continued.]

Hon TOM STEPHENS: I understand a similar response was received by the Wilderness Society from the Greens (WA) and the Democrats. I also understand, although it was not a straightforward response, that positive noises were made by the Government in the lead-up to the last state election.

Members may note that in the other place the Leader of the Opposition has moved for the establishment in that place of a standing committee on major projects. I guess the Labor Party has covered both sides of the equation. There should be the opportunity for parliamentary scrutiny through a standing committee of the other place and the Labor Party has put forward a proposal for the working up of a major projects standing committee. If necessary, it will consider the agreement Acts which come before the Parliament so that the Opposition, Government and Parliament understand the major development strategies as well as the opportunities which arise. The Opposition in this House is providing an opportunity for the Government to adopt the other side of the equation; that is, the establishment of a standing committee on the environment. The Opposition hopes that this motion will be carried with multiparty support and that, soon after the carriage of the motion, another motion is moved to appoint that committee. The appointment requires a subsequent motion and is not covered by this motion. This motion is simply testing the water to see whether there is multiparty support for it. It is a good initiative which can be run with as soon as the House decides. For those reasons, I commend the motion to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

## **TURF CLUB LEGISLATION AMENDMENT BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Hon Max Evans (Minister for Racing and Gaming), and read a first time.

### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Racing and Gaming) [3.34 pm]: I move -

That the Bill be now read a second time.

The Turf Club Legislation Amendment Bill will amend the Western Australian Turf Club Act 1892 and the Western Australian Turf Club (Property) Act 1994. Section 26 of the Western Australian Turf Club Act places a borrowing limit of \$20 000 on the Western Australian Turf Club. The WATC has loans in excess of the \$20 000 limit and the limit is preventing the club's bank from registering a mortgage over the club's assets. The Bill removes the \$20 000 borrowing limit and introduces borrowing powers to ensure the specific borrowing facilities that the WATC will use and may use in the future are catered for appropriately.

The Bill will also ratify all previous loans in excess of \$20 000 and the execution of mortgages over WATC property to secure those loans. Under the current provisions of the Western Australian Turf Club (Property) Act, the WATC may only acquire land. There is no power for the club to sell land. The club presently holds crown grant in trust land at Ascot Racecourse as well as other freehold property. The Bill amends the Western Australian Turf Club (Property) Act to allow the committee of the WATC to dispose of real and personal property.

The Bill will also empower the Governor, on the recommendation of the Minister administering the Land Act, to consent to the disposal of WATC trust land subject to conditions, including a condition for payment of money to the Crown so that the State would recover unimproved market value for any trust land disposed of by the club. The Minister's recommendation would be in accordance with principles set out in the Land Act 1933.

The Land Act also allows for the mortgaging of trust land with the Governor's consent and then provides that a mortgagee may sell trust land where the mortgagor has defaulted on loan payments. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

### **ACTS AMENDMENT (MARINE RESERVES) BILL**

#### *Report*

Report of committee adopted.

#### *Third Reading*

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and transmitted to the Assembly.

### **LAND ADMINISTRATION BILL**

#### *Committee*

Resumed from 9 April. The Chairman of Committees (Hon Barry House) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Progress was reported after clause 41 had been agreed to.

#### **Clause 42: Class A reserves -**

Hon MARK NEVILL: I compliment the Government for including subclause (5). Similar provisions apply in clauses 44(3) and 45(4). Therefore, my remarks will also apply to those clauses. I understand the provisions of subclause (5) were not a requirement under the previous Land Act. It will allow those people who will be interested in changes to the boundaries of A class reserves to follow what is going on; the community has that right. Will that be consolidated into one advertisement, I presume, in *The West Australian* because unfortunately we do not have a variety of Press in this State?

Hon Max Evans: The *Sunday Times*? It comes under that definition.

Hon MARK NEVILL: I do not think it is as widely read as *The West Australian*.

Hon Max Evans: I think more copies of the *Sunday Times* are printed than of *The West Australian*.

Hon MARK NEVILL: The problem with the *Sunday Times* is that people read the advertising section rather than the substantial parts of the paper. Will it be consolidated in one advertisement and be in a form that is easy to find in whichever newspaper it is published?

Hon MAX EVANS: It will be published in the public notices with the Department of Land Administration logo and will be published on the same day each time.

Hon Mark Nevill: And all changes will be included?

Hon MAX EVANS: Yes.

Hon MARK NEVILL: What is meant by "before acting" in subclause (5) because it refers to the previous subclause which says "the Minister must cause that proposal to be laid before each House of Parliament". Does "before acting" refer to the tabling of the proposal in Parliament or some prior act of the Government?

Hon MAX EVANS: Yes, all of those who are introducing Bills and tabling papers in Parliament must do that before those things are done.

**Clause put and passed.**

**Clauses 43 to 45 put and passed.**

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

**Clause 46: Placing of care, control and management of reserves -**

Hon MARK NEVILL: Clause 46 says that -

The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve . . .

A later clause indicates that the Minister can place small reserves under the control of the Local Government Department. Will a person include a body corporate under this provision? It is not clear in the definition of "management body" that that is the intention, or does it refer to particular people or an incorporated body?

Hon MAX EVANS: Under the Interpretation Act a person can be a body corporate.

**Clause put and passed.**

**Clause 47 put and passed.**

**Clause 48: Minister may grant leases, licences or profits à prendre in respect of Crown land in unmanaged reserves for other purposes -**

Hon MARK NEVILL: This refers to leases, licences and profits à prendre in respect of unmanaged reserves, which are crown land. The Pastoral Lands Board will grant permits, as I understand it, and in this provision the Minister will issue licences and profits à prendre. What form will these licences take? Are they an endorsement on a certificate of title or are they a letter? Secondly, the taking of what from the land or other people is envisaged under these licences, and also under the profits à prendre?

Hon MAX EVANS: The member received the clause notes late. They indicate that the power of the Minister to grant leases on an unmanaged reserve has been brought across from the Lands Act with some additional powers. Also, the Minister may grant licences and profits à prendre. The lease, licence or profit à prendre must be compatible to the reserve purposes as this ability to grant licences, leases and profits à prendre is only an interim measure before the reserve is placed under the care, control and management of a management body. Also, a profit à prendre comes under the definition of interest under the Land Administration Bill.

Hon Mark Nevill: Will they take the form of a letter, or an endorsement on the certificate?

Hon MAX EVANS: It will take the form of a contract.

Hon Mark Nevill: What areas are expected to be covered by licences on unmanaged crown land reserves?

Hon MAX EVANS: It is put to me that low activity can be performed on a reserve, and an example is given of shared cropping under licence on a reserve.

Hon Mark Nevill: So this could be crown land which was not reserved, and one could have cropping on that land?

Hon MAX EVANS: It must be only low activity and on reserve land.

Hon MARK NEVILL: The point I am trying to draw out here is that I am not clear as to what a licence might apply and to what profits à prendre would apply. Would it be taking sandalwood or timber and so on? One might have an interest in a tourism development on undeveloped crown land, and one might get a profit à prendre from the person who subleases it. I presume that a person could hold the primary lease on unmanaged crown land. I want to get an idea of the areas these provisions are expected to cover.



Hon PETER FOSS: A profit à prendre is a legal right in land. It is not purely a licence or a permit given to someone. It is a legal interest in land. The most common way in which it has been used in Western Australia has been with the tree farming arrangements. It enables people to farm the land; for example, if the person has a lease that person can come onto the land and grow, say, trees on it. Under the profit à prendre principle, that person has the capacity to take from that land what has been grown on it. It is a legal right. It has an advantage over some of the other ways in which that would be achieved. It is not a mere contractual right.

Hon Mark Nevill: It is not an interest in the land?

Hon PETER FOSS: It is a legal right in the land. It is not an equitable right, a contractual right; it is a legal right in land. I have known it to be used only in the circumstances of the Department of Conservation and Land Management. Generally speaking, most of the other arrangements are licences where someone is licensed to go onto the land to take what is grown. It might give the same effect, but it does not constitute an interest in the land. That is the difference. A licence would apply to sandalwood, not a profit à prendre. The more classic example is that used with the CALM tree farming arrangements where a profit à prendre is taken and a legal right is given to enable people to remove what is grown on the land. It is not merely a licence.

Hon MARK NEVILL: Perhaps the Minister can add more information about that in a letter to me after the passage of the Bill. I know what a profit à prendre is and I know it applies to people as well as to land. In this case it probably applies only to land. It could apply to minerals, and I am not sure how that is affected by the Mining Act or whether it is a private profit à prendre arrangement that is not registered on the certificate of title. I wonder whether the Minister can enlarge upon that. I have no objection to the clause; I am just trying to work out what it means in practice.

**Clause put and passed.**

**Clauses 49 and 50 put and passed.**

**Clause 51: Cancellation, etc. of reserves generally -**

Hon MARK NEVILL: Section 42 of the principal Act refers to class A reserves. Would land reserved for the benefit and use of Aboriginal people be classified under section 42? Will a certificate of crown title be provided for such a reserve and, hence, under this clause is it possible for the Minister for Lands to cancel an Aboriginal class A reserve? Could that possibly be done under section 42?

Hon MAX EVANS: Yes, there will be a certificate of title; and no, it cannot be cancelled, being a class A reserve.

Hon MARK NEVILL: I take it that means subject to section 42 of the principal Act. Does the Minister have the power under this clause to cancel land reserved for the use and benefit of Aboriginal people?

Hon MAX EVANS: A class A reserve cannot be cancelled. Is the member asking whether it applies where it is not a class A reserve?

Hon Mark Nevill: No, a class A reserve.

Hon MAX EVANS: Class A reserves cannot be cancelled under this clause.

Hon MARK NEVILL: What class of land is that reserved for the use and benefit of Aboriginal people under section 29 of the Land Act? Is it different from class A, class B or class C reserves?

Hon MAX EVANS: The reserves for Aboriginal people can be any of those classes. The documentation to cancel class B reserves must be tabled in Parliament and the cancellation of class C reserves requires the approval of Executive Council.

Hon MARK NEVILL: I want to know whether the Minister for Lands can use clause 51 of this Bill to cancel Aboriginal reserves. I guess the first question I need to ask is what class of land is an Aboriginal reserve? If I know that, I will know which of the existing sections 42, 43 and 45 apply and whether a Minister can cancel such a reserve. If a reserve exists under section 42, it must be laid before both Houses of Parliament. If it exists under section 43, it is also subject to disallowance. If it is under section 45, I am not sure what happens.

Hon MAX EVANS: The Aboriginal reserves could be class A or class B. Cancellation of class A reserves means that they are extinguished under the Act. The class B reserves are saved from formal legislation and are subject to disallowance.

Hon MARK NEVILL: I take it that the Minister for Lands can use that existing section to cancel an Aboriginal reserve.

Hon MAX EVANS: We are now getting to some fairly technical detail. Perhaps I can get someone to give Hon Mark Nevill a further briefing on the finer points, although I imagine he probably wants my answer recorded in *Hansard*.

Hon MARK NEVILL: I want to make this point: I would strongly oppose this clause unless there was some clear procedure to cancel an Aboriginal reserve. The procedure is not clear to me, and I am trying to sort it out. With the Government's proposal to grant perpetual leases, perhaps these reserves may be cancelled. It would not surprise me if one of the first successful native title claims for traditional people was in the central desert of Western Australia. If that were successful, would the reserve be cancelled and would this proposed section be used to cancel it?

**Further consideration of the clause postponed, on motion by Hon Max Evans (Minister for Finance).**

**Clause 52 put and passed.**

**Clause 53: Status of *Main Roads Act 1930* in respect of highways and main roads -**

Hon MARK NEVILL: The clause states that where there is an inconsistency between the Bill and the Main Roads Act, the Main Roads Act shall prevail. Does this clause also apply to the resumption of land?

Hon MAX EVANS: Where a road is a main road or highway within the meaning of the Main Roads Act, this clause provides that nothing in the Bill can be construed to derogate from that Act, so the Main Roads Act is the overriding Act.

**Clause put and passed.**

**Clauses 54 to 63 put and passed.**

**Clause 64: Declaration, etc. of public access routes through Crown land -**

Hon MARK NEVILL: I presume that a reserve would also be crown land under this clause?

Hon Max Evans: Yes.

Hon MARK NEVILL: I will take the Minister through a practical example to show him where I see difficulty with this clause. If the central desert communities wanted a public road through that reserve, which I think is something they are considering, in order to relieve themselves of the burdens of issuing permits and also for the tourist trade, this clause would require all necessary consents. Subclause (1)(b) refers to each holder. Would a declaration require the consent of every Aboriginal person on that reserve? I understand that public access must be in respect of an area of recreational or tourist interest. Such a road would qualify for that status. The road presumably would be going from Laverton to Ayers Rock or Uluru and the Olgas. It seems that the Minister instead of needing consent from the council in that area is making a rod for his own back by needing the consent of each holder of a native title interest in the land.

Hon MAX EVANS: The holder would be the Aboriginal community, which is a public or corporate body. This new provision is because of a public need for access over tracks across crown land for remote fishing and recreational areas, where there is a reluctance to dedicate roads. Prior to ordering a public access route there must be an extensive consultation process and the consent of any crown land interest holder, for example, a pastoral lessee, lessee of crown land or management body. In practice, the consultation process will include the management of the area to be accessed. The Aboriginal community would be consulted.

Hon MARK NEVILL: In the case of the central desert the holder of the interest in the subject land would be the Ngaanyatjarra Council and not each individual. The clause refers to each holder.

Hon MAX EVANS: As I said, the community or Aboriginal body would be the corporate body recognised as the holder and not the individuals.

Hon MARK NEVILL: Subclause (3) refers to obtaining his or her consent in writing. I am still unsure, even with the Minister's assurance, that the clause is not creating difficulty for a road which has a real prospect of being created in that area. I draw it to the Minister's attention and leave it at that.

Hon MAX EVANS: It would require appropriate consultation with all the parties. Consent would be needed from the corporate bodies and there may be more than one corporate body in that area.

Hon Mark Nevill interjected.

Hon MAX EVANS: The Aboriginal Land Trust would approach an Aboriginal community and not individuals. The community would be the holder. It might take the question to individuals who might be consulted. If they were title holders they would be consulted.

**Clause put and passed.**

**Clause 65 put and passed.**

**Clause 66: Restrictions on liability of Minister and others in respect of public access routes -**

Hon MARK NEVILL: Subclause (3) states that an action in tort does not lie against a person to whom the clause applies for anything that person has done in good faith in the performance or purported performance of a function under this division. Subclause (6) states that members of the public use a public access route entirely at their own risk. Does the clause absolve a person or the Minister where negligence has occurred; for example, if someone dumps a load of gravel in the middle of the road and forgets to grade it out and someone has an accident because of that? Referring to something that is done in good faith does not enlighten me as to whether negligence comes into that provision.

Hon MAX EVANS: There is no obligation on the Minister, local government or the interest holder through which the public access route passes to maintain or repair a route. In addition none of these persons would be liable to any person using the track provided they acted in good faith and performed their function under this part of the Bill. If they had been negligent they would be liable.

**Clause put and passed.**

**Clauses 67 to 70 put and passed.**

**Clause 71: Offences -**

Hon MARK NEVILL: Subclause (3) must be clarified. The public access route obviously applies to a recreational or tourist area. As a geologist I would have camped on many of those sorts of areas. Does that subclause now preclude that and are people now open to a penalty of \$1 000?

Hon MAX EVANS: The aim is to minimise the impact to any interest holder. Persons using the public access route must not unduly interfere with any rights of the interest holder. In other words, if Hon Mark Nevill parked there and stopped people going along the route he would be a nuisance. The public access route is to be used for travelling only and no camping is allowed. The purpose is to deter unlawful activities. It is only for the purpose of using the access route.

Hon MARK NEVILL: Someone might go off the access route to camp. Paragraph (b) relates to unmanaged crown land or unmanaged reserve land - I am not clear what the difference is between the two. Would a person such as a geologist be allowed to camp on that area? Subclause (1) says that a person must not without reasonable excuse create or place any obstruction across a public access road. Subclause (3) does not use the term "without reasonable excuse" and it seems to be a blanket prohibition.

Hon MAX EVANS: The subject crown land is the lease or the reserve, it is not unmanaged crown land. A geologist would be using the land in good faith. It is to prevent someone from permanently obstructing a route. The penalties exist if someone does deliberately block the route.

**Clause put and passed.**

**Clauses 72 to 79 put and passed.**

**Clause 80: Conditional purchase leases -**

Hon MARK NEVILL: Conditional purchase leases were popular for farmland during the 1960s and 1970s. I cannot think of any crown land that would be granted on a conditional purchase lease basis now. Does this practice still exist? I do not believe there is much scope for conditional purchase land, particularly for farming in the south west.

Hon MAX EVANS: This is a new provision. The definition is self-explanatory. The Minister has the power to grant conditional purchase leases. The Land Act enables conditional purchase leases to be released as agricultural and grazing land. The existing conditional purchase leases issued under the Land Act 1933 that have not yet fulfilled all conditions and paid the purchase price have been saved in clause 26 of schedule 2. No more conditional purchase leases of this kind will be released. That is what the member is saying. This clause provides for a new type of conditional purchase lease for any purpose. Conditional purchase leases issued under the Bill are not limited to agricultural and grazing land. As is the case for conditional purchase leases generally the rent covers instalments of

the purchase price over an agreed term. In every instance development conditions must be complied with. The Minister may set any other conditions.

**Clause put and passed.**

**Clauses 81 and 82 put and passed.**

**Clause 83: Minister may grant leases of Crown land, and transfer Crown land in fee simple, to Aboriginal persons -**

Hon MARK NEVILL: This is an interesting clause. It refers to a grant of lease of crown land for a fixed term or in perpetuity to Aboriginal people. Is it a requirement that the Aboriginal people have some specific ties to that land before they can get a perpetual lease? It is not available to anyone else, because it would be an impermissible future act under the Native Title Act. A perpetual lease could be granted only to an Aboriginal person.

Hon MAX EVANS: Section 9 of the Land Act states -

Without prejudice to the provisions of this Act relating to the right of any person descended from the original inhabitants of Australia to apply for and acquire land as a selector under the provisions of this Act, the Governor may for the purposes of advancing the interests of any such person lease, whether for a fixed term or in perpetuity, or grant to any such person, upon such terms and conditions as the Governor thinks fit in the best interests of any such person, any area of Crown land.

The clause has been amended. Section 9 of the Land Act provides for the transfer of freehold or lease Crown land to a lease in perpetuity for Aboriginal persons. The only change is to the wording "any person descended from original inhabitants of Australia" in the Land Act 1933. It will be subject to native title requirements.

Hon MARK NEVILL: I accept what the Minister says, but since section 9 of the Land Act came into force in 1933 the practice has changed where a lease in perpetuity, which was available then, is probably not now available to anyone because it would be an impermissible future under the NTA. However, under this section it would be available to an Aboriginal person. I believe an Aboriginal person should have some family ties with the land before being given a perpetual lease. I do not believe people from the Esperance area should be given a perpetual lease in the Kimberley. I do not see that their ties to the Kimberley are significantly different from those of anyone else. I agree that under native title their ties and claims to the land where they were born will grant them that privilege.

**Clause put and passed.**

**Clauses 84 to 96 put and passed.**

**Clause 97: Constitution of the Board -**

Hon MARK NEVILL: Subclause (1)(d) refers to who can be appointed to the Pastoral Lands Board. One person is to be appointed by the Minister from among government employees with expertise in the field of flora, fauna or land conservation management. Why is that restricted to a government employee? The skills of government employees with qualifications in flora, fauna and land conservation management could vary markedly.

Hon MAX EVANS: It has been government policy to appoint a government official to the board. It is envisaged that a government official will be drawn from each of the Environmental Protection Association, the Department of Environmental Protection or the Department of Conservation and Land Management.

**Clause put and passed.**

**Clauses 98 to 100 put and passed.**

**Clause 101: Minister may grant pastoral lease over Crown lands -**

Hon MARK NEVILL: Is there any provision in this Bill for the Government to publicly notify what grant of pastoral lease is made over crown land; that is, an initial grant?

Hon Max Evans: No, but prior publication of the intent to release such land is necessary.

**Clause put and passed.**

**Clauses 102 to 107 put and passed.**

**Clause 108: Management of land under a pastoral lease -**

Hon MARK NEVILL: The Pastoral Lands Board must be consulted by the Valuer General before he sets his valuation; yet the Valuer General has great experience and resources. Why is there no requirement for the board to

consult the Department of Conservation and Land Management or the Environmental Protection Authority on environment issues?

Hon P.H. LOCKYER: I understand that is dealt with under clause 95, where the functions of the Pastoral Lands Board make it eminently clear that part of the requirements and functions of the board are to develop policies and prevent degradation of the range lands. Surely, therefore, the board would naturally have to consult with CALM.

Hon MAX EVANS: This part of the Bill was brought across from the Land Act with the addition that the board must seek advice from the Commission of Soil and Land Conservation with respect to the lessee's requirement to maintain the indigenous pasture and other vegetation. It requires officers of Agriculture Western Australia to carry out the lease inspections. Range land management officers are still well experienced in this area.

**Clause put and passed.**

**Clauses 109 to 114 put and passed.**

**Clause 115: Fees for permits -**

Hon KIM CHANCE: My query relates to this general division of the Bill dealing with permits. This issue arises in both the overview briefing and the second reading speech and, as such, could be deemed a policy matter. However, I want it clarified because I do not believe it was clarified during the second reading. It is stated in the overview that as a matter of policy only, permits for non-pastoral activities will not be granted where the non-pastoral activity is a higher and better use of the land than the pastoral activity on the land. That policy statement is repeated in the second reading speech as follows: Permits for non-pastoral activities will not be granted where the non-pastoral activity is greater than the pastoral activity on the land.

I do not think anyone needs to listen to this debate for long before gaining the impression that there would be no point seeking such a permit if it were not designed precisely for performing an activity which is greater than the non-pastoral activity. It states clearly that it is a matter of policy, but that has become doublespeak for indicating that is what the Government will do but it will not be included in the legislation. I have found no reference to it in the legislation. I am concerned about why that statement is included. Why does the Minister say permits under division 5 will not be granted where the non-pastoral activity is greater than the pastoral activity on the land? It seems contrary to, and not in keeping with, the policy of the Bill.

Hon MAX EVANS: Where the activity under a permit transcends the pastoral operation, the area concerned must be excised and converted to a different tenure; for example, a special lease.

Hon KIM CHANCE: I am afraid that answer does not satisfy me. The policy of the Bill is well established for enterprises that might be carried out which are far beyond the scope of the non-pastoral activities. In the second reading stage we discussed developments such as El Questro and other non-pastoral activities. This matter needs to be clarified. I am not concerned about the Government's intention, but about the words it has used to express that intention. It is clear that the growing of watermelons is a non-pastoral activity, as is any form of market gardening. Even irrigation for the purposes of fodder conservation is arguably a non-pastoral activity if one takes the words "pastoral activity" at their most literal and legalistic meaning. We should be very clear about what is being done because there is no point granting a permit for the use of pastoral land if the permit will not be used for a higher use. In that case, why bother applying for it?

Hon MAX EVANS: Special leases have not been created because of the native title situation.

Hon Kim Chance: I understand that part.

Hon MAX EVANS: The same applies to watermelon farms.

Hon Kim Chance: It is different.

Hon MAX EVANS: It could be on a separate lease - I am not certain. With these separate types of farming, nothing has been possible until native title is sorted out.

**Clause put and passed.**

**Clauses 116 to 122 put and passed.**

**Clause 123: Assessment of rent -**

Hon MARK NEVILL: Under this clause the valuation of pastoral leases must be determined every five years after 1 July 1999. Does this create a problem that has been eliminated with other forms of land where there are significant fluctuations in the value during that period? Would it be better to have an annual rolling valuation to overcome the

problems that have arisen with other valuations of land, where it has been necessary to phase in the increased rates because people have not anticipated the increases in value which may arise from the use of permits?

Hon MAX EVANS: The pastoral industry insisted on valuations every five years and the Government agreed to it. It is quite different from the valuation of land in the metropolitan area, where there is a database on the sale of land. Hon Phil Lockyer made it clear in earlier debate that most of the valuations determined by stock agents are on the basis of the livestock on the land. No-one seems to get any money for the land. There might be some value in the buildings or fences, but the value of the property is based on the number of cattle it carries. If a purchaser gets 2 000 or 3 000 more head of cattle than he paid for, it is a profit and if he gets fewer he has made a loss before he starts.

Hon P.H. LOCKYER: The period of five years is required because not only are the Minister's comments absolutely correct, but also the wide variation in climatic conditions on pastoral properties must be taken into consideration. There might be a drought two years in a row which would greatly affect the income from a pastoral property. That is why it is important that the matter be referred to the Pastoral Board for advice to the Valuer General as to the condition of the pastoral lease or the pastoral industry generally. If, for example, the pastoral industry were going through an enormous downturn in the value of stock - as it is at the moment - it would not be appropriate for the Valuer General to apply a high value.

Alternatively, there might be a return to the halcyon days when a bale of wool attracted a price of \$2 000. In that case it may be appropriate for the Valuer General to give consideration to rents for pastoral leases. This clause is an appropriate safety catch and the pastoral industry insisted on a period of five years which it believes is a fair and just time for the Valuer General to take into consideration.

Hon MARK NEVILL: I do not dispute what Hon Philip Lockyer said, but we must look at pastoral leases in each area and take into account the type of seasons they had over the last five years. Pastoral leases should be looked at individually and that could be done by an annual valuation. It may be too difficult, but my suggestion is to ensure they do not have a burden put on them unnecessarily.

Hon MAX EVANS: It is not a case of increasing the value of the land every five years. In a five year period there can be droughts and the value of the land could change. Valuations should be based on what an honest buyer and seller agree between themselves to be the value of the land. It is not a question of whether the valuation is done every year or every five years; it depends on what people will pay for it. The industry insisted on five years and the Government agreed to it.

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

Progress reported and leave granted to sit again.

### **ADJOURNMENT OF THE HOUSE - SPECIAL**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.34 pm] - without notice: I move -

That the House at its rising adjourn until Wednesday, 16 April 1997.

The industrial relations legislation, which is currently in the Legislative Assembly, is likely to be passed either today or next Tuesday and it is my intention that this House be recalled next Wednesday to receive that Bill. Members of the Opposition would then have their customary one week, in this case one and a half weeks, to contemplate and consider the Bill before the formal debate commences, which I expect to be on Tuesday, 29 April.

I regret some members may have made plans which will be affected by this motion. I believe I discussed with the Leader of the Opposition that the House would come back on 29 April. That was on the basis the legislation would be passed and in this House by now. That is not the case. It is taking longer than was anticipated. It is my intention that the House should adjourn until next Wednesday to receive that legislation.

Hon Mark Nevill: How could it have been passed by now?

Hon N.F. MOORE: It could have been passed by now if the guillotine had been used in the other House.

Several members interjected.

Hon N.F. MOORE: Forgive me, I meant passed by the other House today and received in this House today. In that case the message would have been received and read, the Bill would have been read a first and second time and the debate would have been adjourned for two weeks until 29 April. That has not been the case and I expect it will be received by this House next Wednesday, having been passed by the Assembly either today or on Tuesday. My motion is for the House to come back next Wednesday for the sole purpose of receiving that Bill.

I notice there is a contingency motion on the Notice Paper which I suspect will need to be debated as well. That will be dealt with in the proper way. Because of the new sessional orders Wednesday is the day for committee meetings and it may be appropriate, in the event this House will be sitting, for the committees to meet to elect their chairmen to give them the opportunity to start working as soon as possible. That is entirely dependent upon on how many committee members are available to meet that day. That is for the Clerk to organise if he deems that it should happen.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [5.36 pm]: This special adjournment motion is not the motion I or my colleagues were anticipating. In fact the Leader of the House, as he well knows, gave me an assurance only two days ago in front of his ministerial colleagues that this House would adjourn before 6 o'clock this evening and sit again on 29 April. Members have made arrangements with their constituencies and families based on the assurance the Leader of the House gave me.

Several members interjected.

Hon N.F. Moore: Based on circumstances at the time.

The PRESIDENT: Order!

Hon TOM STEPHENS: I am opposing this motion.

The PRESIDENT: Order! The member can oppose it, but I will make sure his colleagues keep quiet so he can.

Hon TOM STEPHENS: I want to provide the Leader of the House with an opportunity to vote for a special adjournment motion which reflects the assurances he gave me with reference to the date on which the House would sit after the adjournment this evening. My amendment deletes the date identified by the Leader of the House. The Government has an extraordinary way of doing business.

*Amendment to Motion*

Hon TOM STEPHENS: I move -

To delete the date "Wednesday, 16 April" and insert the date "Tuesday, 29 April".

An extraordinary breach of standing orders has occurred by the Leader of the House alluding to the debate in the other place. I will leave that question aside.

The PRESIDENT: Order! The member will not leave it aside. He said there had been an extraordinary breach of standing orders. If there has been a breach of standing orders he must bring it to my attention because I adjudicate on that. If there is a breach I am unaware of it and it is unacceptable to me to have the member suggest I have been negligent.

Hon TOM STEPHENS: Not negligent, Mr President. It is something to which I want to draw your attention right now. It is the first opportunity I have had to do so. In moving this motion the Leader of the House alluded to debates in another House. He did what I did recently and on that occasion you, Mr President, drew my attention to it by way of a point of order. It is the reason that this House should not take notice of what is going on in the other place. This House makes its arrangements independently of that place, as provided for in the standing orders.

The PRESIDENT: Order! The Leader of the House is not in breach of the standing orders. "The debates in another place" were the words that were uttered during the course of the debate, not the fact that the Bill is there, was there or is going to be there. There is no breach of the standing order.

Hon TOM STEPHENS: I do not know what goes on in the internal workings of the mind of the Leader of the House or his colleagues. However, this is an ambush. The Leader of the House knows what he said to me and his ministerial colleagues know what he said to me. I relayed those words faithfully to my colleagues and they have made their arrangements with their constituencies. This motion if passed will force them to change those arrangements.

Every member of this House knew when the guillotine would be applied to the legislation in the other place. We all knew that it would be applied tonight at 9.30. We knew we would not be sitting here because the Leader of the House had assured us that we would not be sitting here. The sequence of events was that we would adjourn -

Hon N.F. Moore: We might have sat tonight.

Hon TOM STEPHENS: The Leader of the House assured me -

Hon N.F. Moore: I gave you an assurance based on the circumstances at the time.

The PRESIDENT: Order! The Leader of the Opposition is entitled to do what he is doing and I will protect his right to do it. However, I am having a lot of difficulty when his colleagues are making a noise and I am trying to concentrate on what he is saying. I happen to have made other arrangements too. If the colleagues of the Leader of the Opposition feel they share his views, they can support him in the appropriate way, not by screaming out from their seats.

Hon Mark Nevill: We could be here until 9.30 tonight to take the message.

Hon TOM STEPHENS: I suppose we could be here until 9.30 tonight, if it were necessary.

The PRESIDENT: Order! Let us talk about the motion. I am anxious to get the Leader of the Opposition's amendment which he will have signed, no doubt.

Hon TOM STEPHENS: I will have, Mr President. However, this motion has caught me on the hop. It is not something I had any reason to anticipate other than the brief comment I got from the Minister in the corridor a few moments ago. I will make what was to be the sequence of events known to all members so they will know what I was told. This House is about to enter a new era. As ill-suited as the two of us are to this process, at least I confess I am not well-suited to it; and the Leader of the House has displayed that he is extremely ill-suited to deal with this new experience.

Hon N.F. Moore interjected.

Hon TOM STEPHENS: Mr Moore will be silent for a moment and listen to me. He is not well-suited to the task with which he has been charged. He told me only two days ago, in the presence of two of his ministerial colleagues in his ministerial room, "I can give you an assurance we will be up by six o'clock on Thursday evening and that we will not be coming back until 29 April and you can make your arrangements accordingly."

Hon N.F. Moore: I did not give you an assurance in those terms at all.

Hon TOM STEPHENS: Mr Moore, you did.

Hon Norman Moore: I said I anticipated that to be the case.

The PRESIDENT: Order! Do not have an argument about it. The Leader of the Opposition should say what he wants to say.

Hon TOM STEPHENS: We will have to get everything the Leader of the House says in writing in future.

Hon N.F. Moore: Likewise, Mr Stephens. Remember that little occasion -

The PRESIDENT: Order! Minister, for goodness sake, I am trying to conduct a reasonably intelligent debate in a House of Parliament.

Hon TOM STEPHENS: This is a disgrace. My colleagues awaited Mr Moore's message with great interest. They knew I had gone to speak to the Minister. Immediately I spoke with him, I came back and relayed his words to them exactly as they were given to me. I knew I could not tell fibs about them because the words were uttered in the presence of two of his ministerial colleagues. That is what happened. I regret it has happened. One of the reasons this is not a very nice event is because soon Mr Moore will no longer be in control of this House. In those circumstances his word is important to the operations of this place. Other people will have control over how this place operates in the future. Mr Moore has set a shocking example for the new majority that will operate in this place beyond 22 May.

Hon N.F. Moore: And you will use the majority for your purposes.

Hon TOM STEPHENS: I will not be involved in the deceit that Mr Moore has been involved in on this issue.

Hon N.F. Moore: You will.

Hon TOM STEPHENS: I will not.

Hon N.F. Moore: You are entitled to do what you want.

The PRESIDENT: Order! The Leader of the Opposition will talk to me.

Hon TOM STEPHENS: I am serious when I give my word about issues that are before this House.

Hon N.F. Moore: That is good to hear. We will see about that.

The PRESIDENT: The Minister will please come to order.



Hon TOM STEPHENS: It is a disgrace that the Minister has given me one set of assurances and suddenly for the convenience of his colleagues, he has changed his mind. We have an opportunity of receiving the message on 29 April and then we will have three weeks to deal with the legislation. We could also have the weekends if that is what the Leader of the House wants. However, instead of doing that, he has decided - at the behest of whom we do not know - to break the commitment he gave me personally in front of his ministerial colleagues and make new arrangements to deal with that legislation. The Leader of the House has failed abysmally in the way he handles his job and I call on him to adopt higher standards. I hope his colleagues discipline him for the way he is handling his job.

Hon N.F. Moore: They certainly will if they need to.

Hon TOM STEPHENS: My deputy has passed me a note suggesting that we adjourn until 9.30 tonight which is when we understood the legislation would be guillotined in the other place. I oppose the motion for the special adjournment. My amendment will allow the Minister to keep faith with me, his colleagues and my colleagues.

**HON JOHN HALDEN** (South Metropolitan) [5.48 pm]: I had no opportunity to understand what happened prior to my being called back to the Chamber. However, since returning I have been provided with the appropriate information and it is clear that the conventions of this House have been thrown out the window. We were advised of this with two minutes' notice. Protocols have been broken and trust has been betrayed. Even the niceties with which we communicate with each other have been deserted. I have spoken to members on the other side of the Chamber about how it will be important during the next few weeks to preserve the relationship we have developed and how we will disagree about the legislation that has caused this ambush.

I am quite sure that those of us who have been here for a number of years will argue strenuously and with great passion about the issue. At the end of the day, as we have done before, I hope we forget the debate - its content and the acrimony that may have existed - and get back to how we have worked in this place previously, which in the vast majority of cases was with great cooperation.

However, the reality is that it is not now the Labour Relations Legislation Amendment Bill that is causing the aggravation: It is this ambush. It is a total betrayal of any decency that should be expected. The Leader of the House cannot possibly expect a House to work in an appropriate way, despite our political differences, when he pulls these little stunts. They are an outrage, not because of industrial relations issues, but because, once again, the Leader is using the Government's illegitimately held numbers.

I do not know how much members opposite want to pass the industrial relations legislation or how much political pressure is on them - from wherever, I do not know. However, this will go a lot further in causing problems down the road in how we work in this place than anything the industrial relations legislation will do. This is nothing more than a plain and simple outrage.

I will speak directly to the amendment proposed by Hon Tom Stephens and the original agreement I am positive we had with the Government. Even if we come back on 29 April, as the Leader of the Opposition has suggested, the control of the House will still be with members opposite. Even if the House gives us the opportunity to consider the Bill for a week and allows us to adhere to that convention - which I do not know exists any longer - it will be approximately 4 or 5 May before it is passed. The Government has 17 days to pass this legislation. We have been threatened informally with sitting here 24 hours a day, including Mondays, Fridays, Saturdays and Sundays. Given that it has the numbers, why would the Government do this? It is doing this because it is intent on actually rubbing our noses in it.

The Government could follow my suggestion or be reasonable by proposing that we will sit, with some advance knowledge, every day of the week up to 21 May. There is nothing the Opposition could do about that. We would accept that if we were given advance knowledge - although we would grumble a bit - because we understand that the Government has the right to have the House sit whenever it wishes and that members opposite have the numbers.

I understand that members opposite have not had prior knowledge of this. We all have commitments, bearing in mind the time of the year. Two minutes' notice is unreasonable at this time, when schools are about to close for the holidays, and it is very annoying. If I were allowed to swear, I would. The word that comes to mind starts with the letter "B".

There is no need for the Government to do this. This is arrogance personified by members opposite. Hon Tom Stephens alluded to what might happen on 22 May. I hope members opposite will not behave in this fashion after that date - they will not be able to. I do not want it to get to that situation. Surely, as a responsible group of people, we should want to provide each other with knowledge about what will happen. At the end of the day, this is very silly stuff.

How would members opposite respond to their children if they gave them two minutes' notice to do something they were not expecting? They would refuse to do it. They would have to consider the situation and possible alternative arrangements. They would say, "Surely you could have provided more than two minutes' notice." That is the way they would respond to a child and that is the way they should respond to this childish motion from the Leader of the Government. It is nothing more than bratish, childish nonsense. I am willing to bet that no member in this place actually likes what is about to happen. There is no reason for it to happen because it can be done another way - a much more civilised way, without acrimony and brutishness.

The debate following the introduction of this legislation will be difficult, and that will not be the first time that has happened. However, the issues that have upset people in this place most have not involved legislation. We can argue, belt heads and do the things we all do relatively well, but, in the final analysis, what causes the longest term damage and the greatest acrimony is these ambushes and smart little political tricks imposed on us because members opposite have the numbers. I acknowledge they have the numbers, but they did not need to do this.

The Leader of the Opposition has provided the House with the most reasonable option to resolve this issue. If the Government wishes to follow another path once we resume, it should advise us of that and allow members to prepare their diaries accordingly. I know what the majority of people in this Chamber want to do. This is not about party politics but common decency. We should defeat this motion. It has nothing to do with the industrial relations legislation; we know the reality of that legislation. The Government can have us sitting here forever and exhaust us because it has the numbers. This is a thuggish ambush. It should not and should never be tolerated no matter who is occupying the government benches. If it does happen, it will hang over this place for a long time and be to everyone's detriment.

I am astonished that the Leader of the House has performed this little stunt. I thought I had a reasonable relationship with him and I did not think that he would do this. I am astounded and disappointed - for whatever that is worth. I hope that good sense will prevail. I do not propose to keep members here any longer than is absolutely necessary. We should be reasonable. I ask members - not as a Labor politician but as one of the 34 of us - to act in a reasonable and sensible manner and not allow this to get out of hand. This is not about industrial relations or politics: It is about whether we can manage our lifestyle in a reasonable way without being caught by such an outrage.

**HON MARK NEVILL** (Mining and Pastoral) [5.59 pm]: I am appalled at the change of tack by the Leader of the House and the Government. Standing Order No 94, which refers to allusions to debates in the Assembly, of course refers to debates in the current session, as the President said. However, it also deals with members referring to any measures pending therein. Clearly, the Leader of the House was referring to the passage of the Labour Relations Legislation Amendment Bill. The intent of that standing order is that our agenda should not be determined by what happens in another place.

The action taken by the Leader of the House means that we are becoming the lackey of not only the other place but also the Minister for Labour Relations - he is calling the shots about what is happening in this place. In effect, he is managing the business of this House.

We knew earlier this week that we would be here at 9.30 pm today to get the message from the Assembly. We were told on Tuesday that the debate on this Bill in the other place would be gagged at 9.30 pm. With that knowledge, the Leader of the House had three days to plan the debate in this House. However, suddenly he has proposed that we come back next Wednesday!

I was not under any illusion that we would go home today at 6.00 pm; I thought there would be some method to keep us here until 9.30 pm to receive the message from the other place. On the basis of that assurance, I have spent most of the day organising for a plane load of Aborigines to go from Balgo to Warburton, and from Warburton to Alice Springs and back again. I will now have to cancel that, and it will take me another half day to undo it. I did that based on what I thought was a proper and honest assurance from the Leader of this House.

There is no need for us to come back next Wednesday. If we were to come back at the beginning of the next three week sitting, the Bill could be read on the first day, and we would still have two weeks to debate it. The Assembly has had only three days to debate it. I cannot see why we cannot debate the Bill in two weeks; and we have another week after that if we need it. This is chronic bad management, and it is absolutely unnecessary.

Hon N.F. Moore: We are giving you a vast amount of time to debate it.

Hon MARK NEVILL: The Bill is not here yet! I was happy to finish the debate on the Land Administration Bill today, but the Minister stopped debate on that Bill at 5.30 pm, with three clauses to go. What sort of management is that? I do not know whether regulations would need to be drafted for the labour relations Bill, but if regulations were needed they could be disallowed after the new House took its place. There is no way in the world that the Minister will get 14 sitting days between now and when the new House takes its place. Regardless of whether we

agree with the labour relations legislation, there will be a capacity to knock it on the head after 22 May, if the House considers that is what should be done, by disallowing any regulations that were required to put that Bill into effect.

I cannot understand the rush. I cannot understand why we should come back next Wednesday. I do not know why the Minister for Labour Relations should determine the agenda of this House. I urge members to put this silly motion behind them and support the amendment.

**HON KIM CHANCE** (Agricultural) [6.03 pm]: I think the Leader of the House is out of the Chamber making certain arrangements, and I do not want this matter brought to a head until such time as we receive his advice. In the meantime, I join with my colleagues in expressing surprise at the outcome of these events.

I want to put clearly and simply what opposition members were advised the chronology would be. On Tuesday, we were advised that the House would rise at 6.00 pm today. Hon Mark Nevill said he believed it would rise later than that; he obviously had his reasons for that belief. One of the reasons he had for that belief was that he knew then, as every member of the Opposition knew, and I am certain as every member of the Government knew, that the guillotine would come down in the other place, on a piece of legislation that we are not allowed to talk about, at 9.30 pm today.

It is not credible for the Leader of the House to tell us, with just two minutes' notice, at just after 5.30 on Thursday night, that, somewhere along the line, something has changed with regard to the passage of a piece of legislation in another place and we will have to come back next week to deal with that legislation.

Hon Mark Nevill: To receive a message!

Hon KIM CHANCE: I remember that when we were dealing with the Land (Titles and Traditional Usage) Bill, the Minister delivered the second reading speech of the Bill and we then launched straight into the second reading debate. There was no seven day period during which the Bill sat on the Table, as is the convention.

I say this without the blessing of the Leader of the House, because I put this proposition to him and he rejected it, but the labour relations Bill is the kind of legislation that perhaps we could consider debating without adhering to the seven day convention. The reason for that convention is to allow members to have time to look at and analyse legislation. It would at least be a semi-cogent argument for the Government to put that opposition members should by now be aware of the content and intent of the labour relations Bill. We might not like that argument, but I am sure the Government could probably survive any flak that we might throw at it on the basis of that argument.

The little nicety of observing that convention did not bother the Government when we dealt with the native title legislation; it did not give it a second thought. It came in here on a wild rumour, circulated by some madman, that the Democrats or the Greens, or somebody, would do something in the Senate that would cause our legislation to be second guessed.

Hon N.F. Moore: That is not happening on this occasion.

Hon Mark Nevill: Perhaps this is his last opportunity to behave like a dictator!

Hon KIM CHANCE: If the Government was pleased to do what it did on that occasion, it must have felt that it had good reasons to do it - we did not agree with those reasons - and if it did have good reasons on that occasion, I am sure it would have much more defensible reasons for doing that with regard to the legislation which is currently in another place and which we are not allowed to talk about. I believe the Government would not wear a great deal of opprobrium in the media for putting the argument that we understand the intent of that legislation and, therefore, it is appropriate to waive the seven day convention. I am certain that for the Government to do what it is proposing to do now will cause more ill-feeling than anything it might do in respect of the seven day convention.

I know that the legislation that we are not allowed to talk about is contentious and difficult. However, this is a bad start in our trying to get through it with at least some kind of decorum. While I put that view about the seven day convention to the Leader of the Opposition, he was obviously not prepared to undertake that course of action without reference to all of his colleagues.

We all thought this House would adjourn at 6.00 pm today. With a couple of minutes' notice all of that changes on a whim of the Government, and, I suspect, like the Mabo response legislation, at the behest of a Minister in another place. This place has standing orders, conventions and rules that need to be observed for reasons that go to the independence of this place as a Chamber of the Western Australian Parliament. Those standards that we set for ourselves have been cheapened by this attempt, and the earlier attempt that I have referred to, to make this place nothing more than a servant of let alone a rubber stamp for the Executive.

I am concerned at the unnecessary nature of this issue, and aspects of the Bill with which we are about to deal. This place and the Parliament have gone through a fair amount of unnecessary pain as a result of our different interpretations of the outcome of the industrial relations legislation.

**HON J.A. SCOTT** (South Metropolitan) [6.11 pm]: I was forced to recollect some of the comments made by Hon Norman Moore during his summing up of debate on his motion to change sessional orders. He said that maturity would need to be displayed in this place. It does not look a likely proposition that at this stage of the evening that maturity will strike like a bolt of lightning.

Given the fact that the House as constituted would not normally be here at this time, and that the Leader of the House is bowing to the wishes expressed in the other House by moving this motion to avoid the scrutiny that the community decided it wanted in this House of Review, the Government is thumbing its nose at the wishes of the people. This is a churlish rejection of what the community wished in this regard. This is an attempt to avoid having this place scrutinise contentious Bills that come before this place. The community wanted some softening in certain Bills. Although the people may have wanted the Government's agenda, the last election made clear their wish for this House to be a House of Review.

This House should operate on the basis of arriving at the best legislation. Pulling stunts like this is not the way to do it. This is the stuff of banana republics.

Hon Peter Foss: Do you have the message now?

Hon J.A. SCOTT: Yes. However, I wonder whether the Government has. My message is that members in this place must work cooperatively in the future. That means that Hon Peter Foss must listen to me.

Several members interjected.

The PRESIDENT: Order! The member is trying to conclude and he is being interrupted.

Hon J.A. SCOTT: I wish to make the point strongly -

Hon Peter Foss: And repetitively.

Hon J.A. SCOTT: I will repeat it, since the Attorney General has again interjected.

Members do not wish to stop the general trust of government legislation; however, they want to make sure it is not contrary to the wishes of the broader community or unfair. I hope evidence of cooperation will begin to be seen in this House.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [6.18 pm]: It has been put to me on a number of occasions that when industrial relations legislation comes to this place all the rules are suspended. I have no doubt that will be the case in the foreseeable future. Industrial relations legislation brings out the best and the worst in all of us. This will be no exception.

The Legislative Assembly decided to sit next week. That was news to me today. I am anxious for this House to receive that legislation as soon as possible so members opposite have the customary one week or longer to look at the legislation. I have a strong view on that. Unless there are extraordinary circumstances, members will always have that one week to contemplate legislation. In order to ensure that happens, the idea is to come back to receive the legislation, and at the same time make available as much time as possible. If we accept that 22 May is a date of some significance, the Opposition will have had three weeks to debate the industrial relations legislation. All the comments are that this legislation is being rushed through. We are putting in place a proposition for the Opposition to have three weeks prior to 22 May to debate it, and longer if necessary. The one thing about this House is that we cannot stop people talking. They can go on forever. I am trying to give members forever to debate this legislation, so that it can eventually be passed.

Assuming the Labour Relations Legislation Amendment Bill has reached this place by 29 April, the Leader of the Opposition has indicated that the Opposition is prepared to debate on that day its contingency motion on the motion paper, and have debate on the Bill on Wednesday, 30 April.

Hon Tom Stephens: No, on Thursday.

Hon N.F. MOORE: With respect, we agreed to spend one day on the contingency motion and to debate the Bill the following day.

The PRESIDENT: Order! The question before the Chair is that the words proposed to be deleted, be deleted. The Leader of the House is addressing the matter and there appears to be some conflict of views regarding some arrangements, about which I know nothing. If members want two minutes -

Hon N.F. MOORE: I am happy to accept the amendment. I will discuss the matter with the Leader of the Opposition at the conclusion of debate and make the necessary arrangements about what will happen that week. I do not expect that we would spend weeks debating the contingency motion. That would defeat the purpose of the exercise. I ask the House to accept the amendment, and we will return on Tuesday, 29 April at the normal time.

Amendment put and passed.

*Motion, as Amended*

**HON BARRY HOUSE** (South West) [6.20 pm]: I believe that the motion, as amended, has us coming back at 2.30 pm on 29 April. That will be contrary to the sessional orders.

The PRESIDENT: The words of the amendment did not contain a time. Therefore, we will return at the normal time. The motion has been amended and now reads: That this House at its rising adjourn until Tuesday, 29 April 1997.

Question (motion, as amended) put and passed.

**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [6.21 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Yarri Minesite, Police Drug Raid*

**HON TOM HELM** (Mining and Pastoral) [6.22 pm]: I will not take up too much time. I hope members will appreciate the reason for my bringing this matter to the attention of the House. It relates to a press release this afternoon by Jock Ferguson, the Assistant State Secretary of the Australian Manufacturing Workers Union, which reads -

The Australian Manufacturing Workers Union has been contacted by workers at the remote Yarri Mine Site in the States North West concerned over a drug raid on their accommodation.

Roche Bros, the contract Miner for BHP gained the assistance of the West Australian Police force to raid the accommodation based on rumour and innuendo. In a letter that is being distributed to workers from the Mine Manager, Mr Keith Pitts, they have been advised that the search is being carried out using a particular criteria. This criteria is based on comments that have been overheard by the Mine Manager that persons MAY have used drugs in the past year, or, that persons showed problems giving a urine sample during routine drug tests.

Other criteria used was that individuals may have been seen associating with persons who were suspected of being users of Cannabis, or, samples received during drug tests were too weak to sample.

Jock Ferguson, Assistant State Secretary, said that the Union was totally amazed that the Police should act on only speculation raised by the Company and not on proper investigation, Mine Management seem to believe they have the right to authorise a search of workers homes outside of working hours based on rumour.

This is clearly an extension of random drug and alcohol testing where there is no confidentiality in regards to the test results and the employer can unilaterally act in a heavy handed way to address a social problem

If workers under Kierath's proposed legislation tried to protest against such actions a secret ballot would have to be held and it could be 7 weeks before the protest could be enacted. A worker on the job had been threatened with termination if he entered the camp whilst the search was taking place notwithstanding that he had just completed a 12 hour night shift and wished to go to bed, under the proposed industrial relations legislation even if terminated a worker would not necessarily be re-instated if the employer considered that they shouldn't be.

Jock Ferguson said this was a prime example of an employer who over reacts and wishes to create a Police State without any consideration of its employees or the circumstances.

I will now provide a few of the criteria used by the mine manager, Keith Pitts. The correspondence to the mine workers, in part, reads -

Your name has been randomly chosen from a list of employees that I have put together over the past few months.

The names on the list have been placed there on the following criteria.

- . Comments had been made to myself or overheard by myself that a person may have personally used drugs in the past year.
- . Or that person showed major problems giving a sample during routine drug tests.
- . Or the sample received during the test was too weak to sample.
- . Or you have been associated with persons who are heavily suspected of being users of Cannabis or other illegal drugs.

If the search proves that you do not have any illegal substances no further action will be taken. If you are working night shift you will be allowed to come to work up to 8.00pm without deduction of pay in order that you can get sufficient sleep prior to commencing work.

I apologise for any inconvenience.

That action was taken against employees in this State, without the backing of the legislation that may come before this House sometime in the near future. It is an example of an ill advised use of drug testing and random sampling. There is no evidence that such actions cut back the use of drugs on minesites. I and other trade unionists believe that drug taking should be prevented at all costs, even at the cost of civil liberties, but only if it is certain that such actions will reduce drug use on minesites. All around the world people have tried to gather evidence that the use of such tactics reduces the abuse and use of drugs. If trust and understanding is developed between the employers and employees, we might begin to address the issue.

I apologise for delaying members. However, it must be understood that under the Government's proposed industrial relations legislation it is possible that it will take seven weeks before anyone would have a chance to address such a clear attack on civil liberties. I will go no further, because I would be contravening Standing Order No 94.

The PRESIDENT: Order! One of the member's colleagues becomes very sensitive about members doing what he is doing.

Hon TOM HELM: That is as far as I will go.

Another important point about this issue is the timing of it. There has been a misunderstanding about how we need to address the abuse and use of drugs in the work force. This is a matter which the Australian Manufacturing Workers Union, I and other trade unionists feel very strongly about, and for that reason I bring it to the attention of the House.

*Adjournment Debate - Labour Relations Legislation Amendment Bill - Debate Arrangements*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [6.27 pm]: I thank the Leader of the House for the new arrangements we have been able to strike on the special adjournment. We are both under pressure in this place. I appreciate that in the face of the pressures the Leader of the House is understandably faced with, he had to respond quickly. That led to a buildup of tension between us over those issues.

Hon N.F. Moore: I feel no tension towards you. I am relaxed.

Hon TOM STEPHENS: I appreciate that the Leader of the House has listened to and accepted our proposal. I wanted opposition members to understand how we would be operating. The matter will be subject to further discussion; however, the proposal was put to us that we might consider dealing with the contingency motion on our return on 29 April. We are prepared to do that. Members will appreciate that 1 May is May Day; it is Labour Day, and on that day the Legislative Council will debate the Labour Relations Legislation Amendment Bill -

Hon N.F. Moore: That is not my understanding, but we will discuss it.

Hon TOM STEPHENS: That is our understanding. I hope we can arrive at an agreement. We do not propose to drag out debate on the contingency motion until the Wednesday. We intend to deal with the contingency motion on the Tuesday only, leaving the Wednesday free to deal with government business. On the Thursday we will move on to the industrial relations legislation.

I appreciate the opportunity my colleagues have given to me to agree with those arrangements. I suggest that we now adjourn.

Question put and passed.

*House adjourned at 6.29 pm*

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**QUESTIONS ON NOTICE****STATE FINANCE - COMMONWEALTH GRANTS***Capital Works Projects - Delays*

57. Hon JOHN HALDEN to the Government:

- (1) What capital works projects, if any, were delayed because of reduced Commonwealth grant allocations in 1996/97 in each of the departments/agencies under your portfolio responsibility?
- (2) For what period of time was the project delayed?

Hon N.F. MOORE replied:

The Water and Rivers Commission and Swan River Trust:

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

Water Corporation:

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

Office of Water Regulation:

- (1) No Office of Water Regulation capital works projects have been delayed.
- (2) Not applicable.

Homeswest:

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

Aboriginal Affairs:

- (1) No capital works projects have been delayed because of reduced Commonwealth grant allocations.
- (2) Not applicable.

Government Employees Housing Authority:

- (1) The Government Employees Housing Authority does not receive Commonwealth grant allocations and therefore the question of delay does not arise.
- (2) Not applicable.

Rural Housing Authority Industrial and Commercial Employees Housing:

- (1) No capital works programs were delayed for either the Rural Housing Authority or the Industrial and Commercial Employees Housing Authority.
- (2) Not applicable.

**GOVERNMENT INSTRUMENTALITIES - CHANGES***Expenditure*

81. Hon JOHN HALDEN to the Government:

- (1) Would the Minister provide a list of major specific parameter changes to any departments/agencies under the Minister's responsibility since the presentation of the 1996/97 Budget on 2 May 1996?
- (2) Would the Minister also advise of the increase or decrease in expenditure as a result of these changes?

Hon N.F. MOORE replied:

Water Corporation:

- (1) There have been no major specific parameter changes to the Water Corporation since the presentation of the 1996-97 Budget.
- (2) Not applicable.

Water and Rivers Commission and Swan River Trust:

- (1) There have been no changes for the Water and Rivers Commission or for the Swan River Trust.
- (2) Not applicable.

Office of Water Regulation:

- (1) There has been no specific parameter changes to the Office of Water Regulation since 2 May 1996.
- (2) Not applicable.

Homeswest:

- (1)-(2) Not applicable.

Aboriginal Affairs:

- (1) The Aboriginal Affairs Department will adopt a new program structure effective from 1 July 1997, details of which will be forthcoming when the state Budget is presented to Parliament.
- (2) Not applicable.

Government Employees Housing Authority:

- (1) There has not been any major specific parameter changes to the Government Employees Housing Authority since the presentation of the 1996-97 Budget on 2 May 1996.
- (2) Not applicable.

Rural Housing Authority Industrial and Commercial Employees Housing:

- (1) There have been no specific parameter changes for the Rural Housing Authority or the Industrial and Commercial Employees Housing Authority.
- (2) Not applicable.

#### LAND - CAPE NATURALISTE-CAPE LEEUWIN RIDGE

##### *Review Strategy*

109. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Planning:

- (1) Has the Minister for Planning received the final report from the Community Working Party on the Cape Naturaliste to Cape Leeuwin Ridge Review Strategy for the land west of Caves Road?
- (2) If yes, will the Minister table the document?
- (3) If not, why not?
- (4) What action does the Government propose to take in relation to any recommendations contained within the strategy?

Hon PETER FOSS replied:

- (1) The Leeuwin-Naturaliste Steering Committee has completed a draft of the Leeuwin-Naturaliste Ridge Statement of Planning Policy and Policy Report. The Minister is currently considering the report.
- (2) The report will be publicly released in the near future.
- (3) Not applicable.



- (4) The document will be open for public comment before it is finalised. The Leeuwin-Naturaliste Ridge Statement of Planning Policy, under Section 5AA of the Town Planning and Development Act, requires the approval of the Governor. The Policy will be binding on Government and Local Governments.

#### SENIORS - INCONTINENCE PADS

##### *Subsidy*

125. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

- (1) Is the Minister for Seniors aware that until January 1, 1997 seniors were able to procure incontinence pads for \$15 per month from Fremantle Hospital?
- (2) As the cost per month is now \$80 to \$90 for people over 65, and can no longer be procured through public hospitals, will the Minister meet with the Minister for Health in order to find a solution to minimise the health risk and indignity that will eventuate as a result of the increased impost?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) The costs of incontinence aids and appliances to seniors is of concern to the Minister for Seniors and officers from the Office of Seniors Interests have recently met with a representative of the Continence Foundation of Australia WA (Inc) to discuss the problems seniors face in regard to availability of subsidised continence aids. The Minister for Seniors will be following up this issue with the Minister for Health.

#### MINISTERIAL OFFICES - STAFF

##### *Minister for Finance - Statistics*

128. Hon MARK NEVILL to the Minister for Finance:

- (1) What staff were employed in or attached to the office(s) of the Minister at Tuesday, 4 March 1997?
- (2) What were the total salary costs of these staff?
- (3) What was the financial cost to the State of the employment of these staff?
- (4) What were the titles, roles and duties of these staff and what public service (or equivalent) classifications did they carry?
- (5) Under what programs were they employed?

Hon MAX EVANS replied:

- (1) Chief of Staff  
Senior Policy Adviser  
Media Adviser (duties shared with the  
Minister for Local Government; Disability Services)  
Appointments Secretary  
Personal Secretary  
Personal Secretary  
Administrative Assistant  
Correspondence Officer  
Receptionist

(2) \$245 173.

(3) \$291 150\*

\* Cost of employment is comprised of salary, superannuation, private plated vehicles, fringe benefits tax and telephone recoups.

- (4) Chief of Staff L7  
Senior Policy Adviser L6  
Media Adviser (duties shared with the  
Minister for Local Government; Disability Services) L6  
Appointments Secretary L3  
Personal Secretary L3  
Personal Secretary L3

Administrative Assistant	L2
Correspondence Officer	L2
Receptionist	L1

The officers' functions and duties are to provide support to the Minister in the performance of his ministerial duties.

- (5) The staff are employed by the Ministry of the Premier and Cabinet under Program Two, State Administration.

#### HOMESWEST - OFFICES

##### *Country Centres*

301. Hon KIM CHANCE to the Minister for Finance representing the Minister for Housing:

- (1) Is a review of Homeswest services currently under way which will include a reference to the future of Homeswest offices in country centres?
- (2) If so, can the Minister for Housing advise when this review will be completed and whether it will be released to the public?
- (3) Is the Minister able to provide an assurance that the Homeswest branch office in Moora will continue to remain open as a full-time service?

Hon MAX EVANS replied:

- (1)-(3) Homeswest continuously monitors its operations to ensure services across the State are provided in a timely and cost effective manner. Whenever demand for services changes the issue is discussed with local stakeholders. In the case of Moora office, a meeting is scheduled for Friday 18 April 1997, at the Moora Shire office, to discuss the changing needs of the office and to seek local input into any possible changes.

#### HOMESWEST - HEDLAND

##### *Accommodation*

303. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Is there a shortage of Homeswest rental accommodation in Port and South Hedland (Hedland)?
- (2) What are the current waiting times and numbers of applicants awaiting Homeswest rental and other accommodation in Hedland?
- (3) What are the criteria applied to decide if an applicant deserves priority listing for each type of accommodation?
- (4) How many applicants currently have priority listing status?
- (5) How many applicants for Homeswest accommodation are currently living in hostel type accommodation in Hedland or elsewhere?
- (6) What accommodation options does Homeswest offer to short stay residents of Hedland?
- (7) What is the range of private rental payments for family homes in Hedland currently?
- (8) How many dwellings does Homeswest propose to build or acquire in Hedland during the -
  - (a) current; and
  - (b) next financial year?

Hon MAX EVANS replied:

- (1) Homeswest's target in the country and North West localities is to keep the waiting times down to between 12 and 18 months. In Hedland, this is not being achieved due to a recent increase in demand and Homeswest has responded by increasing its building program in 1996-97 (see Question 8).

(2)

Bedroom	1	2	3	4	5	Total
Applicants	128	68	97	17	6	316
Month of Allocation	Sept 95	Nov 95	July 95	Aug 95	Oct 95	

Note: This does not include transfer applications.

- (3) Where it can be established that an applicant has a serious and urgent need for long term housing with no other viable options available. The overall circumstances of the applicant are considered such as medical and financial to enable an informed decision to be made. (For a full description of priority assistance, please refer to Homeswest's Rental Policy Manual).
- (4) Nine as at 3 April 1997.
- (5) Homeswest does not keep this information.
- (6) Bond assistance is available to eligible applicants. There are several caravan parks and a hostel within the town which cater for short stay residents. Single persons' quarters have been constructed to accommodate the workforce constructing the hot briquetted iron project. A women's refuge is available for women in crisis.
- (7) Approximately \$250 to \$600 per week depending upon the amenity level of the accommodation.
- (8) (a) 43 units of accommodation. This includes an additional 19 units proposed in the March review of Homeswest's building program and is subject to final approval.  
 (b) Not yet finalised as the Commonwealth has not approved the level of funds for 1997-98.

#### HOSPITALS - COUNTRY

##### *Deficits - Government Action*

313. Hon KIM CHANCE to the Minister for Finance representing the Minister for Health:

- (1) In view of the fact that the annual reports of a number of country hospitals reveal significant deficits in their financial operations, can the Minister for Health advise what approach will be taken by the Government to enable these hospitals to continue operating?
- (2) Will the deficits be recovered from the hospitals concerned?
- (3) What arrangements will be made to enable hospitals, which have exhausted all available funds, to meet outstanding creditors' demands?

Hon MAX EVANS replied:

- (1) All statutory authorities, including hospitals are required to prepare their annual reports on an accrual accounting basis which includes accrued provisions for employee entitlements and depreciation that are not funded within the financial period. The income reported by hospitals is linked to the government assistance (subsidy) provided to hospitals which is appropriated in the budget on a cash basis. In these circumstances it is usual for financial statements to report a deficit. This is essentially attributable to -
- (i) differences in timing between the recognition of costs, including provision for employee entitlements, and the actual cash outlays for these costs; and
  - (ii) depreciation, which represents the value of assets used and the actual cost of asset replacement.

Given the requirements of accrual accounting in the annual reports of hospitals, no additional action is required to enable these hospitals to continue operating.

(2)-(3) Not applicable.

#### BETTING CONTROL AMENDMENT REGULATIONS (No 2) - 1997 - SECURITY

##### *Increase*

320. Hon N.D. GRIFFITHS to the Minister for Finance:

I refer the Minister to the Betting Control Amendment Regulations (No 2) 1997. In that amendment the amount of security to be lodged by bookmakers with the board has been raised by the following amounts -

- (a) for a licence endorsed for metropolitan grandstand enclosure operations with the Western Australian Turf Club - \$50 000, an increase of \$20 000.
- (d) for a licence endorsed for metropolitan ledger or country racecourse operations with the Western Australian Turf Club, the Western Australian Trotting Association, or the Western Australian Greyhound Racing Association - \$20 000, an increase of \$5 000.
- (e) for a licence endorsed to authorise the conduct of sports betting or double event betting, or both - \$100 000, a previously unstated fee which is \$70 000 above the maximum previously charged.

What is the reason for the increase in these charges?

Hon MAX EVANS replied:

With the introduction of telephone and sports betting with bookmakers, the Betting Control Board recently conducted a review of bookmakers' security requirements in conjunction with the WA Bookmakers Association. The changes to the minimum security requirements reflect the recommendations of that review and are supported by the WA Bookmakers Association. The security is required to meet first, any debts due to the board and, second, betting debts in the event of a bookmaker defaulting. The security is provided in the form of a bond of surety or similar non-cash guarantee. The security is returned when a bookmaker ceases operations as a licensed bookmaker.

### QUESTIONS WITHOUT NOTICE

BUCKLAND, MR ANDREW - ELLE RACING PTY LTD

*Resignation as Director*

**200. Hon TOM STEPHENS to the Minister for Tourism:**

- (1) Can the Minister confirm that Mr Andrew Buckland, the co-owner of Elle Racing Pty Ltd, resigned as a director of Elle Racing on 14 January 1997?
- (2) Is the Minister aware that this resignation coincided with an article in *The West Australian* naming Mr Buckland as a co-owner?
- (3) Is the Minister concerned that Elle Racing has issued only 10 \$1 shares and that the company now has only one director and secretary, Mr John Harvey?
- (4) Is the Minister aware that in the period 4 September 1996 to 21 November 1996 - that is less than three months - a Ms Jayn Harvey was a director of Elle Racing?
- (5) Does the Minister have full confidence that Elle Racing will deliver what was promised to the taxpayers of Western Australia?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) A search of Elle Racing Pty Ltd with the Australian Securities Commission shows that Andrew John Buckland resigned as a director of the company on 14 January 1997.
- (2)-(3) No.
- (4) A search of Elle Racing Pty Ltd with the Australian Securities Commission shows that Ms Jayn Harvey was a director of the company from 4 September 1996 to 21 November 1996.
- (5) The compliance by Elle Racing Pty Ltd with its obligations under the agreement with the Western Australian Tourism Commission of 5 December 1996 is under review.

HARVEY, MR JOHN - ELLE RACING PTY LTD

*EventsCorp Check*

**201. Hon TOM STEPHENS to the Minister for Tourism:**

- (1) Did EventsCorp check the credentials of Mr John Harvey, or companies with which he is associated, before signing the \$1m deal to support Elle Racing Pty Ltd?

If yes to (1) -

- (2) Did this check include an investigation of Mr Harvey's financial background and that of any company with which he has been associated?
- (3) Were inquiries carried out seeking information on Mr Harvey's past associations and corporate dealings; and, if yes, what was the nature of these inquiries and when were they done?

If no to (1) -

- (4) Is it normal practice for the State Government to hand over \$1m of taxpayers' money without checking the background of an individual or a company?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) This check included a senior officer being in New York to have discussions with Elle Macpherson's management in order to be satisfied of her support for Elle Racing Pty Ltd.
- (3) In addition to the above, EventsCorp also spoke at length with the skipper of the syndicate, Ms Adrienne Calahan, and with Mr Ian Bailey-Willmot, the Chief Executive of the Whitbread Round the World Race, as to the viability, structure and likely success of the Elle Racing syndicate. EventsCorp was also aware of the fact that Mr Harvey was involved in the "One Australia" America's Cup challenge. A number of other parties were consulted as to the sponsorship potential of the syndicate.
- (4) Not applicable.

#### ROADS - FREMANTLE EASTERN BYPASS

##### *Air Pollution*

**202. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Will the Fremantle eastern bypass and ancillary road systems lead to an increase or decrease in air pollution in the immediate area as a result of vehicle emissions?
- (2) If there will be an increase, what will be the likely health impacts on residents in the immediate vicinity of the bypass?
- (3) What air study model is being used to determine levels of vehicle emissions which may result from the construction of new roads in the southern corridor, particularly the Fremantle bypass and the extension of Cockburn Road?
- (4) If no model is being used, why not?
- (5) If a model is being used, will the Minister please table the results; and where else has this model been used, in either Australia or elsewhere?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1)-(5) An air quality study is scheduled to be undertaken during the preliminary design phase when the number and type of intersections are known. This is an essential element of the study, which will be determined following consultation with the community. Each of the initiatives to improve road structure, design and alignment is aimed at improving the movement of traffic, because each improvement in the movement of traffic automatically reduces the amount of air pollution.

#### ELLE RACING PTY LTD - SPONSORSHIP

**203. Hon TOM STEPHENS to the Minister for Tourism:**

- (1) When the initial contracts were signed with John Harvey, what other sponsorship had he attracted to Elle Racing Pty Ltd's Whitbread Round the World Race challenge?
- (2) Apart from the \$1m received from EventsCorp as sponsorship for Elle Racing's involvement in the Whitbread race, what other sponsors have now signed an agreement with Elle Racing?

**Hon N.F. MOORE replied:**

- (1)-(2) I am unaware of what sponsorship Mr Harvey may or may not have had in place at that time and I am unaware of what sponsorship he has in place at this time. I am awaiting a report on that, which I hope to receive in the near future.

TOURISM - COMMISSION

*Elle Racing Pty Ltd - Agreements*

**204. Hon JOHN HALDEN to the Minister for Tourism:**

- (1) Has any officer or commissioner of the Western Australian Tourism Commission entered into any binding agreement of which there is no written record and which touches upon the Elle contract; if so, will he advise the substance of such binding agreement or agreements?
- (2) How does the Government or the Tourism Commission intend to enforce these unwritten agreements if no written record exists?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Not to my knowledge.
- (2) Not applicable.

TOURISM - COMMISSION

*Elle Racing - Contracts*

**205. Hon JOHN HALDEN to the Minister for Tourism:**

Will the Minister -

- (a) summarise the substance of each of the contracts entered into which touches upon the Elle contract;
- (b) advise the date of each contract; and
- (c) advise the persons or entities who are parties to those contracts?

**Hon N.F. MOORE replied:**

- (a)-(c) I am unaware of the terms of any contract "which touches upon the Elle contract" other than the agreement between the Western Australian Tourism Commission and Elle Racing Pty Ltd dated 5 November 1996.

TOURISM - COMMISSION

*Elle RacingContact with Magazines*

**206. Hon TOM STEPHENS to the Minister for Tourism:**

- (1) Can the Minister confirm that officers of the Western Australian Tourism Commission contacted Australian magazines to find out how much they would pay for the story of Elle Macpherson making commercials in Australia?

If yes -

- (2) Was the Minister aware of the approach?
- (3) Does he condone this action?
- (4) Can the Minister confirm that if any money was raised in this process it was to be given to the privately owned yacht racing syndicate, Elle Racing Pty Ltd?
- (5) If yes to (4), does the Minister condone this fundraising for a private company by government officers, and is it the normal practice of the Tourism Commission to conduct this form of fundraising?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Officers of the Western Australian Tourism Commission were approached by two magazines after the announcement that Elle Macpherson would be involved in the Western Australian tourism commercials. In response to that, the officers wrote to some media representatives to ascertain interest in covering the shooting of the commercials and the potential for additional national media coverage of the Western Australian tourism industry.
- (2) I was aware of the opportunities that existed to generate extra free national publicity for Western Australia's tourism industry.
- (3) Since the approach by the magazines was initially made to the WATC, it acted as an initial contact, ascertained the degree of interest, and then handed over any commercial communications to the Elle Macpherson team for its appropriate actions.
- (4) From the WATC's perspective, its interest was in the opportunity to add further value to the shooting of the commercials in the form of additional national media coverage.
- (5) Not applicable.

## GLOBAL DANCE FOUNDATION - REYNOLDS, MR

*Premier's Meetings***207. Hon TOM STEPHENS to the Leader of the House representing the Premier:**

- (1) On how many occasions did the Premier meet with Mr Reynolds of Global Dance Foundation?
- (2) Were Western Australian Tourism Commission officials present at those meetings?
- (3) Was there correspondence between the Premier and Mr Reynolds?
- (4) Will the Minister table that correspondence?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question. I have not received an answer from the Premier, and I ask that the member place the question on notice.

## ROADS - FREMANTLE EASTERN BYPASS

*Cost***208. Hon J.A. SCOTT to the Minister for Transport:**

- (1) What is the predicted cost of the construction of the Fremantle bypass and associated ancillary roads?
- (2) How were these costs arrived at?
- (3) Does the Minister expect a change in land values for properties in White Gum Valley, Beaconsfield and Hamilton Hill which adjoin the Fremantle eastern bypass?
- (4) Will the property owners be compensated for the loss of value?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) \$27m.
- (2) Concept estimates prepared by Main Roads WA.
- (3) Experience has shown that the construction of a road such as this can have a positive or negative effect, depending on the location of the property and its use.
- (4) Compensation can be paid only when land is taken for road works.

## GLOBAL DANCE FOUNDATION - ATTORNEY GENERAL

*Freedom of Information Request***209. Hon N.D. GRIFFITHS to the Minister for the Arts:**

I refer to the freedom of information application made by the Leader of the Opposition, Dr Geoffrey Gallop, about Global Dance Foundation relating to the Minister for the Arts' office and the Minister's decision that his office does not contain any documents that fall within the ambit of the application.

- (1) Is the Minister's office in possession of any documents that are related or relevant to the Global Dance issue in any respect?
- (2) If so, why is the Minister refusing access?
- (3) Is it customary for the Minister to be the decision maker in his office in relation to FOI applications?
- (4) Is the Minister aware of the comments of the Information Commissioner in her 1995-96 annual report as to ministerial interference in the decision making process?

**Hon PETER FOSS replied:**

- (1) I stand by the answer given. We do not believe there is any relevant information in my office.
- (2) I am refusing because of the reasons already stated.
- (3) I am usually asked to be the decision maker.
- (4) I am not aware of the comments. If those comments relate to Ministers' asking about decisions made in departments - in this case we are talking about my ministry as opposed to my department - the Information Commissioner said that it is inappropriate for Ministers to be informed about FOI applications. She gave a number of reasons for that. I have consulted the Crown Solicitor. The statements by the Information Commissioner are incorrect. They are wrong in law. I will be advising all other Ministers that the comments are wrong, and that they are not only authorised to know what is happening in their departments, but have a right and probably an obligation to know. I will be notifying other Ministers of the incorrectness of the Information Commissioner's statement.

## LOCAL GOVERNMENT - ABORIGINAL COMMUNITIES

*Services and Support***210. Hon TOM STEPHENS to the Minister representing the Minister for Local Government:**

What steps have been taken by the Department of Local Government to ensure that local government authorities are providing the necessary services and support required of them under the Local Government Act to the Aboriginal communities within the boundaries of local authorities?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question. The Local Government Act requires local governments to service their communities as they determine is appropriate. There is no requirement within the Act for services to be provided for any particular groups within the community. The Department of Local Government has been successful in obtaining commonwealth funds for the Shire of Derby-West Kimberley to work with two Aboriginal communities within the shire in relation to the provision of services.

## ROTTNEST ISLAND - AUTHORITY

*Bakery - Trade Figures***211. Hon TOM STEPHENS to the Minister for Tourism:**

I refer to the Rottnest Island Authority's decision to call for expressions of interest in the Rottnest bakery premises.

- (1) Is it true that Rottnest Island Authority personnel told parties intending to express an interest that the turnover and expenditure figures provided by the authority were wrong and/or could not be relied upon?
- (2) Is it true that -
  - (a) under the existing lease arrangement, rent is directly related to the bakery's turnover; and



- (b) the Rottnest Island Authority failed to take any substantive action to verify the turnover figures provided?
- (3) Is it true that the turnover figures provided to potential operators did not contain any expenditure details on one very important item for a bakery, namely the cost of ingredients?
- (4) Will the Government ensure that no new contract for the bakery is entered into until the Rottnest Island Authority endeavours to check thoroughly the trading figures?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) I am informed that members of the tender panel advised parties intending to express an interest that the turnover figures were audited figures, but the expenditure figures were not.
- (2) (a) No. The rent is calculated as the greater of a base rent and a formula based on a proportion of gross sales.  
(b) The turnover figures were audited figures as required under the lease contract.
- (3) Yes. However, I am advised that for those experienced in the bakery industry this was a figure that could be easily estimated.
- (4) No. I am advised that the tender for the bakery has followed due process and relevant government guidelines, and that submissions from all proponents were evaluated on an equal footing.

ROTTNEST ISLAND - AUTHORITY

*Bakery - Report*

**212. Hon TOM STEPHENS to the Minister for Tourism:**

- (1) Will the Minister table the report prepared by Ray Adams in reference to the Rottnest Island bakery? The report should have been brought to the attention of the Minister.
- (2) If not, why not.

**Hon N.F. MOORE replied:**

- (1)-(2) This is the first time I have heard of the report. I do not even know if it exists. I was asked a question earlier today because someone has obviously taken a grouch to Hon Tom Stephens so that he would ask a question about this person's not receiving a contract. I have answered that question today, but I have not investigated the detail. If the member has a problem he should let me know through the normal processes by advising Ministers that someone has a concern - not simply by asking a question in the House.

Hon Peter Foss: Perhaps the member can provide a copy.

Hon N.F. MOORE: Perhaps he can, if he has one. He can probably pass it across the Table.

COMMUNICATION TOWERS - HEALTH RISK

*Analysis*

**213. Hon E.R.J. DERMER to the Minister representing the Minister for Health:**

- (1) What steps have been taken to ensure a comprehensive analysis of the potential risk to public health posed by the operation of electronic communication towers?
- (2) What consultations are planned with the Minister for Planning and the Federal Government towards ensuring that public health is not compromised by the future installation of electronic communication towers?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The Health Department has followed and is guided by the recommendations of the International Commission on Non-Ionizing Radiation on health effects associated with radiofrequency exposure. The ICNIR reviews all research publications on this matter carried out by scientific experts.

- (2) State and commonwealth health authorities maintain under continuing review the latest research and developments in radiation matters, including exposure to radiofrequency from mobile phone towers. National standards are in place which set standards of exposure from electronic communication towers. The Minister for Planning is advised accordingly. This ensures that there is no compromise to public health.

#### STATE BUDGET - TAXES AND CHARGES INCREASE

##### *Impact*

#### **214. Hon CHERYL DAVENPORT to the Minister for Finance:**

Statistics prepared for the Australian Council of Social Services following the 1996-97 federal Budget indicate that families living in households where no person is employed are \$33 per week worse off, and that families living in households with average incomes are \$7 per week worse off. As there has been no wage rise this year, I ask the Minister -

- (1) What impact will today's budgetary rise in charges such as vehicle and driver's licences and bank account debit tax have on Western Australian low income families?
- (2) Has advice been sought from Family and Children's Services and the Government's Taskforce on Poverty on the impact of higher state taxes and charges in this Budget?
- (3) If not, why not?
- (4) If so, will the Minister table such advice?

#### **Hon MAX EVANS replied:**

(1)-(4) I do not have an answer to the question. It needs to be placed on notice.

Hon Cheryl Davenport interjected.

Hon MAX EVANS: We will achieve savings through the financial institutions duty and bank account debit imposts. There will be material savings for people on low incomes who usually bank their wages and pension cheques. Many people draw cash cheques, and the BAD tax will be increased. I do not know whether Family and Children's Services has been consulted.

Hon Cheryl Davenport: One hopes that Treasury officials talk to departments about these matters.

Hon MAX EVANS: There was a move around Australia some weeks ago to do away with the financial institutions duty and move to a bank account debit tax. The bank account debit tax in Western Australia was about half the rate in the other States. The Government hopes the FID will be removed completely. That would be a real advantage. There has been a hold up with Queensland. It has no FID, but a bank account debit tax.

#### ABROLHOS ISLANDS - AIRSTRIPS

##### *Upgrade*

#### **215. Hon KIM CHANCE to the Minister for Transport:**

- (1) What was the cost of the most recent upgrade of airstrips on East Wallaby, Rat and North Islands in the Abrolhos group?
- (2) What part of that cost was met by -
  - (a) public funds; and
  - (b) private funds?
- (3) What was the source of the private funds?
- (4) Are landing fees charged to operators using Abrolhos Islands airstrips?
- (5) If so, what are these charges?

#### **Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question. The member will acknowledge that this matter does not come under my jurisdiction.

Hon Kim Chance: The Budget lists the cost.

Hon E.J. CHARLTON: I suggest the member redirect this question to the Minister for Fisheries. However, he will note a comment I made in association with an answer a few weeks ago that a need exists for the Department of Transport to be involved in this issue as a consequence of its regional airports coordination function. I am advised this matter comes under the Fisheries Department.

Hon Kim Chance: That is right, but the answer in today's Budget is under Transport.

Hon E.J. CHARLTON: The management and, therefore, the controls are with Fisheries.

Hon Kim Chance: You are the funder.

The PRESIDENT: Order! The Minister is either answering the question or he is not.

#### WELLS, MR PETER - SENATE VACANCY

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

- (1) What pressure has the Government put on the director of the Liberal Party, Peter Wells, not to write to the Government to advise it of the selection of Hon Ross Lightfoot to fill the position of senator for Western Australia?
- (2) Why has this pressure been applied to Mr Wells?

The PRESIDENT: Order! That has nothing to do with the area of responsibility of the Leader of the House.

Hon Tom Stephens: It is to the Leader of the House representing the Premier.

The PRESIDENT: It has nothing to do with his area of responsibility either. The question is out of order because the member is asking about something that has nothing to do with the Premier's portfolio.

#### WESTRAIL - FINANCIAL PERFORMANCE

##### *Monitoring of Accounts*

#### 217. Hon KIM CHANCE to the Minister for Transport:

As of 1996-97 Westrail's financial performance can no longer be monitored in the budget papers because Westrail's consolidated fund contribution is now made via division 47 on miscellaneous services, and, as a result, Westrail is not a consolidated fund agency. Given this unsatisfactory situation in one of the State's largest commercial operations

- (1) Does Westrail maintain accounts in a form that allows reporting in the budget paper format?
- (2) If so, will the Minister require Westrail to publish those accounts to enable public scrutiny of that agency?

#### Hon E.J. CHARLTON replied:

- (1)-(2) No, Westrail is not required to operate in that way. I am advised by the Minister for Finance that it has a separate set of accounts altogether and therefore does not come under that proviso. I indicate to members who are not aware that Westrail made a profit this year for the first time in its 117 years of operation.

#### ABORIGINES - DRIVER TRAINING PROGRAM

##### *Funding*

#### 218. Hon TOM STEPHENS to the Attorney General:

- (1) Is the Attorney General aware that funding of the Aboriginal driver training program ceased on 31 March 1997?
- (2) Does the Attorney General accept that the Aboriginal driver training program has made a significant contribution in reducing the number of Aboriginal people appearing before the courts for driving offences?
- (3) Will the Attorney General make funding available for the continuation of this program?
- (4) If not, why not?

#### Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes, on receipt of Hon Tom Stephens' letter of 2 April 1997.

- (2) Anecdotal evidence suggests that the program has been effective.
- (3) No.
- (4) The Ministry of Justice commits all available funds for this purpose to its driver education service, which is available in both prisons and community based services offices. The service, which is available to all offenders, extends to classes in adult basic education on the theory component of the learner's permit and, where appropriate, offenders are offered free driving lessons and support to gain their driver's licence.

#### TABFORM - WEST AUSTRALIAN NEWSPAPERS LTD

##### *Subsidy*

**219. Hon BOB THOMAS to the Minister for Racing and Gaming:**

- (1) What was the last annual subsidy for the production of the racing publication "Goodform"?
- (2) What subsidy is paid to West Australian Newspapers Ltd to produce the new "TABform"?
- (3) When the Government entered into the contract for West Australian Newspapers to produce "TABform", was it part of negotiations that West Australian Newspapers would charge for each edition of "TABform"?

**Hon MAX EVANS replied:**

- (1)-(3) This is not a Dorothy Dix question. The Government is pleased with "TABform". It originally budgeted for 30 000 copies a week, and 70 000 copies are being ordered at 30¢ a copy on three days a week. People order "TABform" for one, two or three days. I think "Goodform" was costing the Government a couple of hundred thousand dollars, although members should not hold me to that. The Government gave it away free to about 250 outlets. "TABform" goes to about 2 000 outlets for West Australian Newspapers throughout Western Australia. A profit is being made and the Government is not subsidising the publication. About \$2 000 worth of advertising was done by West Australian Newspapers in the lead-up to the sale of "TABform". The Totalisator Agency Board will make a few hundred thousand dollars profit and that money will go to the codes.

The Government has been given a guarantee on the size of the publication and its editorial. The Government believes it is a good publication. I was at the launch yesterday morning with the opposition spokesperson on racing and gaming, Diana Warnock. This is a good move. People could obtain "Goodform" only through TAB outlets, and it was not available until 10.30 in the morning, whereas people can pick up the new publication on their way to work. Many good market surveys were done to ascertain what people wanted it to contain. I hope they have been given what they wanted. Also, special trifectas and exotic betting can be advertised.

#### CRIMINAL CODE - MODEL

**220. Hon CHERYL DAVENPORT to the Attorney General:**

- (1) Why has the Western Australian Government decided not to participate in the deliberations on the model criminal code for Australia that is being prepared by the Standing Committee of Attorneys General.
- (2) Is it the Attorney General's intention to oppose the adoption of the model criminal code Australia-wide on its completion?

**Hon PETER FOSS replied:**

- (1)-(2) It is not fair to say that we do not participate as we send officers along to make a contribution. A number of States have made it clear that they have no intention of adopting a model Criminal Code; they are the States with very good Criminal Codes, such as Queensland, Western Australia and Tasmania. The model Criminal Code aims to provide something for those common law States which have no Criminal Code to use.

We are happy to contribute to the process, but we have no intention whatsoever, nor do those other States, of adopting it as uniform legislation. It has never been intended to do so. I have never heard it suggested that Western Australia and Queensland, which have excellent codes, would want to replace their laws with a model code.

## PRIVACY LEGISLATION - UNIFORM LEGISLATION

*Consultation with Other States***221. Hon P. SULC to the Attorney General:**

In the light of the Federal Government's backdown on privacy legislation to the private sector, and taking into account private industry supporting the legislation, I ask -

- (1) Is the Attorney General considering consulting with other state Attorneys General to introduce uniform privacy legislation at the state level; if not, why not?
- (2) If so, what is the expected time frame for the completion of this process?

**Hon PETER FOSS replied:**

- (1)-(2) The issue of privacy legislation has been on the agenda of the Standing Committee of Attorneys General for some time, principally in the light of what the Commonwealth was going to do. It will remain on SCAG's agenda for some time more I imagine. I do not expect any immediate results from the States. It has not as yet been seriously suggested.
-